

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

Appeal No.72 of 2024 (SZ)

IN THE MATTER OF :

M/s. Brundhavana Foundation

...Appellant

AND

Karnataka, SPCB

...Respondent

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Place : Bangalore

Date : 17.12.2024



Advocate for Respondent
A. Mahesh Chowdhary

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
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....Appellant

AND

Karnataka, SPCB

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MEMO

The counsel for the Respondent Board in light of the order passed by this Hon'ble Tribunal dated 13.12.2024 hereby places on record the inspection report dated 16.12.2024 enclosed as **Document No. 1**. The memo may kindly be taken on record in the interest of justice and equity.

Place : Bangalore

Date : 17.12.2024



Advocate for Respondent
A. Mahesh Chowdhary

**INSPECTION REPORT OF SRI SOMASHEKAR K M, ENVIRONMENTAL OFFICER,
KSPCB, RO-KALABURAGI.**

Purposes of visit: As per the directions of NGT vide email Dtd. 13.12.2024

Date of inspection : 16.12.2024

**Officers accompanied: 1. Sri. Sanna Venkatesh, DEO, KSPCB, Kalaburagi.
2. Kum: Sudharani, AEO, KSPCB, Kalaburagi.**

**Person contacted : 1. Sri. Balasaheb Deshmukh. Secretary, M/s Brundhavana Foundation
2. Miss. Sanjita Avanti. President, M/s Brundhavana Foundation
3. Sri. Vijay Patil. Plant Manager, M/s Brundhavana Foundation
4. Kum. Sakshita, Accounts Staff, M/s Brundhavana Foundation**

Preamble:

1. The Common Bio-Medical Waste Treatment Facility(CBMWTF) has been initially setup and operated by M/s Centre for Environment Education(CEE), Kalaburagi at Sy.No.240, Sharan Sirsgi Village, Afzalpur Road, Tq & Dist. Kalaburagi from 2006,
2. Later, an agreement was signed between Deputy Commissioner Kalaburagi and M/s Brundhavana Foundation on 31.07.2020 for leasing of 5 Acre of land for the operation and maintenance of CBMWTF and same is valid for the tenure of 5 years up to 13.10.2025.
3. Based on the agreement, M/s. Brundhavana Foundation have obtained CFO under Water Act and Air Act and same are valid up to 30.06.2026 for operating Common Biomedical Waste Treatment facility with incinerator of capacity 50 kg/hr and obtained Authorization under BMW Rules, 2016 and same is valid up to 30.06.2026 for the treatment & disposal of Biomedical waste.
4. Further, based on the complaints & feedback on the CBMWTF, the District Health & Family Welfare Officer & Member Secretary of DHCWMC inspected the CBMWTF on 04.07.2022 & several non-compliances were observed.
5. As per the directions of Deputy Commissioner Kalaburagi, the unit was inspected by Environment Officer and Member for DHCWMC on 30.07.2022 & several non-compliances were observed.
6. The District Health & Family Welfare Office of Kalburgi District vide letter dtd: 25.11.2022 issued termination notice to M/s Brundhavana Foundation for the reasons recorded therein based on non-compliances observed during inspection of District Healthcare Waste Monitoring Committee.
7. The Karnataka State Pollution Control Board has constituted fact finding committee vide Board Office Memorandum No. PCB WMC 3129 HWM 2018-19/2768, Dated: 22-08-2023 with terms of reference to verify the compliance to combined consent for operation issued under the provisions of Water Act and Air Act and Authorization issued under BMW Rules, 2016 and Hazardous and Waste Management Transboundary Movement Rules, 2016.

