

By Registered Post

F. No. B-31011/BMW (1138/47.56)/2023/WMD-I 8669

14 February, 2023

To,

The Chief Medical Superintendent,
Dr. Ram Manohar Lohia Institute of Medical Sciences,
Vibhuti Khand, Gomati Nagar,
Lucknow, Uttar Pradesh – 226010.

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

WHEREAS the Central Government has notified the Biomedical Waste Management Rules, 2016 and amendments thereof (herein after referred as BMWWM Rules) in suppression of the Biomedical 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 manner thereby, reducing the biomedical waste generation and its impact on the environment;

WHEREAS Rule 4 of BMWWM Rules, 2016 stipulate duties of the occupier of Health Care Facility (HCF);

WHEREAS as per Rule 7 (1) of BMWWM Rules, "bio-medical waste shall be treated and disposed off in accordance with Schedule I and in compliance with the standards prescribed in Schedule II of the BMWWM Rules, 2016";

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 BMWWM Rules, 2016. Hon'ble NGT also directed that scale of compensation must be different, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation";

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 against Healthcare Facilities and Common Biomedical Waste Treatment Facilities";

WHEREAS the HCF namely 'Dr. Ram Manohar Lohia Institute of Medical Sciences, Vibhuti Khand, Gomati Nagar, Lucknow, Uttar Pradesh' (the Unit) was inspected by CPCB on 17.02.2021 for verification of compliance to BMWWM Rules, 2016, whereby following observations were made: (i) improper segregation of biomedical waste was observed in few wards; (ii) barcode system was not being used by the Unit as required under BMWWM Rules, 2016; and (iii) the concentration of BOD (84 mg/l), COD (262 mg/l) and O & G (45.5 mg/l) was found exceeding the prescribed limit as per analysis report of treated effluent;

WHEREAS the Unit was re- inspected by CPCB on 21.12.2021 to verify the status of compliance to BMWWM Rules, 2016 and based on non-compliance observed, CPCB issued Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 against the Unit vide letter dated 24.01.2022 directing to Show Cause why Environment Compensation Charges of ₹ 52,27,500/- should not be imposed for violating provisions under BMWWM Rules, 2016 and the Unit was directed to submit the reply within 15 days;

WHEREAS the Unit submitted point wise reply vide letter dated 08.02.2022 indicating action taken with respect to afore-said violations observed by CPCB however, the Unit did not complete the compliance with respect to adoption of bar code system;

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WHEREAS CPCB issued direction under Section 5 of Environment (Protection) Act, 1986 to the Unit vide letter dated 28.03.2022 directing to (i) Deposit Environmental Compensation of ₹ 53,17,500/- for violation to provisions of BMWM Rules, 2016 within 15 days on receipt of the direction; (ii) To expedite the implementation of Barcode System as required under BMWM Rules, 2016; (iii) To ensure compliance to the other provisions of BMWM Rules, 2016;

WHEREAS the Unit vide letter dated 31.03.2022 and 14.05.2022 submitted its reply indicating action taken with respect to CPCB directions and requested for personal hearing for waive off Environmental Compensation;

WHEREAS meanwhile the Unit was again inspected by CPCB on 12.04.2022 and found the Unit complied with CPCB action points however the Environmental Compensation was not yet deposited;

WHEREAS personal hearing was given to the Unit on 14.06.2022 wherein the Unit was directed to submit the compliance status with proof of compliance for re-examination by CPCB. Accordingly, the Unit vide email dated 17.06.2022, 22.06.2022 and 13.08.2022 submitted status of compliance supported with documentary proof including analysis results for treated effluent and record keeping for usage of barcode system;

WHEREAS based on compliance report submitted by the Unit, the number of non-complying days were determined as 1,049 (since 28-03-2019 to 08.02.2022) and accordingly Environmental Compensation is re-assessed as ₹ 19,66,875/- ;

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 Biomedical Waste Management Rules, 2016 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:

- i. Deposit Environmental Compensation Charges of ₹19,66,875/- in CPCB account No. 532702050000164 IFSC code UBIN0553271, I.P. Extension Branch within 15 days on receipt of this direction; and
- ii. Ensure compliance to provisions of Biomedical Waste Management Rules, 2016.

In case Dr. Ram Manohar Lohia Institute of Medical Sciences, Vibhuti Khand, Gomati Nagar, Lucknow, Uttar Pradesh, fails to reply within stipulated time CPCB will be constrained to initiate action under the provisions of the Environment (Protection) Act, 1986.

