

By Registered Post

F. No. B-31011/BMW (1961/46.83)/2023/WMD-I

15 June, 2023

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To,

M/s Medical Pollution Control Committee,
E-21, E-Block, Panki,
Kanpur, Uttar Pradesh- 208020.

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 BMWWM 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 BMWWM Rules, 2016 stipulated duties of the operator of Common Biomedical Waste Treatment Facility (CBWTF);

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 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 CBWTF namely M/s Medical Pollution Control Committee, E-21, E-Block, Panki, Kanpur, Uttar Pradesh- 208020 (the Unit) was inspected by Central Pollution Control Board (CPCB) on 30.07.2019 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 09.10.2019 for violation of provisions under BMWWM Rules, 2016 and directed the Unit to explain why action should not be taken for violation of the provisions of BMWWM Rules, 2016 and to submit the reply within 30 days;

WHEREAS in response to the aforesaid Show Cause Notice the Unit submitted its reply vide letter dated 08.11.2019 and 02.03.2021 indicating point wise action taken on CPCB observations. Further, the Unit was re-inspected by CPCB on 30.07.2021 for verification of compliance report submitted by the Unit, wherein non-compliance by the Unit were observed again with respect to BMWWM Rules, 2016. The Unit was non-complying with respect to following points;

- (i) Particulate Matter in stack emission of incinerator (1180 mg/Nm^3 and 136 mg/Nm^3 as per reports of CPCB dated 30.07.2021 and UPPCB dated 03.08.2021, respectively) exceeds the standards of 50 mg/Nm^3 prescribed under BMWWM Rules, 2016); and
- (ii) Combustion efficiency of incinerator at 98.79% which is less than the prescribed standards of 99%.

(C)

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WHEREAS CPCB issued direction under Section 5 of Environment (Protection) Act, 1986 to the Unit vide letter dated 10.03.2022 directing to (i) Deposit Environmental Compensation of ₹ 45,75,000/- for violation of provisions and standards prescribed for Common Biomedical Waste Treatment Facility within 15 days on receipt of this direction; ii) Take necessary corrective measures with respect to non-compliance observed by CPCB during inspection conducted on 30.07.2021 within one month; and iii) Submit time bound action taken report within one month;

WHEREAS the Unit in its reply dated 29.03.2022 submitted point wise action taken however Environmental Compensation was not deposited;

WHEREAS the Unit again vide letter dated 20.04.2022 submitted its reply stating that they have complied with all action points as per CPCB direction and requested for personal hearing;

WHEREAS a personal hearing was given to the Unit on 17.05.2022 wherein it was agreed that CPCB will re-examine the compliance reports, assess the period of non-compliance and re-calculate applicable Environmental Compensation Charges;

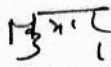
WHEREAS based on compliance report submitted by the Unit vide letter dated 29.03.2022, 20.04.2022 and 14.07.2022, the number of non-complying days were determined as 732 (30.07.2019 to 30.07.2021) and considered the proof of compliance submitted for complying with 2 seconds residence time in secondary combustion chamber. Accordingly Environmental Compensation is re-assessed as ₹ 21,96,000/- for not complying with the emission standard of PM as prescribed under BMWM Rules, 2016.

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 ₹21,96,000/- 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 M/s Medical Pollution Control Committee, E-21, E-Block, Panki, Kanpur, Uttar Pradesh-208020 fails to comply with above directions, CPCB will be constrained to initiate action under the provisions of Environment (Protection) Act, 1986.

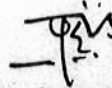

15/6/23
(Tanmay Kumar)
Chairman



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Copy to:

1. The Joint Secretary, HSM Division : For kind information
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,
Uttar Pradesh Pollution Control Board, please.
Building No TC-12V,
Vibhuti Khand, Gomti Nagar,
Lucknow – 226 010, Uttar Pradesh.
3. The Regional Director, : For kind information and follow-up,
The Regional Directorate, please.
Central Pollution Control Board,
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010.
4. DH, IT Division : For information and necessary action.
5. DH, Accounts Division : For information & for further necessary
action.


(Prashant Gargava)
Member Secretary

