

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE IN COMPLIANCE TO THE ORDER DATED 23.06.2021.

ORIGINAL APPLICATION No. 126 of 2021 (SZ)

IN THE MATTER OF:

M/s. Sri Mahalakshmi Hatcheries,
Representative by its Proprietor
Mr. D. Sagar Reddy.

.... Applicant

VERSUS

Union of India & 6 others

--- Respondents

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C. Raj Selvar
14/7/2021
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office
NELLORE.

Report of the APPCB in the matter of Original Application No. 126 of 2021 filed before the Hon'ble National Green Tribunal (SZ), Chennai by M/s.Sri Mahalakshmi Hatcheries, Doruvukatta (V), Kota (M), SPSR Nellore District against establishment of M/s. Divi's Laboratories Limited, Krishnapatnam Industrial Area (KIA), Kothapatnam Village, Kota Mandal, SPSR Nellore District

It is to submit that M/s.Sri Mahalakshmi Hatcheries, Doruvukatta (V), Kota (M), SPSR Nellore District filed an Application No. 126 of 2021 before the Hon'ble National Green Tribunal, Chennai.

The Hon'ble NGT (SZ), Chennai issued an order on 23.06.2021 with a specific direction to the APPCB to submit report as the proposed industry requires prior environment clearance as well as Coastal Regulation Zone clearance under EIA Notification, 2006 and CRZ Notification, 2011 respectively, whether any such application has been filed, if so what is the present status, what is the present status of construction, if any, made by the 7th respondent in the property in question. Further, it was directed to give a picture regarding the allegations made in the application regarding eco-fragile nature of the area and whether such type of industries can be permitted in that area. A Copy of the Hon'ble NGT order dat.23.06.2021 is herewith enclosed as Annexure-I.

In this connection, it is submitted that M/s. Divi's Laboratories Limited proposes to establish a bulk drug industry at Kothapatnam (V), Kota (M), SPSR Nellore district. The industry proposes to discharge its treated effluent (1727 KLD) into the sea through marine outfall at a distance of about 1.0 Km from the shore. The proposed activity comes under Synthetic organic chemicals hence it is required to obtain prior Environmental Clearance (EC) under EIA notification, 2006 from MoEF&CC, Govt. of India. It is required to obtain Coastal Regulation Zone (CRZ) clearance under CRZ notification, 2011 for laying of pipeline for disposal of treated effluent into sea. The industry filed application for Environmental Clearance from SEIAA, MoEF&CC, Govt. of India. The application is under process with SEIAA, Andhra Pradesh. The Andhra Pradesh Coastal Zone Management Authority vide Ir. no.233/CRZ/IND/2020 dated. 04.02.2021 communicated the No objection under the provisions of the CRZ Notification, 2011 to the SEIAA with specific conditions.

The Board received CFE application of M/s. Divi's Laboratories Limited only for laying of marine outfall facility to discharge treated effluent on 26.09.2020. The Board officials inspected the area on 26.09.2020. The issue was placed before the CFE Committee meeting held on 30.09.2020. The Committee recommended that a meeting shall be convened with the President and Secretary of All India Shrimp


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Hatcheries Association, Members of the Joint Inspection Committee and representatives of the industry to discuss the issue and to take a decision.

Accordingly, the concerned representatives of the All India Shrimp Hatcheries Association, Members of Joint Inspection Committee and industry representatives were invited to participate in the CFE Committee meeting held on 22.10.2020 through Video Conference.

The Joint Director-Fisheries, Deputy Director-Industries Department, and representatives of the All India Hatcheries Association, attended the meeting through video conference from Regional office: Nellore, APPCB. The views, apprehensions and suggestions of the joint committee members and the representatives of All India Shrimp Hatcheries Association were heard by the CFE committee. They have expressed their concern over presence of traces of antibiotics in the effluents discharged from the industry into the sea and presence of the antibiotics in the shrimp may lead to rejection of the consignments of shrimp from the other countries.

With regard to the Antibiotics, the Chairman, APPCB has clarified that series of meetings were conducted in the Secretariat regarding return of the aqua products by some of the European countries like U.K. etc. It was revealed that the processing units processed the prawns collected from several farmers cultivating the aquaculture in different ponds. It was observed that antibiotic residues were present in the processed aqua products. The Government of India and Fisheries Department, A.P. have taken steps to create awareness among the farmers to avoid usage of antibiotics.

M/s. Divi's Laboratories Limited., submitted "Marine Environmental Impact Assessment Study for The Disposal of Effluent into the Sea" studied by M/s. Indomer Coastal Hydraulics (P) Ltd, Chennai. In this report (as per the MIKE-21 modeling studies) it was reported that the effluent get diluted to the order of 50 times at a distance of 250 mtrs from the proposed outfall during fair weather. During South-West monsoon and North- East monsoon periods due to combined action of wind and turbulent waves, it's observed that the effluent gets diluted to the order of 50 times within a distance of 50 mtrs from the proposed outfall.

After detailed discussions, the committee recommended to issue NOC to the project proponent for establishment of marine outfall duly indicating the complaint received from M/s. All India Shrimp Hatcheries Association and joint inspection report of the officials of various departments, submitted to the District Collector and Magistrate, SPSR Nellore District. Minutes of the meeting is herewith enclosed as Annexure -II.


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Accordingly, the A.P. Pollution Control Board issued Consent for Establishment (NOC) order dt. 28.10.2020 duly mentioning about the representations. A condition was stipulated that the proponent shall apply for Consent for Establishment (CFE) along with copies of Coastal Regulation Zone (CRZ) Clearance and Environmental Clearance (EC) Order. Hence, the proponent has to approach APPCB to obtain Consent for Establishment (CFE) for the entire project along with above documents before starting construction activity of the proposed industry. A copy of the NOC dt.28.10.2020 is herewith enclosed as Annexure-III.

