



By Registered Post

F. No. B-31011/BMW (15660)/2023/WMD-I 4054

September 10, 2024

To,

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

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 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 BMWM 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 BMWM 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 BMWM 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 BMWM Rules, 2016; and

WHEREAS Rule 14 (1) of BMWM 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 and based on observations during inspection, CPCB issued Show Cause Notice under section 5 of Environment (Protection) Act, 1986 against the Unit on 05.04.2024 for following non-compliances:

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

- i. Secondary Combustion Chamber of Incinerator 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 being treated and disposed as required under BMWM Rules, 2016;
- iv. OCEMS is not connected to CPCB server;
- v. Stack monitoring platform was not as per CPCB guidelines;
- vi. Analysis of incinerator ash was not conducted to assess its hazardous constituents as required under BMWM Rules, 2016;
- vii. Storage of incinerator ash was not as per the CPCB guidelines;
- viii. Display board was not provided as per CPCB guidelines;
- ix. Records of biomedical waste collected from member HCFs was not maintained;
- x. Validation test for microwave and autoclave was not conducted at regular intervals as required under BMWM Rules, 2016.

WHEREAS in response to the aforesaid Show Cause Notice the Unit submitted its reply vide letter dated 01.05.2024 wherein the Unit requested for additional two weeks' time to address the issues completely; and

WHEREAS as requested by the Unit, CPCB vide letter dated 29.05.2024 again directed the Unit to submit time bound action plan and action taken report with respect to all the action points of CPCB directions along with supporting documents & photographs within 15 days. However, no reply has been received from the Unit so far; and

WHEREAS since the Unit is not complying with the action points mentioned in the CPCB Show cause Notice dated 05.04.2024, the Environment Compensation of ₹ 11,22,000/- (From date of inspection i.e. 29.08.2023 to till date i.e. 05.09.2024) has been assessed for aforementioned non-compliances at S. No. (i) to (iv), as per the CPCB guidelines for Imposition of Environment Compensation against defaulting Healthcare Facilities and Common Biomedical Waste Treatment Facilities; 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 15 days from the issue of this direction along with supporting documents & photographs; and
- b. Deposit Environmental Compensation Charges of ₹ 11,22,000/- (as on 05.09.2024) in CPCB account No. 532702050000164 IFSC code UBIN0553271, I. P. Extension Branch within 15 days on receipt of this direction.

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In case the Unit fails to complying with above directions, CPCB will be constrained to initiate action against CBWTF operated by 'VSS Institute of Medical Science and Research, Burla, Sambalpur, Odisha,' under the provisions of 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 and follow-up
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 Kumar Sharma)
Member Secretary

