

Joint Committee Inspection Report

In the Matter of

Original Application No.77/2021
'Jogendra Singh Vs M/s Bhopal Incinerators Limited'

w.r.to

Hon`ble National Green Tribunal Central Bench Bhopal
order dated 27.10.2021

Date of Visit: 18 November, 2021

Location: Bhopal, MP

Joint Committee Inspection Report in the matter of 'Jogendra Singh Vs M/s Bhopal Incinerators Limited'

Hon'ble NGT (CZ), Bhopal vide its order dated 27th October, 2021 in OA no. 77/2021 in the matter of 'Jogendra Singh Vs M/s Bhopal Incinerators Limited' directed under Para 1, to 6 as :-

1. *The issue raised in this application is non compliance of provisions of Bio Medical Waste Management Rules, 2016 and the guidelines issued by CPCB with regard to the Common Bio-medical Treatment Facility by Respondent no. 1, namely M/s Bhopal Incinerators Limited.*
2. *A substantial issue of environment has been raised. Issue notice to the respondents. Returnable within four weeks.*
3. *Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.*
4. *Respondents are directed to submit their reply within six weeks through e-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*
5. *We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:-*
 - (i) *One representative of Central Pollution Control Board, Bhopal (M.P.)*
 - (ii) *One Representative of State Pollution Control Board, Bhopal (M.P.)*
6. *The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.*

In compliance of Hon'ble NGT direction the M/s Bhopal Incinerators Ltd. which is functioned as Common Biomedical Waste Treatment Facility (CBWTF) has been visited by the joint committee on 18th November, 2021 to assess the factual status of allegation made in petition, compliance status of

Bio-medical Waste Management, Rules 2016 and Guidelines issued in this regard from time to time. The joint committee comprised of the following officers:

1. Sh. Brajesh Sharma, Regional Officer, MPPCB, Bhopal
2. Ms. T. Soofi, Scientist Regional Office, MPPCB Bhopal
3. Dr. Anoop Chaturvedi, Scientist 'B' Regional Directorate, CPCB, Bhopal

During visit representative of M/s Bhopal Incinerators Ltd. was present and informed about present waste management practice and status of legal compliance. Sh. Adarsh Malviya Assistant Engineer (C) of regional office MPPCB Bhopal was also present during visit.

The main issues raised in the petition by the applicant regarding the M/s Bhopal Incinerators Ltd. and verification points as per 27.10.2021 order are as under :-

1. Illegal operation of CBWTF without consent and authorization.
2. The CBWTF not obtained environmental clearance.
3. BMW collected from more than 14000 beds and being stored more than 48 Hr.
4. Incinerator operated in night hours.
5. The CBWTF not yet dismantled the incinerator and stack.

To verify the factual status the team has visited M/s Bhopal Incinerators Ltd. 6/5 Sector H Govindpura Industrial area Bhopal (further mentioned as 'Unit') to observe the biomedical waste management related activity which includes verification of storage and segregation practice adopted operational status of treatment equipments, waste or ash accumulated if any etc. During the visit the team also interacted with present caretaker of CBWTF.

M/s Bhopal Incinerator was established in year 2002 with one incinerator of 50 kg/hr capacity, further they have installed one more dual chamber incinerator of 100 kg/hr capacity with fully computerized, automatic feeding system and PLC controlled. The unit had two Autoclaves & three plastic waste shredders. The unit also has sharp pit for storing sharps before disposal. The

incinerator attached with Ventury, Cyclone and a scrubber followed by 100 feet height stack.

At the time of committee visit on 18.11.2021 the unit was found closed and no activity i.e. segregation, storage, treatment, waste vehicle parking and any other relevant activity was operative at plant site. The committee observed that the building structure and plant & machineries are broken and not in operational condition. Especially incinerator unit metal parts are broken and rusted and roof and floor are found damaged. As per the present physical condition of plant structure and incinerator it can be concluded that it is not in use since long.