8. Fact finding committee visited and inspected the M/s Brundhavana Foundation, Sy.No.240, Sharan Sirsgi Village, Afzalpur Road, Tq & Dist. Kalaburagi on 13.03.2024.
9. As per the Board Office memo vide No. 1745, Dated: 20.07.2024, proceedings of the Fact-finding committee were forwarded to RO, Kalaburagi and directed to take action based on the directions made in the fact-finding committee report. Hence, Notice was issued to the facility authority for submission of point wise compliance to Fact-Finding committee report on 22.08.2024.
10. The facility authority have submitted reply to Fact-Finding committee observations on 29.08.2024 and also replied on 31.08.2024. Both the replies were vague and not acceptable.
11. As per the Board Office directions vide Memo No. 1745 Dtd.20.07.2024, the facility was inspected on 31.08.2024 by RO, Kalaburagi to verify the compliances.
12. Based on the non-compliances observed the Notice of Proposed Direction was issued to the unit vide No.371 Dtd. 09.09.2024 with the directions to take immediate compliance measure and accordingly, the unit authority have submitted compliance report along with photographs.
13. Later, the unit was again inspected on 01.10.2024 and as per the observation it was recommended to call the unit authorities for Personal Hearing at Board Office before confirming NPD. As per the proceedings of Personal Hearing, the Presiding Officer after hearing issued following instructions since the facility has not complied with the provisions of the BMW Rules & with the guidelines notified for Biomedical waste disposal.
 1. To Withdraw/Cancel the Water & Air pollution control consents issued to the CBMWTF for the period upto 30.06.2026.
 2. To cancel the authorization issued for collection & disposal of biomedical waste under BMW Rules, 2016 for the period upto 30.06.2026.
 3. To confirm the actions proposed in the Notice of Proposed Directions issued from RSEO, Kalaburagi.

The said subject was placed in the SLEC meeting held on 28.11.2024 & 29.11.2024 & as per the proceedings dtd:02.12.2024, the committee recommended to issue closure directions to the said CBMWTF. Accordingly, Board has issued following Orders:

- i. Closure Directions Under Section 33 (A) of the Water (Prevention and Control Pollution) Act, 1974, vide No. NO. PCB/278/CBMWTF/2016/2024-25/299 Dtd. 07.12.2024.
- ii. Closure Directions Under Section 31 (A) of the Air (Prevention and Control Pollution) Act, 1981, vide No. NO. PCB/278/CBMWTF/2016/2024-25/300 Dtd. 07.12.2024.
- iii. Withdrawn Consent Order Under Section 27 of the Water (Prevention and Control Pollution) Act, 1974, vide No. NO. PCB/278/CBMWTF/2016/2024-25/156 Dtd. 07.12.2024.
- iv. Withdrawn Consent Order Under Section 21 of the Air (Prevention and Control Pollution) Act, 1981, vide No. NO. PCB/278/CBMWTF/2016/2024-25/157 Dtd. 07.12.2024.
- v. Cancellation of Authorization under Rule 10 of Bio-Medical Waste(Management and Handling) Rules, 1998 vide No. NO. PCB/278/CBMWTF/2016/2024-25/158 Dtd. 07.12.2024

The copies of Closure Orders under both Acts⁴(Sl.No. i & ii as mentioned above) has been served to the facility authorities by hand in person on 09.12.2024 and accordingly, the facility authorities have submitted the letter on 10.12.2024, stated that from 10.12.2024 they have stopped the facility operation of Collection, Transportation and Treatment of BMW waste from HCE's of Kalaburagi District.

In order to dispose the Bio-Medical Waste generated from HCEs of Kalaburagi District, the Deputy Commissioner and the Chairman of District Bio-Medical Waste Management Monitoring Committee, Kalaburagi has directed the adjacent District i.e. Yadgir and Bidar CBMWTF facilities to collect, Transport, Treatment and Disposal of the Bio-Medical Waste generated from the HCE's of Kalaburagi District vide letter Dtd. 12.12.2024.

In the meanwhile, the Legal Section of Board Office have sent a e-mail dtd. 13.12.2024 and directed this office to inspect the premises and submit the report in detail showing violations and compliance in a clear manner.

Accordingly, the unit was inspected on 16.12.2024 and the following observation were made.

Sl. No.	Non-Compliances as per NPD	Observations made during inspection on 16.12.2024.
1	As per the Rule 5 (c) of the BMW Rules, 2016 facility authorities have not implemented Bar Code system for handling the Bio Medical Waste.	CBMWTF are ready to supply bar code to hospitals. Few hospitals have adopted bar code and others are yet to implement the same.
2	They have not implemented the supply of non chlorinated plastics to HCE's for collection of Bio Medical Waste in the respective color coded containers.	CBMWTF authorities informed that they are ready to supply non-chlorinated bags to HCE's based on charges.
3	Not provided proper ventilation/partition for storage of untreated Red and Yellow bags collecting BMW.	Provided partition for storage of untreated Red and Yellow bags collecting BMW. They have made ventilation on one wall and window on opposite wall for providing cross ventilation. Photograph enclosed.
4	Not provided impervious flooring for storage shed for storing the untreated glass vials.	They have made temporary shed for storing glass vials. Flooring is done with Shahabad stone. Photograph enclosed.
5	Vehicle washing area is not provided impervious floor area and slopping towards ETP collection point.	Complied. Photograph enclosed.
6	They have not submitted performance evaluation study of ETP units to ensure proper treatment and recycling of treated effluent.	They are submitting analysis report of ETP regularly to this office. Not submitted performance evaluation study of ETP units.
7	They have not explored the possibility of disposing the mutilated sharps to nearby steel and foundry units.	The facility informed that there are no nearby foundry/steel units for disposal of the mutilated sharps and hence, they were disposed the same to sharp pits.
8	Not displayed the "Bio Hazard symbol sign board in hazardous waste storage shed.	Complied. Photograph enclosed.

