

By Registered Post

F. No. B-31011/BMW (15115)/2023/WMD-I | 5670

26 October, 2023

To,

M/s Uttar Pradesh Waste Management Project,
(A division of Re-sustainability limited)
Plot No. 672 on NH-19 Sikandra road
Vill. - Kumbi, Tehsil- Akbarpur,
Dist. – Kanpur Dehat, Uttar Pradesh- 209101

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND SHOW CAUSE NOTICE - THEREOF FOR IMPOSITION OF ENVIRONMENTAL COMPENSATION

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMW Rules, 2016) 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; and

WHEREAS Rule 5 of BMW Rules, 2016 stipulates duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF) to ensure treatment and disposal of bio-medical waste in line with provisions of said Rules; and

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

WHEREAS Rule 14 (1) of BMW Rules, 2016 stipulates that every authorized person is required to 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 guidelines issued by CPCB"; and

WHEREAS the Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 filed by Shailesh Singh vide order dated 12.03.2019 directed CPCB to undertake study and prepare a scale of compensation to be recovered from violators of Bio-Medical Waste Management Rules, 2016. Hon'ble NGT also directed that scale of compensation must be deterrent, rendering violation of Rules to be non-profitable which should be adequate to remedy the situation; and

WHEREAS Hon'ble National Green Tribunal in its order dated 15.07.2019 in the matter of O.A. No. 710 of 2017, accepted Guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)"; and

WHEREAS as per guideline for Common Biomedical Waste Treatment Facilities, the CBWTF can also be developed as an integral part of the Hazardous Waste Treatment Storage and Disposal Facility (TSDF) subject to obtaining of necessary approvals from the concerned authorities; and

(a)

WHEREAS M/s Uttar Pradesh Waste Management Project (A division of Re-sustainability limited), Plot No. 672 on NH-19 Sikandra road, Vill. - Kumbi, Tehsil- Akbarpur, Dist.-Kanpur Dehat, Uttar Pradesh (the Unit) has valid Combined Consent and Authorization issued by Uttar Pradesh Pollution Control Board, for operation of Integrated Common Hazardous Waste Treatment Storage and Disposal Facility along with Biomedical Waste Treatment Facility; and

WHEREAS the Unit was inspected by Central Pollution Control Board (CPCB) on 21.09.2023 wherein following non-compliances were observed:

- (i) Yellow Category Waste is being stored beyond a period of 48 hours and also as per log book records, biomedical waste is incinerated at an interval of 2 days.
- (ii) The facility is ZLD unit. However, as per the analysis results of wastewater from ETP outlet, BOD (52 mg/l) exceeding the standards (30 mg/l) prescribed under conditions of Combined Consent and Authorization.
- (iii) Online Continuous Emission Monitoring System was not functioning properly as it is showing values for the parameters when the incinerator was non -operational.

WHEREAS as per the CPCB guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)", the Environment Compensation for above mentioned non-compliance at S. No. i) estimated as ₹ 3,750/- per day; and

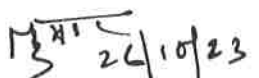
WHEREAS the Central Government vide notification S.O. 730 (E) dated July 10, 2002, has delegated the powers under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board (CPCB), to issue directions for violation of the standards and rules relating to Biomedical Waste Management notified under the Environment (Protection) Act, 1986; and

NOW THEREFORE in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to:

- a. Take corrective measures with respect to action points mentioned at S. No. i) to iii) within 30 days from issue of this direction and submit the time bound action taken report within 15 days from the issue of this direction; and
- b. Show Cause as to why Environmental Compensation Charges of ₹ 3,750/- per day should not be imposed for non-complying days , as per CPCB guidelines, for violation of provisions of BMW Rules, 2016 for the above mentioned non-compliances.

In case the Unit found non-complying with above directions, CPCB will be constrained to take legal proceedings against M/s Uttar Pradesh Waste Management Project (A division of Re-sustainability limited), Plot No. 672 on NH-19 Sikandra road, Vill. - Kumbhi, Tehsil- Akbarpur, Dist.-Kanpur Dehat, Uttar Pradesh, as deemed fit under the Environment (Protection) Act, 1986.




(Tanmay Kumar)
Chairman

Copy for information to:

1. The Additional Secretary,
HSM Division, : For kind information
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003

2. The Member Secretary,
Uttar Pradesh Pollution Control Board, : For kind information
Building No TC-12V,
Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010, Uttar Pradesh.

3. The Regional Director,
The Regional Directorate, : For kind information
Central Pollution Control Board,
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar ,
Lucknow - 226 010.

4. ✓ I/c IT Division : For information and necessary
action

5. I/c Accounts Division : For information & for further
necessary action


(Bharat Sharma)

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