

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 420/2016
(M.A. No. 918/2016)

Praduman Tiwari

Applicant(s)

Versus

Union of India & Ors

Respondent(s)

(Report filed in O.A. No. 420/2016 with M.A. No. 918/2016 for
Condonation of delay)

Date of hearing: 06.08.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Ms. Mona K. Rajvansh, Advocate

For Respondent (s): Mr. Pradeep Misra, Mr. Daleep Dhyani,
Advocates for UPPCB
Mr. Rajesh Gupta, Mr. Harpreet Singh,
Advocates for R-11

ORDER

1. The question for consideration is whether respondent no. 11- M/s Ferro Build Hards (I) Pvt. Ltd., Naini, Allahabad, (Pragyaj), U.P. is complying with the conditions of authorization under the provisions of Bio-Medical Waste Management Rules, 2016.
2. The applicant approached this Tribunal with the grievance that the said respondent was discharging the medical waste into the river or disposing of the same by burning. The stand of the respondent was that the plant was compliant with the

environmental norms. Vide order dated 21.05.2019, this Tribunal sought a joint factual and action taken report from the CPCB and UPPCB.

3. Accordingly, a report has been furnished on 26.06.2019 finding certain shortcomings such as storing of unsegregated bio-medical waste, non-operation of autoclave, shredder not being in operation and emissions from incinerator not meeting the stipulated norms of air quality. Details of all the deficiencies need not be mentioned. The report states that some of the deficiencies were later on rectified and the project proponent was required to deposit a sum of Rs. 8.30 lakhs towards environmental compensation. Finally, the committee recommended as follows:

“Recommendations:

It is evident from the results that the facility was not found complying w.r.t. air emission, while it is meeting treated effluent discharge norms. The Facility may be directed to comply with the following:

- 1. Although, the facility is equipped with Air Pollution Control Device, but it needs to operate properly with effective maintenance of its Air Pollution Control Device (APCD) to meet with the stipulated norms.*
- 2. The facility should improve monitoring platform at incinerator stack as per CPCB guideline (Emission Regulation Part-III).*
- 3. The facility should repair, maintain and ensure regular use of automatic feeding system of incinerator to avoid irregular feeding as it was not found operational during inspection.*
- 4. All the member units of the facility as reported by the facility operator to UPPCB, which are not sending segregated BMW should be imposed Environmental Compensation (EC) by UPPCB for*

the strict compliance of BMW Rule,2016 and facility operator should be directed to provide the list of those HCFs ,which are not giving the segregated waste time to time to UPPCB for stringent action.

5. *The facility should conduct all routine test and validation tests of autoclave as per BMW Rule, 2016.*
 6. *The facility should provide proper PPE to all workers engaged in collection, transportation, treatment and disposal of BMW.*
 7. *The facility should ensure that shredded plastic should be sold to authorized recyclers.*
 8. *The facility should expedite to connect OCEMS with CPCB server.*
 9. *The facility should expedite to adopt bar coding system.*
 10. *The facility should provide system at primary chamber to measure Water Column pressure to avoid leakages of gaseous emissions from the chamber and for safety reasons.*
 11. *The facility should provide provision to measure pressure drop across Venturi Scrubber.*
 12. *The facility should install electromagnetic flow meter at the tube well and maintain proper log book.*
 13. *The facility should obtain NOC from CGWA.*
 14. *The facility should expedite to provide GPS system in remaining vehicles.*
 15. *The Allahabad Development Authority and other concerned departments should resolve the issue of illegal residential colony around the facility to maintain buffer zone as per guideline.”*
4. The project proponent has filed an affidavit of compliance with regard to above recommendations which may need verification.

5. In view of the above, we direct the same joint Committee which conducted inspection earlier to verify the claim of the project proponent and if there are still deficiencies, further appropriate action may be taken in accordance with law. The Committee may conduct inspection within one month.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 06, 2019
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