The NOC order dt.28.10.2020 is for marine outfall facility only but not for the establishment of the industry. The industry not yet started any works pertaining to laying of marine outfall pipelines and not yet started construction activity pertaining to the bulk drug industry except construction of compound wall all along the periphery. The industry need to submit the application for establishment of the industry separately after obtaining the Environmental Clearance from MoEF&CC, GoI.

The site is located adjacent to the proposed Krishnapatnam Industrial North Node (Industrial area). The applicant's hatchery sea water intake point is at about 2.2km from the marine disposal point of the proposed industry. Distance between the proposed site of M/s. Divi's Laboratories Limited & the applicant's hatchery is about 2.0 km. Two more hatcheries are also existing nearer to the applicant's hatchery which are also located at a distance of about 2.2 Km from the proposed industry site. The remaining hatcheries are located at a distance of about 10 km from the proposed site.

The marine discharge industries will be allowed to discharge their effluent only after meeting the discharge standards. The A.P. Pollution Control Board formulated SOPs for monitoring marine outfall systems in the State. As per the SOPs, the industry shall store the treated effluents in the guard ponds. Samples will be collected from the guard ponds by the officials of APPCB. The samples will be tested in the laboratory and if the samples are complying with the standards prescribed by the Board, the treated effluent will be allowed to discharge into the sea through marine outfall, in the presence of officials of APPCB. Double lock and key arrangement is also provided to the marine outfall valves i.e., one lock key with PCB official and another lock key with industry. Online cameras focusing the guard ponds are installed and connected to the APPCB server for 24x 7 surveillance. A Copy of the SOP is herewith enclosed as Annexure- IV.

The following reserve forests are existing near to the proposed industry site as per the EMP submitted by the industry.


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S.No	Name	Distance & direction (from site)
1	Kottapatnam Reserve Forest	Adjacent(N)
2	RF(NearKottapatnamRF)	1.2(E)
3	RF(NearKottapatnamRF)	1.9(ESE)
4	MomidiRF	2.9(W)
5	RF(NearKottapatnamRF)	3.7(SSE)
6	TammenapatnamRF	4.8(N)
7	IpuruRF	8.3(N)
8	UdatavaripalemPF	11.4(SW)
9	VallipeduRF	12.6(SW)

The nearest habitation to the proposed site is Yemadinnepalem of Kothapatnam, which is located at a distance of about 200mtrs towards Eastern Side. Yemadinnepalem consists about 40 to 50 houses with a population of about 150 members.

In SPSR Nellore district, only one Eco-sensitive zone is existing around the Pulicat bird sanctuary. The extent of the Eco-sensitive zone is two kilometers from North to South all along the Western boundary of the Pulicat bird sanctuary in the State of Andhra Pradesh. The proposed site is at a distance of about 14 to 15 Km from the Eco-sensitive zone. Hence the proposed project site does not fall in the eco-sensitive area.

Submitted.

C. Raju Sella
14/7/2021
ENVIRONMENTAL ENGINEER
A.P. POLLUTION CONTROL BOARD
Regional Office
NELLORE.

Item No.01:

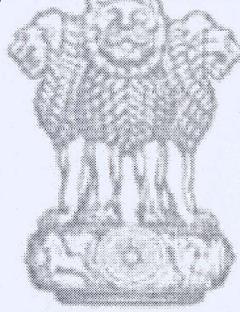
BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 126 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Sri Mahalakshmi Hatcheries,



Versus जयते

Union of India, & Ors.

...Applicant(s)

...Respondent(s)

Date of hearing: 23.06.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. Sarvanan along with K.M. Mrithunjayan

For Respondent(s): Ms. Madhuri Donti Reddy for R2 to R5

ORDER

1. The grievance in this application is regarding the establishing a red category industry in a potential eco-sensitive area at Krishnapatnam Industrial park , Kothapatnam (v), Kota (M), SPSR Nellore District of

Andhra Pradesh by 7th respondent, who is a manufacturer of bulk drug and active pharmaceutical ingredients duly classified as a synthetic organic chemicals industry under 5(f) of the MoEF&CC Notification S.O No. 1533 dated 14.09.2006 known as EIA Notification, 2006. To expand its production capacity, the 3rd manufacturing unit of the 7th respondent was proposed to be established in Kakinada District of Andhra Pradesh. However, due to strong protest owing to its polluting nature and the consequent environmental damage caused by its units situated at Hyderabad and Vishakhapatnam, the local farmers in that area made representation to relocate the same out of the region apprehending pollution.

2. The 7th respondent company acquired lands measuring to an extent of 202 acres in survey nos. 397, 402, 446, 676, 681, 682, 700, 702-709 at Kothapatnam village, Kota Mandal, Nellore District, Andhra Pradesh from one M/s Krishnapatnam Infratech limited for its 3rd manufacturing unit. It is very near to sea and there is possibility of effluent discharge into the sea. Already there are lot of Hatcheries situated within that area and if this unit is also allowed to come, it will have great impact on environment.
3. It is also alleged in application that though this activity requires environment clearance and the application for environment clearance as well as Coast Regulation Zone clearance under the

EIA Notification, 2006 and CRZ Notification, 2011 and 2019 respectively are pending and even before getting necessary clearances, they have now started the work. It is also alleged in the application that such applications are pending before the State Environment Impact Assessment Authority and no decision was taken by the State Environment Appraisal Committee in this regard.