During visit geographical coordinates, photographs and other relevant information were also collected which are incorporated in the report. The main observations of the team are given below:

ISSUE 1 - Illegal operation of CBWTF without consent and authorization.

1. The unit located in Govindpura industrial area and having valid combined consent under Air, Water and authorisation under BMWM, Rules 2016 upto 7.12.2021.
2. As per consent the unit is authorised for collection and transport of Covid and other bio medical waste for further treatment will be done at M/s India Waste Management, Mandideep and unit doing accordingly.
3. It was observed that presently the unit collecting the waste only from 36 government-owned HCFs and all the earlier private member HCFs discontinued the membership from this unit.
4. It was observed that the unit was not in operation since long and autoclave and two shredders shifted, only one shredder was laying there but electrical panel and wiring found in damaged condition. The shredder was not in operative condition.

ISSUE 2 - The CBWTF not obtained environmental clearance.

1. EIA notification 2006 is applicable from 14th September 2006, at that time the Bio Medical Waste Treatment Facilities were not listed in the Schedule activities for which Environmental clearance was required. Ministry of Environment, Forest and Climate Change, New Delhi vide notification dated 17th April 2015 added the Bio Medical Waste

Treatment Facilities under “7(d)(a)” of Schedule of EIA Notification 2006 to obtain environmental clearance. In light of above, now the CBWTFs are required to obtain Environmental clearance. It is observed that the retrospective applicability of the notification dated 17 April 2015 is not mentioned in the notification.

2. Unit has obtained Consent under Water (Prevention and control of pollution) Act 1974, Air (Prevention and control of pollution) Act 1981 and Authorization under BMW Rules 2016 is renewed upto 7/12/2021(for collection and transport) vide Board letter dated 28/11/2020. As per record the (CBWTF) facility was established in the Year 2002, before the EIA notification 2006 and requirement of environmental clearance.
3. In the similar matter in year 2018 a petition was filed by OA no. 248/2018 in central zone of Hon’ble NGT Bhopal Incinerator Ltd. Vs Balwant Singh Raghuwanshi. The matter was related to sitting criteria for installation of CBWTF and other related issues. M/s Bhopal Incinerator appealed in Hon’ble Supreme Court in same case and now it is pending before the Hon’ble Supreme Court by civil appeal no. 881-882/2019. The record of proceedings of the same is enclosed as Annexure-01

ISSUE 3 - BMW collected from more than 14000 beds and being stored more than 48 Hr.

1. To verify the above fact latest list of HCFs member is obtained from the unit and it was observed that as on date 36 government HCFs having the membership of unit with total bed strength of 4173 only.
2. At the time of visit neither storage of BMW nor the any kind of storage related activity was observed. On the basis of the evidence available during visit it can be assumed that no such type of activity takes place in last couple of days also. To further verify the fact backyard of the unit was also visited and no evidence of any kind of BMW storage was observed, only heightened bushes and grasses had been growing at this site.
3. No accumulation of waste was observed at the earlier storage area of treated waste and thick layer of the dust found deposited on the floor of the room.

ISSUE 4 - Incinerator operated in night hours.

1. At the time of visit two incinerators were found in damaged physical condition. It was observed that the ID / FD fan, PLC panel, main electric supply cable, APCD system, fuel supply system, internal lining of chambers either removed or badly damaged due to corrosion.
2. The connecting vent of incinerator and stack has been dismantled. The main part of the APCD i.e. ventury and water storage tank was also found damaged and highly corroded. The emergency vent and damper system was also found partially damaged.
3. In incinerator side electric wiring, main control panel, solenoid valves and hydraulic cylinders of feeding system which are very much required for functionality of any incinerator were also found damaged.
4. In the view of above and on the basis of present physical condition of incinerator machine is not in operative condition.

ISSUE 5 - The CBWTF not yet dismantle the incinerator and stack.

