By Registered Post

F. No. B-31011/BMW (21223)/2025/WMD-I/290 April 07, 2025

To,

M/s. Siddhivinayak Enterprises,
Gut No 45/1, Wavad Shviar,
Nandurbar, Maharashtra

**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 (BMWM Rules, 2016) in supersession 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 biomedical waste 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 of 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 namely M/s Siddhivinayak Enterprises, Gut No 45/1, Wavad Shviar, Nandurbar, Maharashtra (the Unit) was inspected by Central Pollution Control Board (CPCB) on 11.09.2024 wherein following non-compliances were observed:

(i) During inspection, temperature of primary combustion chamber of incinerator was found 361$^0$C which is less than the prescribed temperature of 800 $^0$C notified under BMWM Rule, 2016 and secondary combustion chamber of incinerator was not functional. Leakages were also observed in the incinerator.

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(ii) As per the analysis results of stack monitoring, Particulate Matter (114 mg/$Nm^3$) and NOx (578 mg/$Nm^3$) exceeds the standards for Particulate Matter (50 mg/$Nm^3$) and NOx (400 mg/$Nm^3$) respectively prescribed under BMWM Rules, 2016.

(iii) Untreated biomedical waste (yellow, red and blue category) was found in the area dedicated for storage of treated waste as well as in the area dedicated for incineration ash. It was also observed that foul smell and flies/insects were there on the stored biomedical waste indicating possibility of keeping the waste untreated for more than 48 hours.

(iv) Syringes, small medicine bottles, etc. were observed lying outside the storage areas indicating improper handling of waste and poor housekeeping.

(v) Although analysis results of treated wastewater are within the prescribed standards of BMWM Rules, 2016, it is not corroborating with the type of ETP installed.

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 is estimated 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, 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 with respect to points mentioned at S. No. (i) to (iv) and submit the action taken report within 15 days from the issuance of this direction along with supporting documents & photographs; and

b) Submit adequacy assessment report of Effluent Treatment Plant with respect to field observation mentioned at S. No. (v); and

c) 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 Unit found non-complying with above directions, CPCB will be constrained to take action against CBWTF namely M/s Siddhivinayak Enterprises, Gut No 45/1, Wavad Shviar, Nandurbar, Maharashtra, as deemed fit under the Environment (Protection) Act, 1986.

(Amandeep Garg)
**Chairman**

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Copy for information to:

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| 1. | The Additional Secretary,<br>HSM Division,<br>Ministry of Environment, Forest & Climate Change,<br>Indira Paryavaran Bhawan,<br>Jorbagh Road, New Delhi - 110 003. | : For kind information |
| 2. | The Member Secretary<br>Maharashtra Pollution Control Board<br>Kalptaru Point, 2nd - 4th Floor,<br>Opp. Cine Planet, Sion Circle, Sion (E),<br>Mumbai – 400 022. | : For kind information |
| 3. | The Regional Director,<br>The Regional Directorate,<br>Central Pollution Control Board,<br>Raw House No 1, Sanjivani Nisarg,<br>Balewadi, Pune- 411045. | : 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 Kumar Sharma)
Member Secretary

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