4. The Pollution Control Board has already issued consent to establish by annexure-A20 without ascertaining the fact whether they require any environment clearance or not. So the applicant filed the application seeking following reliefs:

- A. Direct the respondents 1 to 6 to revoke/cancel all licenses/permissions granted to the 7th respondent to the unit at survey nos. 397, 402, 446, 676, 681, 682, 700, 702-709 at Kothapatnam (v), Kota (M), SPSR Nellore.
- B. Pass an order of permanent injunction against the 7th respondent and also other third parties from carrying out any polluting activity detrimental to the environment and the hatcheries present surrounding the Krishnapatnam Industrial Area in Survey Nos. 397, 402, 446, 676, 681, 682, 700, 702-709 at Kothapatnam (v), Kota (M), SPSR Nellore.
- C. Pass an order directing the 7th respondent to relocate its proposed unit from the Krishnapatnam Industrial Area in Survey Nos. 397, 402, 446, 676, 681, 682, 700, 702-709 at Kothapatnam (v), Kota (M), SPSR Nellore.
- D. Direct the respondents 1-6 to notify the Krishnapatnam Industrial Area and the areas within a radius of 10 kms from the site as an eco-sensitive fragile area without any delay and permit only non-polluting industries to establish in the region.
- E. Direct that the entire area be restored to its original condition and to conserve rest of the habitat and bring back the habitat to its original status by applying the polluter pays principle at the cost of the 7th respondent.

F. Directing the respondents to pay the cost of the proceedings.

G. To pass any order or orders as this Hon'ble Tribunal may deem fit, proper and necessary in the interest of justice.

5. On going through the reliefs claimed in the application, this tribunal is of the opinion that such relief claimed under A cannot be granted by this Tribunal. The question as to whether any direction can be given to notify this area as a eco-fragile area and permit only non-pollution industries etc is a policy decision and whether such a relief can be granted or not, will be considered at the time when application is considered after getting the responses from the respondents.

6. On going through the allegations, we are satisfied that there arises a substantial question of environment, which requires the interference of this Tribunal. So, the case can be admitted in respect of reliefs B to G alone, subject to observations made above. Matter is admitted to the extent mentioned above.

7. Mr. Sarvanan along with K.M. Mrithunjayan proposed to appear for the applicant. Ms Madhuri Donti Reddy represented respondents 2 to 5.

8. Issue notice to respondents by Registered Post and Acknowledgment Due and also by e-mail and produce proof of service by producing necessary proof as required, as per Rules. The applicant is directed to serve the copy of the application with

documents to standing Counsel for respondents 2 to 5 within two days, so that they can file their status report regarding the allegations made immediately.

9. The applicant is also directed to produce necessary requisite along with postal cover and postal stamp, so as to issue notice to the respondents through Tribunal to ensure service on them to proceed against them in case they did not appear, in their absence in accordance with law.
10. The Pollution Control Board and also Coastal Zone Management Authority are directed to submit report as to whether 7th respondent-industry requires prior environment clearance as well as Coastal Regulation Zone clearance under EIA Notification, 2006 and CRZ Notification, 2011 respectively, whether any such application has been filed, if so what is the present status, what is the present status of construction, if any, made by the 7th respondent in the property in question. They are also directed to give a picture regarding the allegations made in the application regarding eco-fragile nature of the area and whether such type of industries can be permitted in that area.
11. They are directed to submit the report to this Tribunal on or before 16.07.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

12. The Registry is directed to communicate this order to the official respondents including the pollution control board and coastal zone management authority by e-mail immediately so as to enable them to comply with the directions.

13. For return of notice, filing of written statement and consideration of report as directed, post on 16.07.2021.



.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Dr. K. Satyagopal)

O.A. No. 126/2021(SZ)
23rd June, 2021 (AM)



MINUTES OF THE CFE COMMITTEE MEETING HELD ON 22.10.2020

After detailed discussions, the Committee recommended to issue CFE to generate electricity only after payment of CFO and water cess arrears.

ITEM NO. 25	M/s. Divi's Laboratories Limited, Krishnapatnam Industrial Area (KIA), Kothapatnam Village, Kota Mandal, SPSR Nellore District. - NOC / CFE for laying of pipeline to discharge waste water through marine outfall – Reg.
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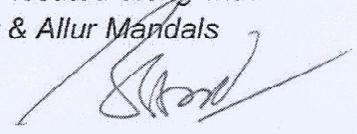
The Committee noted the following:

1. As per the CRZ Rules, 2011, the NOC of State PCB is pre-requisite to obtain clearance under CRZ Rules. Hence, the proponent has applied for NOC / CFE of APPCB.
2. The industry has to inform the quantity of API and intermediates proposed to be manufactured.
3. As per the RO report, the quantity of water consumption and waste water generation are same. Further, the quantity of water used for cooling tower is less than quantity of waste water generated from cooling tower. The industry has to explain the reasons.
4. The industry has to clarify on the remarks of RO and the joint inspection report.

The item was placed before the CFE Committee meeting held on 30.09.2020. The minutes of the meeting are as following:

The Committee noted the following:

1. *As per the request of the Joint Director, Fisheries Department, Nellore to the District Collector, SPSR Nellore District in connection to the instructions received from the Commissioner of the Fisheries to conduct joint inspection along with APPCB on the content mentioned in the representation of All India Shrimp Hatcheries Association for onward submission of report to the Chief Minister's Office, as the Hon'ble Chief Minister, Govt. of A.P. has instructed during the review meeting held on 20.09.2019 that no pollutant industry or pharmaceutical industry should be established near aqua zones / aqua hatcheries in the view of the pollution hazards in nearby water sources. Hence, the District Collector, SPSR Nellore District has directed to conduct Joint inspection by the officials viz., Joint Director, Fisheries, Nellore; Dy. Director, District Industries, Centre, Nellore; Dy. Inspector of Factories, Nellore and EE, APPCB, RO, Nellore & inspected the proposed project site of M/s Divis Laboratories Limited on 07.03.2020.*
2. *During joint inspection, it was ascertained that at about 17 Nos. of hatchery units in Vakadu & Kota Mandal and aqua culture ponds over an extent of about 500 Ha are existing within the vicinity of 10km. radius. During interaction, the Villagers of Yamadinnepalem have informed that the management has constructed compound wall without settlement of land compensation to some of Patta & Dkt lands belongs to the villagers.*
3. *In the joint inspection report, the Joint Director, Fisheries Dept, one of the Joint committee member has stated that the SPSR Nellore District is playing a vital role for production of shrimp seed and around 30% of shrimp seed is being produced from (75) existing hatcheries (under Coastal Aquaculture Authority registered) located along with coastal region from Kota, Vakadu, T.P. Gudur, Indukurpet, Vidavalur & Allur Mandals*



