

F. No. B-31011/BMW (46.83)/2022/WMD-I

By Registered Post

March 10, 2022

To,

M/s Medical Pollution Control Committee
21, E-Block, Panki,
Kanpur- 208020 (U. P.)

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

WHEREAS the Central Government has notified the Bio-Medical Waste Management Rules, 2016 and amendments thereof (here after referred as BMWM Rules, 2016) under the Environment (Protection) Act, 1986 to improve the collection, segregation, processing, treatment and disposal of the Bio Medical Wastes in an environmentally sound manner thereby, reducing the biomedical waste generation and its impact on the environment; and

WHEREAS Rule 5 of BMWM Rules, 2016 stipulates duties of the operator of Common Bio-Medical Waste Treatment Facility (CBWTF); and

WHEREAS as per Rule 7 (1) of BMWM Rules, 2016 "Bio-Medical Waste shall 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 the Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 vide its order dated 12.03.2019 directed Central Pollution Control Board (CPCB) to undertake study and prepare a scale of compensation to be recovered from violators of BMWM Rules, 2016. Hon'ble NGT also stated that scale of compensation must be deterrent, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation"; and

WHEREAS in pursuant to above order CPCB prepared 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, 21, E-Block, Panki, Kanpur -208020, U.P. (the Unit) was inspected by Central Pollution Control Board (CPCB) on 30.07.2019 wherein following shortcomings were observed:

- I. PM concentration (773 mg/Nm³) exceeds the prescribed emission standards of 50 mg/Nm³, under BMWM Rules, 2016;
- II. Incinerator was found operating at lower temperature in primary chamber (545°C) and secondary chamber (423°C);
- III. Secondary Combustion Chamber of incinerator was not upgraded to 2 Seconds Residence Time;
- IV. BOD (59.1 mg/l) of treated effluent found exceeding the prescribed standard of 30 mg/l as BMWM Rules, 2016
- V. Autoclave was found non-operational during visit and it was observed that empty bottles of discarded medicines were found sold to scrap dealers without treatment;
- VI. Substantial difference in the log book between quantity of biomedical waste collected i.e. 72,363 kg for the month of June 2019 indicates unauthorized disposal of BMW; and
- VII. Bar coding system was not implemented by the Unit.

WHEREAS based on the aforesaid non-compliances, CPCB issued directions (Show Cause Notice) under section 5 of Environment (Protection) Act, 1986 to the Unit vide letter dated 09.10.2019 directing that why Environment Compensation Charges of ₹ 4,35,000/- should not be imposed against the Unit for violating provisions under BMWM Rules, 2016 and to submit reply with status of compliance within 30 days from issuance of this Notice. Subsequently, the Unit vide letters 08.11.2019 and 02.03.2021 submitted compliance status; and

WHEREAS the Unit was re-inspected by CPCB on 30.07.2021 wherein the following shortcomings were observed by the inspecting team:

- a. Secondary chamber of Incinerator is still not upgraded to have 2 Sec Residence Time in Secondary Combustion Chamber;
- b. Temperature in Secondary Combustion Chamber (890 °C) were found below the desired limit of minimum 1050°C + or - 50°C;
- c. PM Concentration (1180 mg/Nm³) in incinerator stack found exceeding the prescribed emission standard of 50 mg/Nm³;

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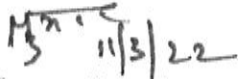
- d. The combustion efficiency (98.79%) of incinerator found less than prescribed standards of 99%;
- e. Appropriate and adequate PPEs were not provided to Healthcare Workers involved in handling of biomedical waste;
- f. Separate space is not provided for storage of color coded treated and untreated biomedical waste;
- g. No records were found w.r.to immunization of staff against Hepatitis B and Tetanus;
- h. It was observed that training is not provided regularly to all Healthcare workers by the Unit involved in handling of bio medical waste;
- i. Approximately 15-20 MT of bio-medical waste found stored within the premises for period beyond 48 hours; and
- j. Records of incinerator ash and ETP sludge was not maintained.

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 to any industry or any local, or any other authority for any violation of the standards and rules relating to BMWM Rules,2016 notified under the Environment (Protection) Act, 1986;

Now, therefore, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the Unit is hereby directed to:

- i. Deposit Environmental Compensation Charges of ₹ 45,75,000/- (for 732 no. of non-complying days) in CPCB Account no. 532702050000164, IFSC code; UBIN0553271 and I.P. Extension Branch within 15 days on receipt of this direction; and
- ii. Take necessary corrective measures w.r.to aforesaid action point no.(a) to (j) and submit time bound action taken report within one month.

In case Unit fails to comply with above directions, CPCB will be constrained to initiate proceedings against M/s Medical Pollution Control Committee, 21, E-Block, Panki, Kanpur -208020 U.P. under the Environment (Protection) Act, 1986.


(Tanmay Kumar)
Chairman

Copy to:

1. Additional Secretary, HSM Division
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. The Member Secretary
Uttar Pradesh Pollution Control Board
Building No TC-12V
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010, Uttar Pradesh. : For kind information
3. Regional Directorate
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010,
U.P. : For kind information and to follow-up
4. I/c IT Division : For information and necessary action
5. I/c Accounts Division : For information & for further necessary action


(Prashant Gargava)
Member Secretary

