

By Registered Post

F. No. B-31011/BMW (14499)/2023/WMD-I 4685

27th September, 2023

To,

M/s Belgaum Green Environment Management Pvt. Ltd.,
Sy No 29/2, Harugoppa Village,
Saundatti Taluk, Belagavi District,
Belagavi, Karnataka

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 in an environmentally sound management thereby, reducing the biomedical waste generation and its impact on the environment; and

WHEREAS Rule 5 of BMW Rules, 2016 stipulate duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF) to ensure treatment and disposal of biomedical 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 stipulate 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 the CBWTF namely M/s Belgaum Green Environment Management Pvt. Ltd., Sy. No. 29/2, Harugoppa Village, Saundatti Taluk, Belagavi District, Belagavi, Karnataka (the Unit) was inspected by Central Pollution Control Board (CPCB) on 19.07.2023 wherein following non-compliances were observed:

(C)

- i. As per stack monitoring results, Particulate matter (117mg/Nm³) exceeds the prescribed standard (50 mg/Nm³) of BMWM Rules, 2016.
- ii. Red Category waste was disinfected using Sodium Hypochlorite followed by shredding which is in violation of BMWM Rules, 2016.
- iii. Manual segregation of biomedical waste was observed at the facility.

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-compliances at S. No. i) to iii) at the rate of ₹ 5,625/- 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 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 ₹ 5,625/- per day should not be imposed, as per CPCB guidelines, for violation of provisions of BMWM 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 Belgaum Green Environment Management Pvt. Ltd., Sy. No. 29/2, Harugoppa Village, Saundatti Taluk, Belagavi District, Belagavi, Karnataka, as deemed fit under the Environment (Protection) Act, 1986.


(Tanmay Kumar)
Chairman

Copy for information to:

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

For kind information



2. The Member Secretary
Karnataka State Pollution Control Board,
Parisara Bhavana, 1st to 5th Floor
49, Church Street,
Bengaluru – 560 001.

: For kind information

3. The Regional Director,
The Regional Directorate
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp. Pushpanjali Theatre,
Bangalore – 560 010.

: For kind information

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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