MINUTES OF THE CFE COMMITTEE MEETING HELD ON 22.10.2020

and supplied throughout the country. The main source of intake water to the existing hatcheries is sea coast which is to be free from any toxic chemicals, contaminants, pollutants etc. Hence, the shrimp hatcheries are always located away from the industrial areas, as industrial discharge will have a strong influence on production of seed as well as farming area. The contaminated water with any antibiotic/ pesticides / effluent of pharmaceutical industries will have every chance to settle as residues in shrimp body that stay in the system for a longer period and such farming shrimp production will reject from export to foreign countries and put to heavy loss to the Aqua culture industry and earning of foreign exchange to the nation.

4. During interaction with the representatives from the nearby Hatcheries at the time of joint inspection, they have informed that if the proposed Pharma industry establish and discharge effluents through marine outfall, their hatcheries & aquaculture will be affected, as the hatcheries & some of aqua culturist use sea water as source of water supply for producing healthy post larvae, which would be free of any toxic chemicals, contaminants, pollutants etc. and in the live stock business every parameter is very essential for the successful production levels in the Hatchery segment. The villagers & Representatives from Hatcheries and Aqua culturists have requested not to consider this type of polluting industry.
5. Large extent of sandy lands are available around the proposed Pharma project site. If the proponent explore the possibility to acquire additional land for utilizing the treated effluents for land applications for establishment of pharma unit rather than to dispose through marine outfall, to get rid of the apprehensions of the surrounding aqua culturists on water pollution.
6. In view of the above, the EE, RO: Nellore has recommended not to issue CFE to M/s Divis Laboratories Limited for laying of pipeline to discharge waste water through marine outfall in the light of the of Joint inspection committee remarks in connection to the apprehensions made in the representation of All India Shrimp Hatcheries Association.
7. As per the CRZ Rules, 2011, the NOC of State PCB is pre-requisite to obtain clearance under CRZ Rules. Hence, the proponent has applied for NOC / CFE of APPCB.
8. The industry has to inform the quantity of API and intermediates proposed to be manufactured.
9. As per the RO report, the quantity of water consumption and waste water generation are same. Further, the quantity of water used for cooling tower is less than quantity of waste water generated from cooling tower. The industry has to explain the reasons.
10. The industry has to clarify on the remarks of RO and the joint inspection report.

The representatives of the project proponent attended the meeting through video conference. They have given a power point presentation and informed as following:

- The bio-assay test is being conducted for testing the treated effluents.
- It is estimated that treated effluent will be discharged through the marine outfall into the sea, where it is diluted to 250 times within 500 m distance.
- Few hatcheries are situated within 10 km from the proposed site. Most of the hatcheries are situated 10 km away from the proposed site.

(Signature)

MINUTES OF THE CFE COMMITTEE MEETING HELD ON 22.10.2020

- *The proposal is in consonance with the latest "Industrial Policy-2020" announced by the Government of AP. The Government promised to issue necessary clearances within the time lines stipulated by the Government.*

The treated effluents after meeting the Board standards will be discharged into sea in the presence of APPCB officials.

The EE, RO: Nellore explained about the complaint received against the proposed project and Joint Inspection report submitted to the Collector and District Magistrate, Nellore District. He has suggested to permit the industry to discharge treated effluent on land for irrigation, as plenty of waste land is available in the vicinity of the proposed project site. The Regional Officer has also requested to conduct review meeting with All India Hatcheries Association to discuss the issue.

After detailed discussions, the Committee recommended as following:

- *A meeting shall be convened with the President and Secretary of All India Shrimp Hatcheries Association, Members of the Joint Inspection Committee and representatives of the industry before the CFE Committee to discuss the above issue and to take a decision. The EE, RO: Nellore shall co-ordinate for the meeting.*

Now, the President, All India Shrimp Hatcheries Association, Nellore Regional Chapter, submitted a representation dt.12.10.2020 to the Hon'ble Chief Minister and marked a copy to the Chairman, APPCB. It was requested to study the appeal and relocate the proposed unit of M/s. Divis Laboratories Limited (DLI) at Sy. Nos.397, 404, 402,403,446,676, 681, 682, 683, 700 to 709 etc. Krishnapatnam Industrial Area (KIA), Kothapatnam (V), Kota (M), SPSR Nellore District to Pharma Hub.

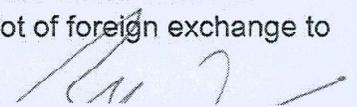
As per the recommendations in the CFE Committee meeting held on 30.09.2020, the concerned representatives of the All India Shrimp Hatcheries Association, Members of Joint Inspection Committee and industry representatives were invited to participate in the CFE Committee meeting on 22.10.2020 through Video Conference.

The Joint Director-Fisheries, Deputy Director-Industries Department, and representatives of the All India Hatcheries Association, attended the meeting through video conference from Regional office: Nellore, APPCB.

The Joint Director-Fisheries informed that 22 hatcheries are existing in Kota mandal and production of hatchlings is about 86,000MT. He opined that the effluent discharged from the proposed industry into the sea may adversely affect the aqua culture activity in the area. It was informed that two years ago, the prawns exported from India to foreign countries were returned

due to presence of antibiotic residues in the prawns. The Deputy Director-Industries Department has also showed the same apprehension for the establishment of the industry in the area on similar grounds for marine discharge.