9	Not labeled the Hazardous waste containing bags as per the schedule II of HWM Rules, 2016.	Complied. Photograph enclosed.
10	They have obtained CFO for 50 KVA DG set, during the inspection it is noticed that, they have installed 62.5 KVA DG set. Till today they have not obtained amendment for change in DG set rating from 50 to 62.5 KVA DG.	Pending at Board Office.
11	Not removed plant and machinery of old incinerator.	They have removed plant and machinery of old incinerator.
12	They have not registered vehicles earmarked for collection and transportation of Bio Medical Waste with KSPCB.	Pending at BO.
13	Not provided metaled roads inside the plant premises.	Partially complied(they have provided concrete road near incinerator room, storage room and washing area).

Other Observations:

1. The facility was not in operation and was closed on 10.12.2024.
2. There is no any kind of Bio-Medical Waste observed on the day o inspection.
3. The old incinerator was completely removed from the facility.
4. There are no labors/workers at the facility.
5. The incinerator was completely stopped on the day of inspection.
6. There was no effluent observed in the drains and however, the effluent was stagnated in the different components of ETP.
7. The said facility have not provided compound wall and facility surrounded with the barbed wire fencing.
8. There are no Bio-Medical Waste transporting vehicles in the facility.
9. There was no any kind of burnt ash in the incinerator and the ash was stored in the HDPE bags within the ash storage room and approximately there were 40 no's of bags stored.
10. **Compliance to the CPCB revised guidelines – 2016 for Common Bio-medical Waste Treatment and Disposal Facilities are as follows:**

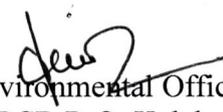
Sl. No.	Conditions	Observation on 16.12.2024.
1	The pit should be covered with a heavy concrete slab with a provision of galvanized steel pipe projecting about 1.5 meters above the slab, with an internal diameter of up to 50 mm or 1.5 times the length of vials, whichever is more.	Not complied. They have provided PVC pipes for the same
2	pH meter so as to know pH level of treated water as well as pH level of treated water used for recirculated or recycling in APCD attached with the incinerator or any utility within the CBWTF.	Not complied.
3	A 'magnetic flow meter' should also be fitted at all the water supply extraction points of the CBWTF as well as the outlet to know the total wastewater treated for further end use or discharge	Not complied.

4	The colored containers may be sent to the respective treatment equipment by using suitable closed type of conveyance	Not complied. But they had used pull carts without covering for the transportation of the same
5	All the existing CBWTFs shall develop own website by 27.03.2017	Not complied.
6	All the CBWTF operators should also be provided with stand by treatment equipment especially incinerator/plasma pyrolysis/autoclave (or) alternately MoU made with the nearby CBWTF (located within the State/UT) shall be submitted to the respective SPCB/PCC,	Not complied.

Enclosures :

1. Performance Evaluation of the Common Bio-medical Waste Treatment and Disposal Facility.
2. Photographs taken during inspection.

This is for your kind information and further needful directions.


Environmental Officer
KSPCB R.O. Kalaburagi

**[Service Copy : Inspection Report] Appeal No. 72/2024 - Brundhavana Foundation v KSPCB****Mahesh Chowdhary** < rashi@precinctlegal.com >

Tue, 17 Dec 2024 8:05:50 PM +0530

To "Saurabh Kulkarni" < sdkadvocate@gmail.com >

Cc "amc" < amc@precinctlegal.com >, "Krishika Vaishnav" < krishika@precinctlegal.com >

Sir,

Please find enclosed a copy of the memo along with inspection report filed in the afore-said matter in light of the order passed by the Hon'ble NGT dated 13.12.2024.

Regards,

Rashi Singh
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Bangalore- 560 001
www.precinctlegal.com
+91 9980666846**1 Attachment(s)**

Brundhavana NGT MEMO _Fi...

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