

**HP STATE POLLUTION CONTROL BOARD,
BELOW BCS, PHASE-III, NEW SHIMLA**

No. HPPCB/OA No. 136/2020 /-

14988

Dated: 20.1.2022

From: The Member Secretary

To

The Registrar General,
Hon'ble National Green Tribunal, Copernicus Marg,
New Delhi

Subject:- Final Report of the Joint Committee in compliance to order dated 23-06-2021 passed in OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of HP & Ors.

Sir,

This has reference to order dated 23-06-2021 passed by Hon'ble National Green Tribunal, Delhi in the afore-cited matter wherein following directions has been passed:-

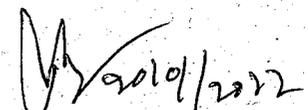
".....A joint Committee of nominee of MoEF&CC, CPCB, State PCB and District Magistrate, Solan may conduct inspection of the area and give a report of the status of violations and the remedial action taken within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for compliance. The Committee may interact with the concerned stake holders, including the concerned Industries. The report may inter alia give status of performance of individual pharmaceutical units, particularly with reference to removal of API residue by them and by the CETP, the number of pharma industries connected to CETP and those discharging effluents directly into the drain and the river. The report may further indicate chemical and biological water quality of rivers in question - Sirsa and Sathuj, including the status of residue at relevant locations....."

In compliance to afore-cited orders dated 23-6-2021, the Joint Committee conducted field visits and collected various samples and submitted its progress report dated 25-9-2021 to the Hon'ble Tribunal with the request for extension of timeline for submission of complete report upto 31-1-2022 .

That the Joint Committee has now submitted its final report in continuation to the previous report filed before the Hon'ble NGT, which is annexed as **Annexure R-A**.

The copy of Final Report submitted by the Joint Committee annexed as **Annexure-R-A** may kindly be placed on record please.

(Encl: As above)


Member Secretary
HPSPCB Shimla

	HP STATE POLLUTION CONTROL BOARD HIMUDA COMPLEX, Phase -I, Baddi Tehsil Baddi, Distt. Solan (HP) Phone-01795- 245374	
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No. HPSPCB/ O.A. No.136/2020-Veterans Forum Vs State of HP/2021- 3049-50

Dated: 20/11/2022

To

✓ The Member Secretary,
 H.P. State Pollution Control Board,
 HIM Parivesh, Phase-III, New Shimla-171009.

Subject: Regarding Report of the Joint Committee in compliance to the directions of Hon'ble National Green Tribunal orders passed in OA No.136/2020 titled Veterans Forum for Transparency in Public Life Vs State of HP & Ors.

Sir,

This is in reference to the subject cited above. In this context, please find enclosed herewith the Report of the Joint Committee in compliance to the directions of Hon'ble NGT passed in OA No.136/2020 titled Veterans Forum for Transparency in Public Life Vs State of HP & Ors.

This is for kind information and necessary action please.

Yours faithfully,

Encl: As Above.

✓
 Chief Environmental Engineer,
 HP State Pollution Control Board,
 Baddi, Distt. Solan-173205.

Copy forwarded to:

1. The Sr. Law Officer, HP State Pollution Control Board, Shimla for information.

✓
 Chief Environmental Engineer,
 HP State Pollution Control Board,
 Baddi, Distt. Solan-173205.

Final Report of the Joint Committee, in compliance to the directions of Hon'ble National Green Tribunal given vide order dated 23/6/2021, in OA No. 136/2020; Veterans Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors.

1. Background

The matter in OA 136/2020 titled Veterans Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors. is related to pollution caused by discharge of effluents by the pharmaceutical industry.

