

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 114/2020

(With report dated 02.09.2021)

Secretary, St. Mark Educational Institution
Society Group of Institution

Applicant

Versus

State of Andhra Pradesh

Respondent

Date of hearing: 09.09.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Mr. TVS Raghavendra Sreyas, Advocate for AP PCB

ORDER

1. Question for consideration is violation of environmental norms by M/s Siflon Drugs at Ranchanpalli, District Anantapur, Andhra Pradesh. Vide order dated 14.10.2020 in OA 114/2020, the Tribunal directed remedial action by the State PCB and District Magistrate, Anantapur and filing of an action taken report.

2. The matter was thereafter considered on 03.03.2021 in the light of report of the State PCB dated 23.02.2021 after inspection by the joint Committee finding continued violation of environmental norms and recommending further steps by the industry particularly with regard to control of odour adversely affecting public health and environment. The operative part of the order is reproduced below:

“1. xxxxxxxxx

2. Accordingly, a common action taken report has been filed by the State PCB on 23.02.2021 to the effect that a joint Committee was constituted which carried out inspection with reference to nature of the industrial activity, details of water consumption, nature and extent of production, details of effluent generation, details of sources of air pollution, control equipment provided by the industry, details of the process emissions and control equipment provided, effluent treatment details, Hazardous & Non-Hazardous Solid waste details, details of the Environmental Clearance and details of Consent for Operation from A.P. Pollution Control Board.

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5. In the light of above conclusion, there is need to ensure compliance of environmental norms as well as to assess and recovery of compensation for the past violations, following due process of law. In particular, remedial action be taken to control odour by utilising latest technology for the purpose.

6. Learned Counsel appearing for the State PCB has assured that within four weeks remedial action will be ensured and compensation will be assessed and recovered.

7. Accordingly, let an action taken report be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the concerned unit for its response, if any, before the next date.”

3. In pursuance of above, the State PCB has filed further report on 02.09.2021 after inspections on 04.03.2021 and 05.03.2021 to ascertain the status of compliance. The State PCB issued directions on 18.05.2021 for compliance followed by further inspection on 18.06.2021 and 19.06.2021 and show cause notice dated 01.07.2021, the order dated 10.08.2021. The relevant extracts from the report are:

“xxx.....xxxxxx

12. The APPCB, Zonal Laboratory, Kurnool have conducted stack monitoring for the stack attached to boiler, vent of the scrubber and also Ambient Air Quality & VOC Monitoring within industry’s premises, nearby villages and also in the complainant’s premises in March, 2021 i.e., on 04.03.2021 & 05.03.2021 and also in June, 2021 i.e., on 18.06.2021 & 19.06.2021.

i. Inferences from the monitorings conducted by APPCB on 04.03.2021 &05.03.2021:

a) The Volatile Organic Compounds (VOCs) monitored within the industry premises show that the VOC values were in the range of 0.1 PPM to 2.8 PPM **indicating that the characteristic odour nuisance prevailed within the premises.**

b) The VOCs monitored in the nearby villages viz., Kodimi and Rachanapalli which are at an aerial distance of 0.9 KM and 1.9 KM respectively from the industry, **show that the VOCs were below detectable limits.**

c) The VOCs monitored in the premises of Chiranjeevi Reddy Institute of Engineering & Technology (CRIT)(belonging to the Petitioner), Rachanapalli (V) at an aerial distance of 0.7 Km from the industry, show the values in the range of 0.1 PPM to 0.2 PPM during night hours from 10:20 PM to 2:30 AM on 4-5th March 2021.

d) The stack & ambient air quality monitoring conducted within the industry shows that the parameters viz., SPM, SO₂ and NO_x are within the stipulated standards. The copies of the analysis reports are enclosed as Annexure – 3.

ii. Inferences from the monitoring conducted by APPCB on 18.06.2021 & 19.06.2021:

a) The Stack and Ambient Air Quality Monitoring conducted within the industry’s premises shows that the parameters viz., SPM, SO₂ and NO_x are within the stipulated standards.

b) The VOCs monitored within the industry premises show that the VOC values were in the range of 0.1 PPM to 4.4 PPM indicating that the characteristic odour of organic compounds in the industry’s premises, which may be due to the solvent losses. The industry has to further reduce solvent losses by improving the efficiency of the solvent recovery systems.

c) The VOCs monitored in the nearby villages viz., Kodimi and Rachanapalli which are at an aerial distance of 0.9 KM and 1.9 KM respectively from the industry, show that the VOCs were within the Below Detectable Limit of 0.1 PPM

d) The VOCs monitored in the premises of CRIT College, Rachanapalli (Complainant premises) at an aerial distance of 0.7 Km from the industry, show that the VOCs were within the Below Detectable Limit of 0.1 PPM. The copies of the analysis reports are enclosed as Annexure – 4

8 to 10. xxx xxx xxx

11. The latest compliance of the industry to the directions issued by the Board vide Order dated 18.05.2021 are as follows:

