



Pollution Control Board, Assam

(Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



No. WB/GUW/T-669/Pt-I/04-05/175/1218

Dated Guwahati the 10th August, 2023

To

✓ M/s Down Town Hospital Ltd.
Sankardev Path, Dispur
Guwahati-6, Kamrup (M)
Email: dth@downtowngroup.org



DIRECTIONS UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974; 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 AND SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986.

WHEREAS, under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Board (SPCB) is to plan a comprehensive programme for prevention, control or abatement of air pollution and to secure the execution thereof and under Section 17 of the Water (Prevention & Control of Pollution) Act 1974, one of the functions of the State Pollution Control Board (SPCB) is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells in the state and to secure the execution thereof;

WHEREAS, under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and Section 25 of Water (Prevention & Control of Pollution) Act 1974, no person shall without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area;

WHEREAS, the Central Government has notified the Bio-Medical Waste (Management) Rules, 2016 and amended thereof (hereinafter referred as BMWWM Rules) to improve the collection, segregation, processing, treatment and disposal of the Biomedical Wastes (BMW) in an environmentally sound management thereby, reducing the bio-medical wastes generation and its impact on the environment;

WHEREAS, M/s. Down Town Hospital Limited (hereinafter referred as 'the Unit') is a bedded Health Care Facility with 300 nos. of beds and has a nursing school and hostel inside the premises;

WHEREAS, Rule 4 of the BMWWM Rules, 2016 elaborately stipulates the duties and responsibilities of an occupier generating bio-medical wastes;

WHEREAS, as per **Rule 7** of the BMWWM Rules, 2016, "biomedical wastes shall be treated and disposed of in accordance with **Schedule I** and in compliance with the standards prescribed in **Schedule II** of the BMWWM Rules, 2016";

WHEREAS, the unit was visited by PCBA officials on 18.08.2022 and the unit was advised to implement various environmental measures including upgradation of then existing Sewage Treatment Plant (STP) vide Board's letter No. APCB/ROG-I/T-212/2020-21/42/160 dtd. 22.08.2022;

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WHEREAS, M/s Down Town Hospital Ltd. vide its letter No. Nil dtd. 25.08.2022 submitted an Affidavit affirming to upgrade its STP and also to comply with the various provisions of the BMW Management Rules, 2016;

WHEREAS, a public complaint was received by the Board on 07.08.2023 and subsequently the Hospital was visited by a team of PCBA Officials on 09.08.2023. The public complaint raised serious noise pollution arising out of the Air Conditioning Plant of the Unit;

WHEREAS, the visiting team on **09.08.2023** observed that the Unit has installed 3 nos. of Primary Chilled Water Pumpset of capacity 15 HP each and Condenser Water Pumpsets of capacity 20 HP each for the air conditioning system being installed. It was observed that the pumpsets were causing severe noise pollution as those are installed without any acoustic enclosure;

WHEREAS, the Board Officials has carried out noise monitoring at different locations as per the norms including the premises of the complainer and observed very high noise level at various locations as below:

Sl. No.	Source/Location	Distance from Source (approx.)	Noise Level dB(A) in Leq	Remarks
1	House No. 12A	10 meters	68.3	AC Plant in operation
2	House No. 12A	10 meters	53.4	AC Plant not in operation
3	House No. 10	15 meters	63.1	AC Plant in operation
4	Near AC plant of the Unit	1 meter	82.5	AC Plant in operation
5	Near 500 KVA DG Set	1 meter	76.4	DG Set in operation
6	Outside the campus of the unit (near boundary wall)	10 meters	70.4	AC Plant in operation

WHEREAS, it is observed that significant noise pollution is being created due to operation of the Pumpsets of the AC plant without any acoustic enclosures;

WHEREAS, about 145 KL of water used in the Unit every day and as such about 112 KL (considering about 80% sewage generation) is generated and discharged by the Unit. Presently entire effluent and sewage generated in the Unit are being discharged directly in to the drain leading to Bahini River violating the provisions of the Rule 4(k) of BMW Rules, 2016;