H.S.K.
14/1/23
(Tanmay Kumar)
Chairman

Copy to:

1. The Additional Secretary, HSM Division : For kind information, please.
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003

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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 and follow-up

3. The Regional Director
Regional Directorate, Central Pollution Control
Board, Ground Floor, PICUP Bhawan
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010

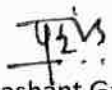
: For kind information and follow-up

4. ✓ DH, IT Division

: For information and necessary
action

5 DH, Accounts Division

: For information & for further
necessary action


(Prashant Gargava)
Member Secretary

o/c

C/S





BY REGISTERED AD

CP-11/99/2022-IPC-III-HO-CPCB-HO 8514

February 08, 2023

To,

14

M/s Samrudhi Sugars Ltd,
G. NO-122,123 and 173,
Devi Dahegaon, Tal. -
Ghansawangi Dist -Jalna,
Maharashtra - 431209

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Sugar industries are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring system w.r.t. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including Sugar; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 602 Sugar industries, including M/s Samrudhi Sugars Ltd, G. NO-122,123 and 173, Devi Dahegaon, Tal.-Ghansawangi Dist - Jalna, Maharashtra - 431209, hereinafter referred to as 'the Unit', as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system; and

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'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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



WHEREAS, no reply as recorded was filed by the said Unit in response of the same; and

WHEREAS, in view of the above and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, the Unit was directed vide letter no. B-400(S)IPC-III/2015 -16/529 dated 22.03.2016 to close down the sugar mill and not to resume manufacturing operation till installation and commissioning of continuous online monitoring system and providing connectivity of data with SPCB and CPCB server, and to submit compliance to CPCB within 15 days on the receipt of the Closure Direction; and

WHEREAS, the Unit has responded to the above said Closure Direction along with all the required documents vide email dated 31.05.2022 & 02.06.2022 and informed to have complied with the directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and the same was verified by IT Division of CPCB on 21.06.2022; and

WHEREAS, after verification of compliance submitted by the Unit and subsequent verification of the connectivity status of OCEMS by IT Division of CPCB, closure direction of the Unit has been revoked vide direction dated 07.09.2022 and the Unit has been allowed to resume its manufacturing operations; and

WHEREAS, it has been observed that the Unit has not closed its manufacturing operations in the crushing season 2016-17 to 2021-22 which is non-compliance of the closure direction issued by CPCB vide letter no No. B-400(S) PCI-III/2015-16/529 dated 22.03.2016 under section 5 of E (P) Act, 1986 and a separate clause has been mentioned in revocation direction that action for which shall be initiated separately; and

WHEREAS, it has been noticed that the Unit has operated for 166 days during crushing season 2017-18, 158 days during crushing season 2018-19 and 100 days during crushing season 2019-20 as per submitted RT-8(c) form, without installing and connecting OCEMS devices with CPCB server; and

WHEREAS, *The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. Directed Central Pollution Control Board (CPCB) that "The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment."* ; and



WHEREAS, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB for reviewing the cases of Environmental Compensation. As per the Committee recommendations one of the cases to be considered for levying environmental compensation is 'not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'; and

WHEREAS, as per formula derived for levying environmental compensation by CPCB, the total environmental compensation amount was calculated to be Rs. 1,27,20,000/- (Rupees One crore twenty-seven Lacs and twenty thousand rupees only) for the total non-compliance period of 424 days during crushing season 2017-18, Crushing season 2018-19, and crushing season 2019-20; and

NOW, THEREFORE, in view of the above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, **notice is served herewith to show cause why environmental compensation of Rs. 1,27,20,000/- (Rupees One-crore twenty-seven Lacs and twenty thousand only) should not be imposed on M/s Samrudhi Sugars Ltd, G. NO-122,123 and 173, Devi Dahegaon, Tal.-Ghansawangi Dist -Jalna, Maharashtra - 431209 for 424 days of violation based on available record i.e. for running their manufacturing operation during crushing season 2017-18, 2018-19, and 2019-20 without installation and connectivity of OCEMS devices with CPCB server and notwithstanding CPCBs closure direction dated 22.03.2016.**

You are hereby given an opportunity to file your objections (if any) to the above direction within 15 days from the receipt of this notice, failing which it will be presumed that you have nothing to say and appropriate action, in accordance with the provisions of the Environment (Protection) Act, 1986, will be taken against the Unit without giving any further notice.

13/8/2
(TANMAY KUMAR) o/c
CHAIRMAN

Copy to:

1. **The Member Secretary,** : For information please.
Maharashtra Pollution Control Board
2nd, 3rd & 4th Floor,
Opp. Cine Planet, Near Sion Circle,
Sion (E), Mumbai- 400022
2. **The Regional Director,** : For information please.
Regional Directorate
Central Pollution Control Board,
ROW House No. 1, Sanjivani Nisarg
Balewadi Pune - 411045



3. **The Director (CP Division)** : For information please.
MoEF&CC
Prithvi Block, Indira Paryavaran
Bhawan, Jorbagh Road,
New Delhi – 110 003
4. **The District Magistrate,** : For information please.
Collectorate Office,
District. Jalna, Maharashtra-431203
5. **The Divisional Head, IT, CPCB** : For uploading the direction
on CPCB website.
6. **The Div. Head, IPC-VI, CPCB** : For information please

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(PRASHANT GARGAVA)
MEMBER SECRETARY

OTC

OTC

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By Registered Post

F. No. B-31011/BMW (2130/42.50)/2023/WMD-I

09 February, 2023

To,

M/s E-Tech Projects,
Pokar Quarter No. 10,
Near Power House, Opp. Jailwell,
Bikaner -334001, Rajasthan.

