

By Registered Post

F. No. B-31011/BMW (15660)/2023/WMD-I

April 05, 2024

To,

~~M/s VSS Institute of Medical Science and Research,  
Jyoti Nagar, 2<sup>nd</sup> lane Extension,  
Burla, Sambalpur, Odisha~~

**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 operated by 'VSS Institute of Medical Science and Research, Burla, Sambalpur, Odisha' (the Unit) was inspected by Central Pollution Control Board (CPCB) on 29.08.2023 wherein following non-compliances were observed:

-2-

- (i) Secondary Combustion Chamber of Incinerator is not upgraded to two second residence time as required under BMWM Rules, 2016;
- (ii) Temperature of primary combustion chamber was 300°C and temperature of secondary combustion chamber was 485°C which is below standard temperature of 800°C and 1050±50°C, prescribed under BMWM Rules, 2016;
- (iii) Sharp waste was not treated and disposed as required under BMWM Rules, 2016;
- (iv) OCEMS is not connected to CPCB server;
- (v) Stack monitoring platform is not as per CPCB guidelines;
- (vi) Analysis of incinerator ash was not conducted to check its hazardous constituents;
- (vii) Storage of incinerator ash is not as per the CPCB guidelines;
- (viii) Display board is not provided as per CPCB guidelines;
- (ix) Records of biomedical waste collected from member HCFs is not maintained;
- (x) Validation test for microwave and autoclave is not conducted at regular intervals as required under BMWM Rules, 2016.

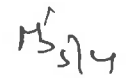
WHEREAS as per the CPCB guidelines for "Imposition of Environmental Compensation Charges (ECC) against Healthcare Facilities (HCFs) and Common Biomedical Waste Treatment Facilities (CBWTFs)", the Environment Compensation for above mentioned non-compliances at S. No. i) to iii) at the rate of ₹ 3,000/- 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 immediately and submit the action taken report within 30 days from the issue of this direction along with supporting documents & photographs; and
- b) Show Cause as to why Environmental Compensation Charges of ₹ 3,000/- 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 CBWTF operated by 'VSS Institute of Medical Science and Research, Burla, Sambalpur, Odisha,' as deemed fit under the Environment (Protection) Act, 1986.

  
(Tanmay Kumar)  
Chairman



**Copy for information to:**

1. The Additional Secretary, : For kind information  
HSM Division,  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary : For kind information  
State Pollution Control Board, Odisha  
Paribesh Bhawan, A-118, Nilakantha Nagar, Unit-VIII,  
Bhubaneswar – 751 012.
3. The Regional Director, : For kind information  
The Regional Directorate  
Central Pollution Control Board  
South end Conclave, Block-502,  
5th & 6th Floors, 1582, Razidanga Main Road,  
Kolkata - 700 107.
4. ✓ I/c IT Division : For information and necessary  
action
5. I/c Accounts Division : For information & for further  
necessary action

  
(Bharat Sharma)