WHEREAS, the STP installed by the unit were seen fully defunct and found no indication of operation in the recent days. It is understood that the ETP has not been operational since 18.08.2022 or even earlier;

WHEREAS, entire sewage generated at the hostel of Down Town School of Nursing and canteen were directly discharged into the Bahini River through surface drain;

WHEREAS, the Unit has been given sufficient time and opportunities to comply with the directions of the Board which were issued as per various provisions of the Rules and in the interest of the environment and human health;

WHEREAS, the Air conditioning plant has been installed in a new building that extended to the boundary to one of the complainants without keeping any offset. The discharge line of the AC system is even placed at the over the common boundary wall between the unit and one of the complainants. The Unit was asked to submit the copy of the building permission of the AC Plant building. The unit failed to submit the same till the preparation of the report;



WHEREAS, the Hon'ble National Green Tribunal, in the matter of O.A. No. 710 of 2017 dated the 12th March, 2019 has directed CPCB to prepare guidelines for imposition of environmental compensation and subsequently directed to SPCBs, to impose the Environmental Compensation fine against those HCFs failing to comply with the provisions of the BMWWM Rules, 2016 in handling and disposing of the biomedical wastes;

WHEREAS, as per Section 5 of the Environment (Protection) Act, 1986, the Pollution Control Board, Assam has been empowered to issue directions to any person, office or any authority for any violation of the standards and the rules relating to BMWWM notified under the Environmental (Protection) Act, 1986;

WHEREAS, as per direction of the Hon'ble NGT, CPCB has notified a guideline on "Environmental Compensation" to be levied to the violators of the BMWWM Rules and asked the state to comply with the provisions and the copy of which is enclosed herewith;

WHEREAS, Hon'ble NGT vide its order dtd. 19.02.2019 in O.A. No. 593/2017 (Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors.) directs SPCBs to collect Environmental Compensation from the defaulting units as per the formula mentioned herein under:

Environmental Compensation is assessed as below –

EC= HR X T X S X R X N

Where **H**= health risk factor

T=Type of health care facility

S= Size of the health care facility

R=Environmental Compensation factor

N= Number of days of violation

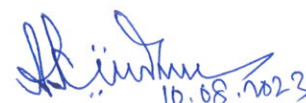
EC calculated since violation observed on the 09.08.2023, as under-

EC = 45 x 1.00 x 1.00 x 250 x 357 = Rs. 40,16,250.00

(Rupees forty lakh sixteen thousand two hundred and fifty) only

NOW, THEREFORE, under the above facts and circumstances, Pollution Control Board, Assam is constrained to inform you that since, you have nonchalantly violated the provisions of law in force causing pollution to the environment and in exercising of the powers delegated to the Chairman under Section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 5 of Environment (Protection) Act, 1986 as amended till date, **Notice is served hereby to Show Cause** why environmental compensation, as calculated above, should not be imposed to the unit (M/s. Down Town Hospital Limited) and why the Unit should not be closed down until all the necessary pollution control measures are implemented including modernization of the ETP including suspension of the CTO order.

You are hereby given an opportunity to file your objections (if any) to the above proposed notice within fifteen (15) days from the date of issue of this notice failing which it will be presumed that you have nothing to say and appropriate action, including issue of closure notice and withdrawal of Consent to Operate will be taken against the Unit without giving any further notice.


16.08.2023

(Arup Kr. Misra)
Chairman





-4-

Memo No. WB/GUW/T-2242/12-13/175-A Dated Guwahati the 10th August, 2023

Copy to:

- 1) The Commissioner and Secretary to the Govt. of Assam, Environment and Forest Department, Dispur, Guwahati-06 for kind information.
- 2) The Executive Engineer, Regional Office, Guwahati, PCBA for information and necessary action.

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(Shantanu Kr. Dutta)
Member-Secretary