

By Registered Post

F. No. B-31011/BMW (15544)/2023/WMD-I

3719

18 December, 2023

To,

M/s Global Environmental Solutions,
Village Lambakhera, P.O. Khanpur,
Gadarpur, Rudrapur Road,
Udham Singh Nagar, Uttarkhand - 263153

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 Global Environmental Solutions, Village Lambakhera, P.O. Khanpur, Gadarpur, Rudrapur Road, Udham Singh Nagar, Uttarkhand (the Unit) was inspected by Central Pollution Control Board (CPCB) on 12.09.2023 wherein following non-compliances were observed:

(A)

Smt. Sush, DPA

- i. Temperature of primary combustion chamber of incinerator was observed as 508°C and in secondary combustion chamber as 451°C which is less than the prescribed limit as per BMW Rules, 2016.
- ii. Spore test was not conducted to check efficacy of autoclave as required under BMW Rules, 2016.
- iii. Vehicle used for collection of biomedical waste was not labelled with Bio Hazard as required under BMW Rules, 2016.
- iv. Online Continuous Emission Monitoring System is not connected to CPCB server as required under BMW Rules, 2016.
- v. Records for the treatment & disposal of biomedical waste and the operation of autoclave was not maintained.
- vi. Facility is not upgraded with 2 second residence time in secondary chamber of incinerator as required under BMW Rules, 2016.
- vii. Stack monitoring platform is not as per CPCB guidelines.
- viii. Facility does not have a MoU made with the nearest CBWTF located within the respective State/UT, as alternate arrangement.

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) and vi) is calculated as ₹ 3,000/- 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 w.r.t. non-compliances listed above 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 ₹ 3,000/- per day should not be imposed, for violation of provisions of BMW Rules, 2016 as mentioned above.

In case the Unit is found non-complying with above directions, CPCB will be constrained to take legal proceedings against M/s Global Environmental Solutions, Village Lambakhera, P.O. Khanpur, Gadarpur, Rudrapur Road, Udham Singh Nagar, Uttarkhand, 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
Uttarakhand Environment Protection &
Pollution Control Board,
46B, IT Park, Sahastradhara Road,
Dehradun-248001 Uttarakhand. : For kind information
3. The Regional Director,
The Regional Directorate
Central Pollution Control Board
Ground Floor, PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010. : 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)
Member Secretary

