

By Registered Post

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June 04, 2019

To,

Chief Executive Officer,  
Common Bio-Medical Waste Treatment Facility (CBWTF)  
M/s Shillong Municipal Board,  
Bishop Cotton Road,  
Shillong 793001

**MODIFIED DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986**

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW Rules) in suppression of the Bio-Medical Waste (Management & Handling) Rules, 1998, and amendments thereof, under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment;

WHEREAS Rule 5 of BMW Rules, 2016 stipulated duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7(1) of BMW Rules, "bio-medical waste shall be treated and disposed of in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMW Rules, 2016";

WHEREAS Rules 14(1) of BMW Rules, "every authorized person shall maintain records related to generation, collection, segregation, storage, transportation, treatment, disposal and or any form of handling of Bio-Medical waste in accordance with these Rules and by guidelines issued";

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 (Shailesh Singh Vs Hospitals) directed CPCB "to undertake study and prepare a scale of compensation to be recovered from violators of Biomedical Waste Management Rules, 2016 within one month. Hon'ble NGT also directed that State Pollution Control Boards (SPCBs) can also recover compensation from the polluters by laying down their own scale which should not less than the scale fixed by CPCB;

WHEREAS in pursuant to order dated 12.03.2019 passed by Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017, CPCB has prepared guidelines for "Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities";

WHEREAS the Common Biomedical Waste Treatment Facility (CBWTF) M/s Shillong Municipal Board, Bishop Cotton Road, Shillong (the Unit) was inspected by CPCB on 04.12.2018 to verify the compliance to the provision of BMW Rules, 2016 and subsequently based on the non-compliances observed, directions under section 5 of Environment (Protection) Act, 1986 has been issued to the Unit vide CPCB letter dated 27.02.2019 directing to take necessary corrective measures w.r.to CPCB action points and to deposit Environmental Compensation of ₹ 8,60,000/- for violations to the provisions of BMW Rules, 2016 and thereafter ₹ 10,000/- per day of EC charges till compliance to said CPCB action points;

WHEREAS the Unit has submitted its reply vide letter dated 26.03.2019 stating that the Unit is under process of upgradation of its existing treatment facility and inspite of breakdown of incinerator, the Unit is collecting biomedical waste generated by member Healthcare Facilities. However, the Unit did not deposit the Environmental Compensation Charges;

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WHEREAS the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions to any industry or any local, or any other authority for any violation of the standards and rules relating to BMWM notified under the Environment (Protection) Act, 1986 and amendments made thereof;

Now, therefore in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to;

- (a) deposit an amount of Environmental Compensation Charges for ₹ 8,60,000/- for violation of provisions and standards prescribed for Common Biomedical Waste Treatment Facility within 15 days on receipt of this direction; and
- (b) upgrade its existing treatment and disposal facility, to comply with provisions as well as standards prescribed under BMWM Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings under the Environment (Protection) Act, 1986 against M/s Shillong Municipal Board, Bishop Cotton Road, Shillong.

  
(S. P. Singh Parihar)  
Chairman

**Copy for information to:**

1. Joint Secretary, HSM Division  
Ministry of Environment, Forest & Climate Change  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary  
Meghalaya Pollution Control Board  
Arden, Lumpynggad, Shillong - 793 014 : For kind information
3. Regional Directorate  
Central Pollution Control Board  
"TUM-SIR". Lower Motinagar  
Near Fire Brigade H.Q.,  
Shillong - 793 014 : For kind information
4. I/c IT Division : For information and necessary action
5. I/c ESS Division : For information and record
6. I/c Accounts Division : For information & for further necessary action

  
(Prashant Gargava)  
Member Secretary