The representatives of All India Shrimp Hatcheries Association informed that few years ago, the exported processed aqua products were returned to the producers by the foreign countries due the presence of antibiotic residues. The industries incurred huge lose. They have expressed their concern over presence of traces of antibiotics in the effluents discharged from the industry into the sea, which might adversely affect their fish/prawn culture as they use the same water from the sea for aquaculture. In Andhra Pradesh aquaculture units are earning lot of foreign exchange to



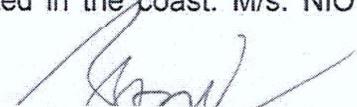
MINUTES OF THE CFE COMMITTEE MEETING HELD ON 22.10.2020

the government. It is back bone to the government. The aquaculture units are site specific and should be located near the sea only. The bulk drug units can be established anywhere in the state. The Hon'ble Chief Minister had assured that industries should not be established in the aqua zone. If antibiotics or other contaminates discharged into the sea by the proposed industry, it adversely impact their products. As a result of that thousands of employees would be affected. They have questioned that whether the management of the proposed industry gives an assurance that antibiotics are not discharged into the sea. In Kakinada they have proposed a unit, few years back. They have obtained all the clearances. For the reasons best known to them, that project is not established so far. Now, they came to SPSR Nellore District and proposed to discharge the effluents into sea through marine disposal. It is therefore, requested to shift the industry to an alternative site so as to save their fish/prawn culture. At present, the farmers are not using antibiotics in the aqua ponds. EMPEDA is testing the aqua products periodically and issuing directions to the farmers from time to time.

The representatives of the proposed industry informed that they would discharge treated effluents only after meeting the Board standards. They assured that antibiotics would not present in the treated effluents. The treated effluents would be stored in the guard ponds of adequate capacity. The samples of the treated effluents would be collected by the officials of APPCB and only after compliance with the standards prescribed by the Board, the effluents would be discharged into the sea through marine outfall in the presence of the officials of APPCB. Thus, there is no chance of contamination of the sea water. As per the report submitted by M/s. Indomer, marine out fall is designed to ensure maximum dilution at the diffusers. The Government of India has sanctioned one pharma park to establish in East Godavari District near the sea. The Government of Andhra Pradesh is also pro-active to establish the pharma park with the assistance of Government of India.

The Chairman, APPCB has clarified as following:

Series of meetings were conducted in the Secretariat regarding return of the aqua products by some of the European countries like U.K. etc. It was revealed that the processing units processed the prawns collected from several farmers cultivating the aquaculture in different ponds. It was observed that antibiotic residues were present in the processed aqua products. Hence, some of the European countries rejected the batch of aqua products. These products were repacked and sent to lesser known European countries like Poland, Greece etc., which accept the aqua products within allowable antibiotic residue levels. It was revealed that the farmers are using antibiotics in prophylactic way to prevent wide spread diseases in the aqua culture ponds. This caused the presence of antibiotics in the aqua products. Subsequently, the Government of India and Fisheries Department, A.P. have taken steps to create awareness among the farmers to avoid usage of antibiotics. The A.P. Pollution Control Board formulated SOPs for monitoring marine outfall systems in the State. As per the SOPs, the industry shall store the treated effluents in the guard ponds. Samples are collected from the guard ponds by the officials of APPCB. The samples are tested in the laboratory and if the samples are complying with the standards prescribed by the Board, the treated effluent is allowed to discharge into the sea through marine outfall, in the presence of officials of APPCB. This activity is carried out during day time only. Double Lock and key arrangement is also provided to the marine outfall valves i.e., one lock key with PCB official and another lock key with industry. Further, bio-assay test is being carried out at all the marine outfalls. It is observed from the marine EIA reports prepared by accredited consultant viz., M/s. INDOMER etc., about 250 times dilution occurs within 500m. Thus, the impact of the treated effluents on the marine eco system is very minimal. The APPCB entrusted the project to M/s. National Institute of Oceanography (NIO) to assess the impacts of treated effluents generated through marine outfalls from the industries situated in the coast. M/s. NIO concluded that there is no impact on the marine ecosystem.



MINUTES OF THE CFE COMMITTEE MEETING HELD ON 22.10.2020

The Industries Department is competent to declare specific areas for specific type of industries Ex: GOs issued by the Industries Department, A.P., restricting red category industries around M/s. KIA Motors, Anantapuram district. The APPCB will permit only such industries in the designated areas. Then there will not be any apprehension among the people or farmers. So far, the Industries department of A.P. not yet declared this area for restricting certain types of industries.

Further, the Committee observed that proponent requires the approval from APCZMA, which is having members (about 14 members) of higher level officials of Government i.e., Principal Secretary to Government (or) Special Commissioner (Disaster Management); Principal Secretary to Government (or) Commissioner of Fisheries, Fisheries Department; Principal Secretary to Government (or) Commissioner of Industries, Industries & Commerce Department, experts from different fields etc. where the apprehensions expressed by the hatcheries' association may also be examined.

After detailed discussions, the committee recommended to issue NOC to the project proponent for establishment of marine outfall duly indicating the complaint received from M/s. All India Shrimp Hatcheries Association and joint inspection report of the officials of various departments, submitted to the District Collector and Magistrate, SPSR Nellore District.

ITEM NO. 26	M/s. Oil & Natural Gas Corporation Ltd., onshore development drilling well i.e. MDSDA at Vakattippa (V), Kapileswarapuram(M), East Godavari District- Applied for CFE & CFO – Reg.
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In order to comply with the time limits stipulated by the Government, the Board Rejected CFE application vide order dt. 21.10.2020 as ONGC had already completed the development of well and same was connected to nearby GCS station i.e. Mandapeta GCS, without obtaining CFE & CFO of the Board.

After detailed discussions the Committee ratified the Rejection order issued.



CHAIRMAN



ANDHRA PRADESH POLLUTION CONTROL BOARD

D. No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010
Website: www.pcb.ap.gov.in

CONSENT FOR ESTABLISHMENT (NOC) ORDER

Order No.258 /APPCB/CFE/RO-NLR/HO/2020

28/10/2020

Sub:APPCB – NOC / CFE – M/s. Divi's Laboratories Limited, Sy. No. 397, 401, 402, 403, 446, 676, 681, 682, 683, 700, 701 to 709, Krishnapatnam Industrial Area (KIA), Kothapatnam Village, Kota Mandal, SPSR Nellore District - Consent for Establishment of the Board for CFE (NOC) for marine outfall to discharge treated effluents under Sec.25 of Water (P & C of P) Act, 1974 and Under Sec.21 of Air (P&C of P) Act, 1981 - Issued - Reg.

