

By Registered Post

F. No. B-31011/BMW (2139/46.55)/2022/WMD-I 6137

November 14, 2022

To,

M/s Ramky Energy and Environment Ltd.
No. 47/B, Karnad Industrial Area,
KIADB, Mulki, Mangalore,
Karnataka - 574 154.

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 Ramky Energy & Environment Ltd., No. 47/B, Karnad Industrial Area, KIADB, Mulki, Mangalore, Karnataka (the Unit) was inspected by Central Pollution Control Board (CPCB) on 24.10.2018 and observed following non-compliances: (a) disposal of sharp waste in incinerator; (b) incinerator stack emission platform was not as per CPCB guidelines; (c) OCEMS data was not transmitted to CPCB server; (d) Particulate Matter was found exceeding the prescribed limit of 50 mg/Nm³; (e) treated effluent of ETP was found exceeding the standard; (f) stack monitoring was not conducted once in three months as required under BMW Rules, 2016; and

WHEREAS based on non-compliances observed during inspection conducted on 24.10.2018, directions under Section 5 of the Environmental (Protection) Act, 1986 was issued against the Unit vide letter dated

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25.01.2019 directing to take corrective measures w.r.t the non-compliances observed by CPCB and to deposit Environmental Compensation of ₹ 7,87,500/- for violating provisions of BMW Rules, 2016; and

WHEREAS Unit submitted its reply vide letter dated 03.04.2019 claiming compliance with CPCB action points and vide letter dated 31.05.2019 informed about deposition of Environmental Compensation ₹ 7,87,500/- in favour of CPCB; and

WHEREAS Unit was re-inspected by CPCB on 21.06.2019 to verify status of compliance w.r.t. CPCB action points wherein again following non-compliances were observed; (a) as per stack monitoring analysis results, PM (486 mg/Nm³) was found exceeding the prescribed standard of 50 mg/Nm³; (b) Data of OCEMS installed with incinerator was not being transmitted to CPCB server; (c) as per analysis result for treated effluent, pH (2.6) and BOD (43 mg/l) found not complying with standards as prescribed under BMW Rules, 2016;(d) Unit found again not performing the stack monitoring for incinerator as required under BMW Rules, 2016; and

WHEREAS based on aforesaid non-compliances, CPCB issued Show cause notice under section 5 of Environmental (Protection) Act, 1986 vide letter dated 02.09.2019 against the Unit directing to show cause within 15 days why ₹. 5,95,000/- should not be imposed for violation of standards prescribed under BMW Rules, 2016; and;

WHEREAS subsequently Unit vide letter dated 06.09.2019 submitted its point wise reply vide indicating corrective steps taken w.r.t. CPCB action points; and

WHEREAS CPCB vide letter dated 28.11.2019 issued direction for revocation under Section 5 of the Environment (Protection) Act, 1986 with following conditions; (i) Unit shall ensure transmission of OCEMS data to CPCB server and submit the action taken report to this office within 15 days; and (ii) Unit shall ensure compliance to provisions under BMW Rules, 2016; and

WHEREAS Unit vide letter dated 10.12.2019 submitted its compliance status and submitted that OCEMS data transmissions was started on 29.22.2019; and

WHEREAS to verify the compliance status CPCB conducted inspection of Unit on 23.06.2022 whereby following non-compliances are observed;

- (i) Secondary Combustion Chamber of incinerator was found continuously operating at 950°C which is less than the prescribed limit of 1050±50°C as per BMW Rules, 2016.
- (ii) During the inspection OCEMS panel was found dismantled and it is observed that OCEMS data is not transmitted to CPCB server since 11.03.2022.
- (iii) As per analysis result for treated effluent, pH (2.5) found not complying with standards prescribed under BMW Rules, 2016.
- (iv) Unit has still not upgraded the incinerator stack monitoring platform as per the design given under CPCB guideline for CBWTF. It is also observed that Unit is not performing quarterly basis stack monitoring of incinerator as required under BMW Rules, 2016.
- (v) Housekeeping was found not proper inside the facility.
- (vi) Incinerator ash is not stored under the shed separately as prescribed under CPCB guidelines for CBWTFs.
- (vii) Discarded medicines were found stored in an open area prior to incineration.

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 vii. is calculated as

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₹ 9,37,500/- at the rate of ₹. 9,375/- for 100 no. of non-complying days (since date of inspection i.e. 23.06.2022 till 30.09.2022); 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 within 30 days from issue of this direction and submit the time bound action taken report within 15 days from the issue of this direction; and
- b. Show Cause why Environmental Compensation Charges of Rs 9,37,500/- should not be imposed for violation of provisions of BMW Rules, 2016.

In case the Unit found non complying with above directions, CPCB will be constrained to take legal proceedings against M/s Ramky Energy & Environment Ltd., No. 47/B, Karnad Industrial Area, KIADB, Mulki, Mangalore, Karnataka 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
Karnataka State Pollution Control Board,
Parisara Bhavana, 1st to 5th Floor
49, Church Street,
Bengaluru - 560 001.
3. The Regional Director, : For kind information
Central Pollution Control Board,
1st & 2nd Floors, Nisarga Bhavan,
A-Block, Thimmaiah Main Road,
7th D Cross, Shivanagar, Opp. Pushpanjali Theatre,
Bangalore - 560 010.
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

