



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-I/
To

~~November 11, 2019~~
November 25, 2019

9108
M/s. Nutra Specialties Pvt. Ltd.,
(presently M/s. Venkata Narayana Active Ingredients Pvt. Ltd.)
Chandrapadiya (V), Vinjamur (M),
SPSR Nellore Dist-524228, A.P.

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986- regarding

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, show cause notice under section 5 of Environment (Protection) Act 1986 was issued to the Pharmaceutical units including M/s. Nutra Specialties Pvt. Ltd., AP (herein after referred to as the Unit) vide letter no. B-29016/04/06/IPC-I/6817 dated July 27, 2015 for installation of Online Monitoring device along with connectivity for submission of online 24x7 monitoring data to SPCBs/PCCs and CPCB; and

WHEREAS, a reply was received from the Unit vide letter dated November 02, 2015 that the installation of OCEMS was not completed; and

WHEREAS, it was observed that the Unit has not complied with the above said notice issued on July 27, 2015 under section 5 of Environment (Protection) Act 1986; and

WHEREAS, a closure direction under section 5 of Environment (Protection) Act 1986 was issued to the Unit vide letter no. B-29016/04/06/IPC-I/7063 dated July 27, 2016 directing the Unit to close to operation and not to restart the production till online effluent monitoring system is installed and connected; and

WHEREAS, the Unit vide letter dated May 17, 2017 submitted the online connectivity status to CPCB by providing URL, user ID & password and requested to revoke the closure direction; and

WHEREAS, it was also informed by the Unit that manufacturing operation has not been closed down after receipt of closure direction issued by CPCB; and

WHEREAS, the connectivity of online data submitted by the Unit was verified by the IT division and compliance was observed on June 05, 2017 by CPCB; and

WHEREAS, on the basis of OCEMS connectivity the closure direction dated July 27, 2016 was revoked vide dated July 18, 2017 with condition that action as per law shall be initiated separately as the Unit has not closed down its manufacturing operation after receipt of closure direction issued by CPCB; and

WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) to take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs and CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment; and

WHEREAS, as per formula derived for EC by CPCB, the total environmental compensation charge was calculated ₹ 85,50,000 /- (for the non-compliance period August 24, 2016 to June 04, 2017) and same shall be deposited by the unit at CPCB within 15 days; and

WHEREAS, a direction under section 5 of Environment (Protection) Act 1986 was issued to the Unit vide letter no. B-29016/04/06/IPC-I/368 dated April 09, 2019 directing the Unit to deposit ₹ 85,50,000 /- to CPCB within 15 days ; and

WHEREAS, the Unit has appealed vide appeal no. 09/2019 in Hon'ble NGT against the environmental compensation charged by the CPCB vide direction dated April 09, 2019; and

WHEREAS, Hon'ble NGT vide order dated August 21, 2019 directed the Unit to submit their view within two weeks from date of issue of order and CPCB was directed to consider the views of the unit by giving an opportunity of personal hearing to the Unit; and

WHEREAS, as per directives of Hon'ble NGT vide order dated August 21, 2019 a personal hearing for the Unit was conducted by CPCB on September 18, 2019 to review the grievances of the Unit w.r.t. the EC imposed; and

WHEREAS, the Unit submitted that due to remote location internet connectivity is not well established which caused delay in connectivity of OCEMS however the installation of OCEMS was completed by the Unit; and

WHEREAS, CPCB vide order dated December 29, 2016 has given a final timeline of January 31, 2017 to secure connectivity wherever the installation of OCEMS was completed by the industries; and

WHEREAS, as per formula derived for EC by CPCB, the revised environmental compensation charge was calculated ₹ 37,20,000 /- (for the non-compliance period February 01, 2017 to June 04, 2017); 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 the Unit (M/s. Nutra Specialties Pvt. Ltd., AP) is directed to deposit ₹ 37,20,000 /- (Rupees Thirty Seven lacs twenty thousand only) within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271). 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

Copy to:

1. The Chairman
A.P. Pollution Control Board
Paryavaran Bhawan, Industrial Estate,
Sanath Nagar, Hyderabad-500 038, A.P.
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 Director
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
5. The Incharge, IPC-VI


(Prashant Gargava)
Member Secretary