- Ref:
1. Proponent's application received through single desk portal on 26.09.2020.
 2. R.O's inspection report dt.29.09.2020.
 3. CFE Committee meeting held on 30.09.2020.
 4. Hatcheries Association Representation dt.12.10.2020
 5. CFE Committee meeting held on 22.10.2020.
 6. Industry mail dt.01.10.2020 & letters dt.22.10.2020, dt.24.10.2020.

1. In the reference 1st cited , an application was submitted to the Board seeking CFE (NOC) for marine outfall to discharge treated effluents to be generated from the proposed Active Pharmaceutical Ingredients (APIs) & Intermediate products manufacturing unit of production capacity 10,483 TPA. The project cost of marine outfall is Rs.100 lakhs. The details of the marine outfall are as following:

- Length of the pipeline : 2.3km
- Area of the corridor: (2.3km X 2 m) = 4,600Sq.m.
- HDPE pipeline with Inner dia : 240mm and Outer dia : 280mm
- No. of ports : 3 x 150mm dia
- Volume of discharge : 1727m³/day

2. As per the application, the above project is to be located in the Krishnapatnam Industrial Area (KIA), Kothapatnam Village, Kota Mandal, SPSR Nellore District.

3. The site was inspected by the Environmental Engineer, Regional office, Nellore, A.P Pollution Control Board on 26.09.2020 and observed that the site is surrounded by

- North** : Land belongs to M/s. KPCL Infra, local villagers & Reserve Forest.
South : Private land & Reserve Forest land.
East : Bay of Bengal
West : Proposed Pharma project site of M/s. Divi's Laboratories Ltd.

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4. The All India Shrimp Hatcheries Association had submitted a representation to the District Collector, SPSR Nellore District. Based on the representation, the District Collector had directed to conduct Joint inspection by the officials viz., Joint Director, Fisheries, Nellore; Dy. Director, District Industries Centre, Nellore; Dy. Inspector of Factories, Nellore and EE, APPCB, RO: Nellore. Accordingly, Joint Committee inspected the proposed project site of M/s. Divis Laboratories Limited on 07.03.2020 and submitted a joint inspection report to the District Collector, SPSR Nellore district. It was reported that the villagers & representatives from Hatcheries and Aqua culturists have requested not to consider this type of polluting industry.

The President, All India Shrimp Hatcheries Association, Nellore Regional Chapter, submitted a representation dt. 12.10.2020 to the Hon'ble Chief Minister and marked a copy to the Chairman, APPCB. It was requested to study the appeal and relocate the proposed unit of M/s. Divis Laboratories Limited (DLI) at Sy. Nos. 397, 404, 402, 403, 446, 676, 681, 682, 683, 700 to 709 etc. Krishnapatnam Industrial Area (KIA), Kothapatnam (V), Kota (M), SPSR Nellore District to Pharma Hub.

5. The Board, after careful scrutiny of the application, verification report of Regional Officer: Nellore and recommendation of the CFE Committee hereby issues **CONSENT FOR ESTABLISHMENT (NOC) FOR MARINE OUTFALL FACILITY** under Section 25 of Water (Prevention & Control of Pollution) Act 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and the rules made there under. **This order is issued to the activity as mentioned at para (1) only.**

6. This order is subject to the conditions mentioned in the annexure.

7. This order is issued from pollution control point of view only. Zoning and other regulations are not considered.

8. **This order is valid for a period of 7 years from the date of issue.**

Encl: Annexure

Siva Sankar Prasad
Bandla

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**BANDLA SIVA SANKARA PRASAD, CHAIRMAN, O/o CHAIRMAN-APPCB
Chairman**

To
**M/s. Divi's Laboratories Limited,
Sy Nos. 397, 404, 402, 403, 446, 676,
681, 682, 683, 700 to 709
Krishnapatnam Industrial Area (KIA),
Kothapatnam (V), Kota (M),
SPSR Nellore District.
siripurapu.balaji99@gmail.com**

Copy to: 1. The JCEE, Z.O., Vijayawada for information and necessary action.
2. The E.E., R.O, Nellore for information and necessary action.

Annexure

1. The source of water is Borewells, Kandaleru Reservoir, Krishnapatnam Port and the maximum permitted water requirement (as per Power point presentation) is as following:

S.No.	Purpose	Quantity (KLD)
1.	Process	810.0
2.	Reactors, Floor washings etc.	200.0
3.	RO/ DM Plant	200.0
4.	Boiler	500.0
5.	Cooling Tower	743.0
6.	Domestic & Hostels	270.0
7.	Green Belt	520.00
	Total	3243.00 KLD

Fresh water requirement = 2500 KLD and Treated water recycled = 743 KLD

Separate meters with necessary pipe-line shall be provided for assessing the quantity of water used for each of the purposes mentioned above.

2. The maximum waste water generation (as per Power point presentation) shall not exceed the following:

S.No.	Purpose	Quantity (KLD)
1.	Process	1002.0
2.	Reactors, Floor washings etc.	180.0
3.	RO/ DM Plant	200.0
4.	Boiler	425.0
5.	Cooling Tower	420.0
6.	Domestic & Hostels	243.0
	Total	2470.00 KLD

Out of that 743 KLD of treated wastewater is recycled and remaining 1727 KLD after treatment shall be discharged through marine outfall.

