



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST

B-29016/04/06/IPC-1/  
To

June 29, 2018

3131  
M/s. Himalaya Drug Company,  
No.11/1A7 & 1B, Tumkur Road, Makali Village,  
Dasanapura Hobli, Bangalore-562123,  
Karnataka

Sub.: Directions under Section 5 of the Environment (Protection) Act, 1986 regarding installation of on-line effluent and emission monitoring system-Notice thereof

WHEREAS, Pharmaceutical units are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under; and

WHEREAS, there is need to inculcate habit of self-monitoring within the industries for complying with the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, online source emission and effluent monitoring systems need to be installed and operated by the industries on 'polluter pays principle'; and

WHEREAS, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Chromium (Cr), and Arsenic (As) in Pharmaceutical industries; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, a letter vide dated May 29, 2015 was issued by the Chairman CPCB to all the SPCBs/ PCCs informing that no further extension of time will be given after June 30, 2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying units; and

WHEREAS, concerned SPCB/ PCC issued directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of the Air (Prevention & Control of Pollution) Act, 1981 to install the online monitoring system by June 30, 2015 and to submit bank guarantee of 100% of the cost of online emission & effluent monitoring system; and

WHEREAS, CPCB has held stakeholder consultations with industrial associations and SPCBs/PCCs on 06.08.2014, 19.09.2014, 29.09.2014, 08.10.2014, 16.10.2014, 09.01.2015, 08.04.2015 And 16.06.2015 regarding time bound implementations of installation of these devices; and

WHEREAS, as per the CPCB policy dated April 02, 2018 of new industries falling under 17-categories with whom CPCB has not made any prior communication regarding installation of Online Continuous Effluent/emission Monitoring System and not providing connectivity (after installation) of Online Continuous Effluent/emission Monitoring System with CPCB server, CPCB shall issue directions to all such units asking them to provide connectivity with CPCB server

within 30 days of issuing notice, failing which such industries shall be asked to close their operations; and

WHEREAS, the name of the Unit **M/s. Himalaya Drug Company, Karnataka** obtained from the India E-Track site, online data connectivity of these units was verified by the IT division of the CPCB dated April 02, 2018 and found not connected with CPCB; and

WHEREAS, a show cause notice was issued to the Unit vide letter dated April 13, 2018 to provide online data connectivity to CPCB; and

WHEREAS, the Unit submitted a reply vide letter dated May 08, 2018 that the Unit is a formulation Unit & does not fall under the bulk drug category and requested to exempt from the installation of Online Continuous Effluent/Emission Monitoring system required for the 17 category of highly polluting industries; and

WHEREAS, a clarification asked through email dated May 11, 2018 from the Unit regarding category of the industry; and

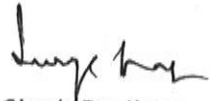
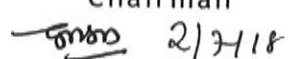
WHEREAS, in response the Unit submitted a reply through email dated May 15, 2018 that the consent of the Unit issued under the red category due to R & D in Unit premises however, R& D activities do not involve any Biotechnology activity; and

WHEREAS, the Unit informed that the Unit is involved in the manufacture of Ayurvedic capsules, medicinal and Herbal based cosmetic production comprises of liquids, tablets, creams, ointments, lotion, oil powder and shampoos, submitted the supporting documents in support of the formulation category of the unit and requested to exempt from the installation of Online Continuous Effluent/Emission Monitoring system; and

WHEREAS, a letter no. PCB/108/HPI/2018-19 dated June 15, 2018 received from Karnataka State Pollution Control Board (KSPCB) that the Unit has involved in the manufacturer of formulation products like Ayurvedic capsules, medicinal and Herbal based cosmetic production comprises of liquids, tablets, creams, ointments, lotion, oil powder and shampoos and Industry does not fall under the 17 category of Industries; and

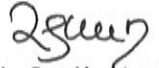
WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

**NOW, THEREFORE**, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and in view of above details, the direction (Show cause notice) issued under Section 5 of the Environment (Protection) Act, 1986 to the Unit **M/s. Himalaya Drug Company, Karnataka** vide letter dated April 13, 2016 is hereby revoked and the Unit shall not start production of any product covered under the 17 category of highly polluting industries without installation of Online effluent/emission monitoring system.

  
(S. P. Singh Parihar)  
Chairman  


Copy to:

1. The Chairman  
Karnataka Pollution Control Board  
Parisara Bhavan,  
#49,4th & 5th floor, Church Street,  
Bangalore- 560001
2. The Advisor (CP Division)  
Ministry of Environment, Forests and Climate Change  
Prithvi Wing, 2nd Floor, Room No. 216, Indira  
Paryavaran Bhawan Aliganj, Jor Bagh Road, New Delhi - 110003
3. The Regional Directorate  
Central Pollution Control Board  
1st & 2nd Floors, Nisarga Bhavan, A-Block,  
Thimmaiah Main Road, 7th D Cross, Shivanagar, Opp.  
Pushpanjali Theatre, Bangalore -560 010
- ✓ 4. The Incharge, IT, CPCB

  
(A. Sudhakar)  
Member Secretary