

By Speed Post

F. No. B-31011/BMW (14900)/2023/WMD-I

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May 02, 2024

To,

M/s Medical Pollution Control Committee
Plot No. G-2,3,4, Growth Centre UPSIDC,
Bijoli, Jhansi, Uttar Pradesh - 284135

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 Medical Pollution Control Committee situated at Plot No. G-2,3,4, Growth Centre UPSIDC, Bijoli Jhansi, Uttar Pradesh (the facility) was inspected by Central Pollution Control Board (CPCB) on 21.12.2023 wherein following non-compliances were observed:

- i. The facility is not in operation since 20.12.2023 and has not informed regarding the same to UPPCB.
- ii. The facility is storing the waste inside the facility more than the prescribed limit of 48 hours as per CPCB guidelines for Common Bio-medical Waste Treatment Facilities.
- iii. Incinerator ash is dumped inside the facility and covered with soil which is violation of BMW Rules, 2016 and CPCB guidelines for Common Bio-medical Waste Treatment Facilities.
- iv. OCEMS is not installed as per protocol and is non calibrated and non-functional.
- v. The facility has not installed flow meters at tube well (water extraction point) which is required as per CPCB guidelines for Common Bio-medical Waste Treatment Facilities.

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- vi. The facility has not obtained NOC from UP State Ground Water Authority for ground water extraction.
- vii. Autoclave is not equipped with the facility for recording operational parameter which is required as per BMWM Rules, 2016.
- viii. Separate energy meter for autoclave and shredder was not functional which is required as per CPCB guidelines for Common Bio-medical Waste Treatment Facilities.
- ix. Log book/Register regarding waste collection, autoclave, shredder, plastic waste disposal, fuel (diesel) consumption at incinerator was not maintained properly and data is highly misleading.
- x. Facility has not provided display board regarding Hazardous waste generated outside main gate which is a non-compliance to Hon'ble Supreme Court order dated 14.10.2003 in the matter of writ Petition (C) No. 657/1995 (Research Foundation for Science, Technology and Natural Resource Policy Vs Union of India & Ors.).
- xi. Housekeeping and sanitation of the facility is not satisfactory.

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. ii 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 facility is hereby directed to:

- a. Take corrective measures immediately and submit the action taken report within 15 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 for violation of provisions of BMWM Rules, 2016 for the above-mentioned non-compliances, as per CPCB guidelines.

In case the facility found non-complying with above directions, CPCB will be constrained to take legal proceedings against M/s Medical Pollution Control Committee situated at Plot No. G-2,3,4, Growth Centre UPSIDC, Bijoli Jhansi, Uttar Pradesh, 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
 Uttar Pradesh Pollution Control Board,
 Building No. TC-12V,
 Vibhuti Khand, Gomti Nagar,
 Lucknow - 226 010, Uttar Pradesh

(Signature)

3. The Regional Director,
Regional Directorate - Lucknow,
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 uploading on
CPCB website.
5. I/c Accounts Division : For information & for further
necessary action



(Bharat Kumar Sharma)
Member Secretary

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