3. The proponent shall provide ETP of adequate capacity to treat the effluents. The effluents shall be treated to the marine discharge standards, as stipulated under Schedule VI of Environment (Protection) Rules, 1986, notified by Ministry of Environment and Forests, Government of India vide G.S.R.422 (E), dt.19.05.1993 and its amendments thereof.
4. The proponent shall construct guard ponds to store the treated effluent generated with lock and key arrangement to the outlet. The treated effluent from the guard pond shall be discharged into the sea under the supervision of APPCB officials.
5. Effluents shall not be discharged on land or into any water bodies or aquifers under any circumstances.

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6. The proponent shall regularly monitor the flora and fauna of the marine aquatic life. The trend analysis of the monitoring reports shall be compared with the base line data. If it is found any negative impacts, immediate restorative measures shall be implemented duly submitting a report to Board.
7. The proponent shall provide continuous online effluent monitoring system for regular monitoring of prescribed parameters at the outlet of the industry. It shall be connected to the website of CPCB and APPCB.
8. **The industry shall apply for CFE for project along with copies of CRZ clearance and EC order.**
9. The proponent shall provide magnetic flow meter with the digital totalizer with recording facility for the purpose of quantification of treated effluent discharged through marine outfall
10. The proponent shall comply with all the directions issued by the Board from time to time.
11. Concealing the factual data or submission of false information/ fabricated data and failure to comply with any of the conditions mentioned in this order and attract action under the provisions of relevant pollution control Acts.
12. Notwithstanding anything contained in this conditional consent, the Board hereby reserves its right and power under Sec.27(2) of Water (Prevention and Control of Pollution) Act, 1974 and under Sec.21(4) of Air (Prevention and Control of Pollution) Act, 1981 to revoke in the order, review any or all the conditions imposed herein and to make such alternation as deemed fit and stipulate any additional conditions or revoke the order in the interest of environment protection.
13. Any person aggrieved with this order may within thirty days from the date on which the order is communicated to him, prefer an appeal as per Andhra Pradesh Water Rules, 1976 and Air Rules, 1982, to the Appellate Authority constituted under Section 28 of Water (Prevention and Control of Pollution) Act, 1974 and Section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

Siva Sankar
Prasad Bandla

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BANDLA SIVA SANKARA PRASAD, CHAIRMAN, O/o CHAIRMAN-APPCB
Chairman

To
M/s. Divi's Laboratories Limited,
Sy Nos.397, 404, 402,403,446,676,
681, 682, 683, 700 to 709
Krishnapatnam Industrial Area (KIA),
Kothapatnam (V), Kota (M),
SPSR Nellore District
siripurapu.balaji99@gmail.com

**STANDARD OPERATING PROCEDURES (SOPs) FOR MONITORING
MARINE OUTFALLS IN THE STATE**

The Spl C.S, EFS&T, GoAP, during the review of marine monitoring in the meeting held on 22/08/2019 instructed for strict and **transparent procedure** for the supervision and data collection on marine outfall discharges from the industries and CETPs. Accordingly, this issue was examined at ZO: Visakhapatnam level and a report was submitted to the Head Office. This issue was further examined at Head Office and evolved the following protocol to be followed and recommendations to be implemented for effective monitoring of marine outfall system:

Additional measures suggested with technological intervention for transparent discharge treated effluents through marine outfalls:

- i. At present, the marine outfall pipelines within the premises of the industry are laid below the ground level. This is causing a doubt whether there are any by-pass pipelines connecting to marine outfall, below the ground level. In order to overcome above doubts, the existing pipelines shall be laid in a **masonry / RCC open trench** or above ground level within the factory premises up to the boundary. **This shall be completed within 15 days.**

- ii. **Scanning and detection of pipelines:**

Pipeline detection techniques may be adopted to check the presence of illegal pipeline / by pass pipelines. If required, a competent agency in this field may be hired to detect the illegal pipelines / by pass pipelines below the ground level.

- iii. The existing cameras provided are focusing on flow meter only and the same is connected to CPCB / APPCB websites. The online cameras for guard ponds and entire ETP shall be provided for continuous monitoring of operation of the ETPs, guard ponds and the marine outfall disposal system. The RO: Visakhapatnam / the SEE, ZO: Visakhapatnam shall monitor the marine outfalls continuously through online system. The JCEE, ZO: Visakhapatnam and Environment monitoring cell in the Head Office shall randomly monitor the ETPs and marine outfalls. **The online cameras shall be installed in 30 days.**
- iv. The industries have installed tap off points to monitor the parameters of the treated effluents for TOC and COD, online, continuously. In that sampling system some of the industries are collecting the treated effluents into an open trough and monitoring the parameters TOC and COD with the sensors. There is a chance that the effluent being monitored in the trough is diluted with fresh water. This results in change in the readings of the online parameters. Hence, the open trough shall be removed. The sensor / probe shall be installed in the tap of pipeline only to obtain representative values of the parameters. **This activity shall be completed within 30 days.**
- v. Visible level indicators shall be provided by the industries at all guard ponds **within one week.**
- vi. The existing Mobile laboratory shall be upgraded with the facilities to do random analysis for core parameters viz., pH, COD and TSS in the field itself, **within 30 days.** Sri B. V. Prasad, JSO at Head Office shall take necessary action in this regard.

vii. The IT cell at Head Office shall ensure to provide adequate capacity (for 15 to 30 days) to store the videos recorded through online cameras **within 15 days.**

viii. **Displaying information in the public domain:**

The analysis reports of the samples collected for marine outfall monitoring shall be kept in the website of APPCB in the public domain.

ix. **Online monitoring tool / App:**

The IT section at Head Office and Environment monitoring cell shall develop an online monitoring tool / dash board / an App to display all the activities mentioned in the SOPs i.e., date, name of the industry, names of the staff in the monitoring team, operation of online digital cameras from the offices of APPCB to know the operational status of ETPs and Marine outfalls, display of analysis reports etc., on a real time basis and also to take out monthly / half yearly reports.