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 (herein after referred as BMW Rules) 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 biomedical waste in an environmentally sound manner thereby, reducing the biomedical waste generation and its impact on the environment;

WHEREAS Rule 5 of BMW Rules, 2016 stipulated duties of the operator of Common Biomedical Waste Treatment Facility (CBWTF);

WHEREAS as per Rule 7 (1) of BMW Rules, "bio-medical waste shall 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";

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 different, rendering violation of Rules to be non-profitable and which should be adequate to remedy the situation";

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)";

WHEREAS the Common Biomedical Waste Treatment Facility (CBWTF) namely M/s E-Tech Projects, Pokar Quarter No. 10, Near Power House, Opp. Jailwell, Bikaner -334001 (the Unit) was inspected by Central Pollution Control Board on 26.05.2018 and based on non-compliances observed during said inspection, CPCB issued Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 against the Unit vide letter dated 18.09.2018 for violation of provisions under BMW Rules, 2016 and directed the Unit to explain why action should not be taken for violation of the provisions of BMW Rules, 2016 and to submit the reply within 15 days;

WHEREAS in response to the aforesaid Show Cause Notice the Unit submitted its reply vide letter dated 11.02.2019 indicating point wise action taken on CPCB observations, however, the Unit did not complete the compliance with respect to upgradation of incinerator with 2 seconds Residence Time and OCMS data transmission to CPCB server;

WHEREAS CPCB issued direction under Section 5 of Environment (Protection) Act, 1986 to the Unit vide letter dated 20.05.2019 directing to (i) Deposit Environmental Compensation of ₹ 26,32,500/- for violation of provisions and standards prescribed for Common Biomedical Waste Treatment Facility within 15 days on receipt of this direction; and ii) Submit status of compliance to CPCB action points with proof of compliance including documentary proof for 2 seconds Residence Time in Secondary Combustion Chamber as per guidelines of CPCB;

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WHEREAS CPCB vide letter dated 23.07.2019 reminded the Unit to deposit Environmental Compensation (EC) of ₹26,65,388/- (with 12% interest) and to provide status of upgradation of incinerator and ensure transmission of OCEMS data;

WHEREAS the Unit in its reply vide letter dated 01.04.2021 submitted that it was complying with all action points but no proof of upgradation of incinerator was attached. The Environmental Compensation was also not deposited by the Unit;

WHEREAS since the Environment Compensation was not deposited by the Unit CPCB again vide letter dated 10.11.2021 directed the Unit to complete the compliance to CPCB directions dated 20.05.2019 and to deposit Environmental Compensation of ₹26,65,388/- for 354 number of non-complying days within 15 days;

WHEREAS the Unit vide letter dated 31.01.2022 submitted its reply stating that they have complied with all action points as per CPCB direction and requested for personal hearing;

WHEREAS personal hearing was given to the Unit on 14.06.2022 wherein the Unit was directed to submit the proof of compliance along with documentary proof for re-assessing the Environmental Compensation based on number of non-complying days. Accordingly, the Unit vide email dated 10.08.2022 submitted status of compliance;

WHEREAS based on compliance report submitted by the Unit, the number of non-complying days were determined which has increased from 354 to 598. and accordingly Environmental Compensation is re-calculated as ₹33,26,250/- for increased 598 number of non-complying days since 27.05.2018 to 14.01.2020;

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 Bio-Medical Waste Management Rules, 2016 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:

- i. Deposit Environmental Compensation Charges of ₹33,26,250/- in CPCB account No. 532702050000164 IFSC code UBIN0553271, I.P. Extension Branch within 15 days on receipt of this direction.
- ii. Ensure compliance to provisions of Biomedical Waste Management Rules, 2016.

In case the Unit fails to comply with above directions, CPCB will be constrained to initiate action against M/s E-Tech Projects, Pokar Quarter No. 10, Near Power House, Opp. Jailwell, Bikaner -334001 under the provisions of Environment (Protection) Act, 1986.


(Tanmay Kumar)
Chairman

Copy to:

1. The Additional Secretary, HSM Division : For kind information, please.
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003.

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2. The Member Secretary
Rajasthan Pollution Control Board
4, Institutional Area, Jhalana Doongri
Jaipur – 302 004, Rajasthan. : For kind information, please.

3. The Regional Director,
Regional Directorate,
Central Pollution Control Board,
Paryavaran Parishar, Sector E-5,
Arera Colony, Bhopal – 462 016, MP. : For kind information, please.

✓ 4. DH, IT Division : For information and necessary action, please.

5. DH, Accounts Division : For information & for further necessary
action, please


(Prashant Gargava)
Member Secretary