S. No.	Direction	Compliance
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1.	<p>The industry shall take all the necessary steps to reduce the odour nuisance within one month</p>	<p>The industry has upgraded the receivers used for the Scrubber with the jacketed receivers with water circulation to control the temperature of the Scrubbing media thereby increase the Scrubbing efficiency.</p> <p>Also, the industry has provided i) Scrubber to the vent of the Agitated Thin Film Drier provided for disposal of HTDS effluents and ii) Covered the HTDS effluent storage tanks and provided the ducting system (with ID fan of capacity 5 HP) connected to Scrubber to control odour nuisance from the High TDS effluent storage tanks.</p> <p>The industry is also operating MEE and ATFD only during day time to control the odour from the evaporation system.</p>
2	<p>The industry shall provide separate stacks for the 4 TPH and 3 TPH boilers as stipulated in the CFO order dt. 21.06.2018 within one month</p>	<p>Earlier, the industry is having Common Stack for the 3 TPH & 4 TPH boilers. Now, the industry is not operating the 3 TPH boiler and also disconnected the duct from 3 TPH boiler to the common stack permanently on 01.06.2021.</p> <p>The industry representative informed that they are planning to sell the 3 TPH boiler within a month's time.</p>
3	<p>The industry shall not manufacture new products and not exceeding the permitted quantity, other than those mentioned in CFO</p>	<p>The industry is not manufacturing any new products other than permitted in the Consent Order. Also, after the issue of Show cause notice dt.01.07.2021 by the Board for payment of Environmental Compensation for excess production, the industry has stopped carrying out of excess production.</p> <p>Out of the 9 products permitted in the CFO order dt.21.06.2018, the industry has manufactured 3 products namely Oxyclozanide, Niclosamide & Fenbendazole and has carried out production in total (which include all the 3 products) of about 16,500 Kgs i.e., 271.31 Kgs/day (Average) as against the consented quantity of 660 Kgs/Day during the period from 20.06.2021 to 20.08.2021. The industry has manufactured Oxyclozanide – 10,000 Kgs i.e., 163.93 Kgs/day (Average) as against permitted quantity of 166.67 Kgs/day;</p>

		Niclosamide – 4,500 Kgs i.e., 73.77 Kgs/day (Average) as against permitted quantity of 70 Kgs/day & Fenbendazole – 2,050 Kgs i.e., 33.6 Kgs/day (Average) as against permitted quantity of 33.33 Kgs/day during the above period.
4	The industry shall dispose the Plastic liners, carboys and scrap waste only to the authorized recyclers	The industry is disposing the plastic liners, carboys and scrap waste regularly to M/s. Apex polymers, Visakhapatnam which is an authorized recycler.
5	The industry shall operate the two stage scrubbers for scrubbing of process emissions at all emission sources. The industry shall maintain online pH meters to the scrubbers	The industry is operating two stage scrubbers for the scrubbing of process emissions i.e., HCl & SO2 emissions emanated from the production Block –B & C. The industry has provided online pH meters for the scrubbers provided in Block - B & Block – C to monitor the scrubbing efficiency and these pH meters are provided with data logger system.
6	There shall not be any discharge of wastewater outside the industry premises	There is no discharge of wastewater outside the industry premises.
7	The online monitoring system shall be calibrated periodically as per equipment supplier's manual/CPCB guidelines before starting the production.	The industry has provided online effluent monitoring system for the outlet of RO for monitoring pH, BOD, COD and TSS. The industry has calibrated the online monitoring system on 15.03.2021 and the next due date for calibration of the system is on 15.09.2021. A copy of the calibration certificate is enclosed as Annexure-9.

12. The industry utilizes solvents namely Toluene, Methanol, Mono Chloro Benzene, Acetone and n-hexane and is recovering the solvents using simple distillation/distillation columns. During inspection, the solvent losses from the recovery systems was found to be in the range of 5.02 to 7.15 %. The industry has to take further measures to achieve more than 95% recovery for the solvents in the distillation/recovery process to control the odour nuisance in the premises.

13. From the VOC monitoring conducted by the Board Officials within industry's premises, in the nearby villages and in the Complainant's premises, it was observed that the VOC's were recorded Below the Detectable Levels (BDL) in the nearby villages and also in the complainant's premises. However, the VOC's were recorded in the industry's premises in the range of 0.1 to 2.8 PPM (during monitoring on 04.03.2021 & 05.03.2021) and 0.1 to 4.4 PPM (during monitoring on 18.06.2021 & 19.06.2021) which is due to the

solvent losses. The industry has to further reduce solvent losses by improving the efficiency of the solvent recovery systems.

14. The APPCB has reviewed the status of the industry before the External Advisory Committee (Task Force) meeting held on 22.07.2021 and issued directions to the industry vide order dt.10.08.2021 to continue to take all necessary steps to reduce the odour nuisance along with other conditions to comply with.”

4. We have considered the matter with the assistance of the learned Counsel for the State PCB.

5. It is clear from the above that all necessary steps to reduce odour nuisance due to the solvent losses have not been taken inspite of direction of the State PCB. While some other steps have been taken, it is necessary to take further steps and also to verify that the violations have actually stopped. As recommended in the report, the industry has yet to take measures for achieving more than 95% recovery of the solvents in the distillation/recovery process to control odour nuisance in the premises. The industry needs to enhance solvent recovery and maintain Work Zone Standards. Standards for channelised VOC emissions may be achieved. The industry may operate with duly approved On and off - site emergency plans under MSIHC Rules, 1989. SPCB may apply the SoP for spent solvent recovery with such conditions as may be necessary for protection of environment and public health.

6. We also find that though compensation has been assessed for the past violations, the commencement of violation has been counted only from the date of inspection without recording any finding that prior to the said date such violation did not exist. As per common course of events once an inspection is found there is a presumption that the same was continuing unless shown otherwise. This aspect may also be looked into by the State PCB. Let a further action taken report and status of

compliance as on November 30, 2021 be ascertained and remedial action taken by the State PCB in exercise of its statutory powers, following due process of law. The State PCB may take measures to ensure that state-of-art odour control systems are in place in the interest of protection of environment and public health.

7. A further action taken report may be filed on or before December 15, 2021 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 07.01.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 09, 2021
Original Application No. 114/2020
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