As above presently the unit is not in the condition to operate as plant & machineries are detached with each other.

Others :

1. For continuation of any consent and authorization unit has to apply 6 month before its expiry but so far unit has not applied for its further renewal.
2. As the unit has already planned to close its operation so in this regard they have informed to CETP vide letter dated 24/7/2021 to discontinue the membership. The correspondence in this regard enclosed as Annexure-02
3. During visit it was observed tiles and flooring inside the untreated waste storage room found damaged. Roof and window of main process area also found damaged from various points.
4. Heighted bushes and grasses had been growing in the plant premises and earlier office area.
5. In general electrical wiring, and switch boards of the other points were found damaged.
6. The sharp pit was also verified during visit and it was also found empty.
7. The unit has obtained authorization under HW Rules for generation of

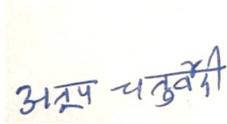
incineration ash. No incinerator ash found stored inside the plant premises and earlier storage area also.

8. For collection purpose the unit has 8 GPS enabled vehicles and all vehicles collecting the waste on behalf of unit and sending to M/s IWM, Mandideep for further treatment. The vehicles and GPS details are enclosed as Annexure-03.
9. As per the CPCB guideline the unit has downloaded the 'COVID19BWM' app and submitting the Covid waste collection data on it.

Recommendation:-

On the basis of the joint inspection of the committee the following recommendations are given:-

1. The unit shall comply the condition '*incinerator will be dismantled or suitably relocate and chimney should be dismantled*' as given in authorization dated 28.11.2020.
2. Unit shall inform the SPCB for action taken in this regard.



(Dr Anoop Chaturvedi)
Scientist-B, CPCB-RD-Bhopal



(Brajesh Sharma)
Regional Officer, MPPCB, Bhopal

Photograph of visit



Visit of committee at site





Non functional incinerator and detached stack



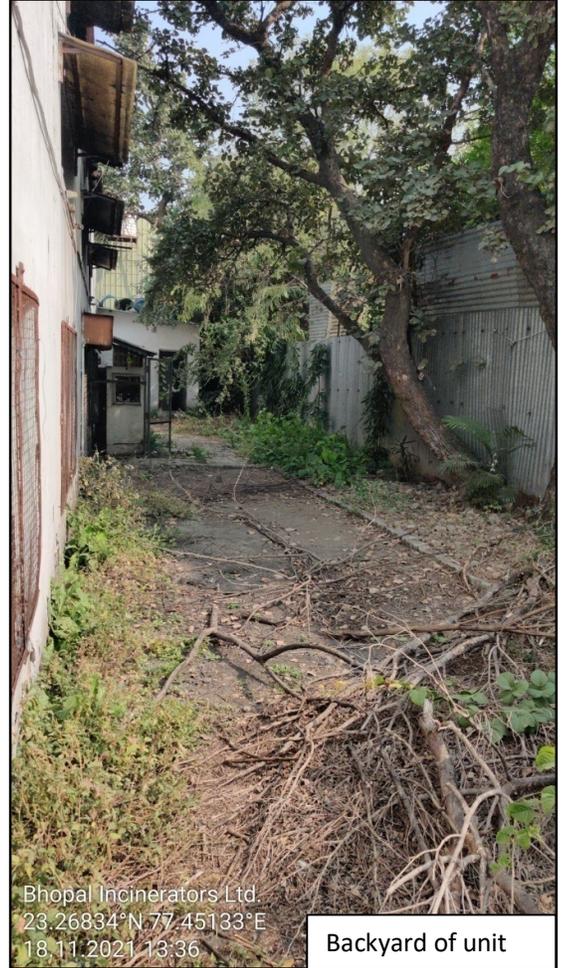


Damaged roof and electric panel





Empty ash storage area



Backyard of unit



Old waste storage room





Stack of the unit



Office area