



SPEED POST

B-29016/04/06/IPC-I/ 14282

December 21, 2018

To

M/s Arch Pharmalabs Ltd.,
E-80, MIDC Tarapur, Tal. Palghar,
Dist. Thane-401506 Maharashtra

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

WHEREAS, the Pharmaceutical industries 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, 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, 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. flow, pH, BOD, COD, TSS, Chromium (Cr), and Arsenic (As) parameters in Pharmaceutical industries;

WHEREAS, it was clarified that flow meter & web camera may be installed in case of Units with Zero liquid discharge (ZLD) by March 31, 2015 vide guidelines uploaded on website of CPCB dated November 7, 2014; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time upto 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 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 will be the only option; and

WHEREAS, concerned SPCB/ PCC have 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, a show cause notice under section 5 of Environment (Protection) Act 1986 was issued to M/s Arch Pharmalabs Ltd., Maharashtra (herein after referred to as the Unit) vide letter no. B-29016/04/06/PCI-I/6665 dated July 27, 2015 for installation of Online Monitoring device along with connectivity for submission of online 24x7 monitoring data to SPCBs/FCCs and CPCB; and

WHEREAS, the notice was not received by the Unit and returned to the CPCB; and

WHEREAS, a notice dated January 07, 2016 was published in local newspapers for the industries which has not received/ not responded to the CPCB show cause notice and directed to respond immediately within a week's time from the publication of the notice; and

WHEREAS, the Unit was failed to respond to the above mentioned notice as well; and

WHEREAS, direction under section 5 of Environment (Protection) Act 1986 was issued to the Unit vide letter no. B-29016/04/06/PCI-I/916 dated March 18, 2016 directing the Unit to close to operation and not to restart the production till online effluent monitoring system is installed and connected to the CPCB; and

WHEREAS, the Unit vide letter dated December 12, 2017 submitted original self certificate, copy of consent valid upto March 31, 2017 and informed that the Unit has already discontinued the production activity since 2013 due to financial problems and will comply with the CPCB directions before re-start of operations; and

WHEREAS, the Unit vide emails dated October 22, 2018 submitted that the online connectivity has been provided for OCEMS and requested to revoke the closure direction; and

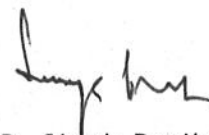
WHEREAS, the connectivity of online data submitted by the Unit was verified by the IT division of the CPCB and as per report dated October 25, 2018 the Unit was found connected for flow and camera feed with CPCB; and

WHEREAS, CPCB constituted a Three-member committee vide office order dated 03.10.2017 having representative(s) from CPCB and MoEF&CC for examination and recommendation for revocation of the closure direction issued by CPCB; and

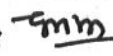
WHEREAS, the three-member committee in its meeting held on November 15, 2018 examined the compliance report submitted by the Unit, recommended that the Unit may be allowed to resume operation with condition that the Unit shall ensure uninterrupted connectivity of OCEMS data with CPCB server; and

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.

NOW, THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and in view of compliance with relevant direction under reference, the direction issued under the Section 5 of the Environment (Protection) Act, 1986 to the Unit (M/s Arch Pharmalabs Ltd., Maharashtra) vide letter dated March 18, 2016 is hereby revoked with condition that the Unit shall ensure uninterrupted connectivity of OCEMS data with CPCB server. In case of non-compliance by the Unit action as deemed fit under the provisions of Environment (P) Act, 1986 shall be taken.



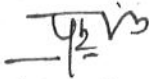
(S. P. Singh Parihar)
Chairman

24.12.18 

Copy to:

1. The Chairman
Maharashtra State Pollution Control Board
Kalpataru Point, 3rd & 4th floors, Sion Matunga
Scheme, Road No. 8, Opp. Cine Planet,
Sion Circle, Sion (E), Mumbai - 400 022
2. The Chairman
Maharashtra State Electricity
Distribution Company Limited
Hongkong Bank Building,
M.G. Road, Fort, Mumbai-400001
3. 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
4. The Regional Director,
Central Pollution Control Board
Parivesh Bhawan, Opp VMC Ward
office no 10, Subhanpura, Vadodara - 390 023
5. Divisional Head, IT, CPCB
6. Divisional Head, IPC-VI, CPCB

: With request to restore the electricity
supply of the Unit.


(Prashant Gargava)
Member Secretary