I. **Administrative Protocol:**

a. **Allotment of duties for supervision of marine discharges:**

The JCEE, Zonal office, Visakhapatnam allots duties for each schedule. The team shall consist of the following:

- i. Regular employee (JSO or AEE) shall be in the team in all the days of monitoring / marine discharge.
- ii. In addition to above, out sourcing AEE, Analyst and Field asst., shall be there in all the teams, on all days of monitoring.

b. **Hiring of Vehicles and provision of accessories for sample collection :**

AEE – III, ZO, Visakhapatnam shall co-ordinate for hiring of vehicles and procurement of accessories for sample collection under intimation to the EE, ZO.

c. **Day to day administrative monitoring:**

The SEE shall monitor field activity on day to day basis during schedules. The EE and AEE –III shall compile the data pertaining to each schedule and submit to the JCEE through SEE.

d. **Control of keys of the locks:**

- 2 sets of keys, each shall be in the custody of the SEE and EE, ZO. Remaining sets of keys shall be kept in the custody of JCEE, ZO: Visakhapatnam.

II. Protocol for Field Supervision of Marine Discharge in the industries / CETPs :

- a. Regular staff shall be the team leader and co-ordinate the activities pertaining to supervision of marine discharge, data collection, compilation of photos, submission of samples at Zonal Laboratory and submit detailed report within 24 hours.
- b. The team leader shall inform / contact EE, ZO or SEE, ZO for any clarification and reporting of any emergency event which needs to be addressed immediately.
- c. The staff (Regular & Outsourcing) shall not be absent to duty without prior approval of the SEE, ZO: Visakhapatnam.
- d. The outsourcing employees allotted duties shall be present at the discharge point throughout the discharge time.
- e. The on duty regular staff shall collect the samples from the guard ponds before starting the discharge and on the 2nd day /3rd day also, if required.
- f. All the keys with the team shall be deposited in the Zonal office after completion of the marine outfall monitoring duty on the particular day.
- g. The regular staff shall ensure that all the details shall be filled in the sample submission form and shall be forwarded through whatsapp after completion of the discharge and also updated in the on line monitoring tool / App.
- h. The staff carrying out the monitoring shall take the photographs at the following locations before starting the monitoring and in the lunch time and shall forward the same to the SEE and EE of Zonal office through whatsapp / online monitoring tool / App.
 - Guard pond for which the discharge is permitted.
 - Level indicators in the guard pond.
 - While collecting samples from the guard ponds which are filled with treated effluent and ready for next schedule of discharge.
 - Photos of the seal put on the sample cans after sample collection.
 - TOC and COD analyzer with readings.
 - Flow meters ensuring visibility of the totalizer reading in the flow meter
 - Aerial photograph of ETP and guard ponds by drones.
- i. The photographs shall be taken for the following after completing the discharge into marine outfall.
 - Level indicators in the guard pond.
 - All the seals for inlets of the guard ponds and marine pipe line after closing the discharge.

The photos of level indicator shall be taken on the 2nd and 3rd day also, if applicable, as mentioned above.

III. Protocol for sample collection and Analysis :

- a. The samples from the guard ponds and the ETP outlet shall be collected by the regular staff only on all days of the schedule.
- b. The collected samples shall be sealed. The responsibility of safe custody of the samples collected is on the regular officer on duty till their submission to Zonal laboratory. The sealed samples shall be kept in the Refrigerator provided at the Zonal Laboratory.
- c. Samples along with required data sheet duly filled in shall be handed over by the regular staff to the JSO – I, Zonal Laboratory: Visakhapatnam.
- d. The JSO – I, Zonal Laboratory: Visakhapatnam shall ensure coding of samples and allotment coded samples to the analyst.
- e. The JSO – I, Zonal Laboratory: Visakhapatnam shall ensure that the core parameters i.e. pH, COD, and TSS are analysed and reports are submitted to JCEE, ZO, Visakhapatnam immediately. The analysis of the other parameters of CFO orders shall be completed and report shall be submitted within 5 days.
- f. The JSO – I, Zonal Laboratory: Visakhapatnam shall submit the graphical presentation of sample analysis reports at the time of submission of analysis reports.
- g. Sri B.V. Prasad, JSO at Head Office shall take necessary steps to upgrade the existing mobile laboratory to install TOC analyzer **within 30 days**.
- h. Mobile lab services may be arranged so that samples are analysed and report is generated on the spot. **[Sri B.V. Prasad to prepare action plan in a week]**

IV. Initiation of follow up action :

The AEE – III shall initiate file proceedings for taking up follow up action on the issues highlighted in the schedule, prepare Monthly reports and comparative graphical presentation of the data received from the Laboratory, by 5th of every successive month.

V. Calibration of online equipment:

The Zonal office shall depute special teams for inspection and verification of Online Continuous Effluent Monitoring Systems (OCEMS) once in a month for all the industries for calibration.

VI. Random Checks:

The ZO shall depute senior officers to carryout surprise inspections for verification and collection of samples to cross check the veracity of samples being collected by the teams.

- VII. National Institute of Oceanography (NIO)** shall be hired for monthly Coastal monitoring. The SOPs evaluated by the Board may be audited by a team consists of professor from Andhra University, Department of Oceanography and a representative from NIO, periodically to know the effectiveness of SOPs implementation. The JCEE, ZO: Visakhapatnam shall take necessary action in this regard.
- VIII.** Industries shall display the data of marine outfall i.e., quantity of treated effluent discharged through marine outfall, pH, suspended solids (SS) and COD values on a board installed beside the main gate.

The JCEE, ZO: Visakhapatnam shall maintain the photographs of existing ETPs, marine outfalls, Flow meters within the premises of the industries. Photographs of ETPs, marine outfalls, Flow meters shall be taken after completion of above mentioned modifications.

Any deviation from the above protocol will be viewed seriously. The JCEE, ZO: Visakhapatnam shall initiate necessary action in the matter against defaulting staff. The JCEE, ZO: Visakhapatnam is overall in charge for the above monitoring activity.

Bandla Siva
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CHAIRMAN