“The Prayer in this application is for remedial action against discharge of waste from CETP at Baddi and from Acme Life Sciences, Nalagarh and Helios Pharmaceuticals at Solan, to prevent pollution of rivers Sirsa and Satluj. According to the applicant, the CETP is not connected to pharmaceutical units at Barotiwala and Nalagarh who are discharging their effluents directly into the rivers. It is further stated that even after treatment in ETP/STPs, pharmaceutical ingredients may still be coming out from the industries unless ETP/STPs are specialized for the purpose. It is further stated that present CETP is not designed to neutralize Active Pharmaceutical Ingredient (API). The TSDF does not receive sludge generated from the industrial units at Nalagarh. The industries located at Baddi area are generating 20779 KLD of industrial effluent, out of which 17894 KLD is being treated at CETP and remaining 2885 KLD is being disposed of by the occupiers directly into river Sirsa. There is no existing sewerage system in BBN area and no demarcation in residential and industrial area. Presence of Ciprofloxacin in the concentration of 296.1 ug/l was found on chemical analysis. Concentration of Ciprofloxacin in the effluent discharge of M/s Acme Life Sciences work out to be 13455 times of the prescribed limit. The increasing occurrence of multi-resistant pathogens is a serious global threat to human health and it is finding its way into the water bodies and drinking water through industrial discharge and also due to heavy use of antibiotics in human and veterinary medicine.”

After considering the report of the Committee during hearing on 23/6/2021, Hon'ble NGT observed as follows:

“We find that there is gross failure on the part of the State PCB to act as per public trust doctrine in preventing discharge of toxic effluents containing harmful residue of antibiotics in water posing threat to aquatic life (reference: “biomonitoring of Sirsa River in Baddi area of Himachal Pradesh by Bhagat S. Chauhan, et al, International Journal of

Theoretical and Applied Sciences 5 (1): 183-185(2013)) which is also in violation of the Water (Prevention and Control of Pollution) Act, 1974.

Such failure of statutory duties is at the cost of public health and protection of environment for which Chairman and Member Secretary of the PCB owe an explanation which may be furnished before the next date.

Mere fact that standards have not been revised by MoEF&CC of the residual antibiotics in industrial effluents can be no justification for State PCB not taking steps to prevent. Pending finalization of standards by MoEF&CC, State PCB can go by earlier standards or lay down standards by itself under section 17 of the Water Act. MoEF&CC needs to expedite the process of finalizing the standards in the interest of protection of environment.”

2.0 Directions of Hon’ble National Green Tribunal:

It was directed by Hon’ble National Green Tribunal vide order dated 23/6/2021 (**Annexure-1**) as follows:

“Accordingly, MoEF& CC and the State PCB may take further remedial action expeditiously. The State PCB may ensure that no harmful components in the effluents are discharged into the water by the units in question or any other API unit. A joint Committee of nominee of MoEF&CC, CPCB, State PCB and District Magistrate, Solan may conduct inspection of the area and give a report of the status of violations and the remedial action taken within three 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. The State PCB will be the nodal agency for compliance. The Committee may interact with the concerned stake holders, including the concerned Industries. The report may inter alia give status of performance of individual pharmaceutical units, particularly with reference to removal of API residue by them and by the CETP, the number of pharma industries connected to CETP and those discharging effluents directly into the drain and the river. The report may further indicate chemical and biological water quality of rivers in question - Sirsa and Satluj, including the status of residue at relevant locations. CPCB may also suggest monitoring mechanism for API residue through a credible system so as to cover all pharma industries in the country discharging API residue directly or indirectly in river systems. CPCB may propose the timelines to undertake monitoring which may also take a note of water quality monitoring guidelines of CPCB titled “Guidelines on Water Quality Monitoring, 2017” and the performance audit report dated 18.09.2020 filed by CPCB in OA 95/2018, Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors. and the directions of the Tribunal dated 05.02.2021. Relevant direction is reproduced below:

“22. The directions on the subject are summed up as follows:

i to vi xxx.....xxx.....xxx

vii. CPCB and State PCBs/PCCs, as directed earlier, may utilise EC funds on laboratory set up/upgradation, and on the mentioned areas in the report as well as on approved District Environment Plans. No approval of Central/State Government will be necessary in this regard in view of section 33 of the NGT Act, supra.”

3.0. Report of the Joint Committee for the compliance of the Directions of Hon’ble National Green Tribunal:

3.1 Constitution of the Joint Committee

In compliance to NGT Orders in the above matter, the joint committee comprising of the following members was constituted on 24.08.2021 based on the nominations received from concerned departments.

- 稀 Sh. Mahendra Pal Gurjar, IAS, Sub-Divisional Magistrate, Nalagarh, Solan (Member nominated by District Magistrate, Solan)
- 稀 Sh. P. C. Gupta, Regional Officer, HPSPCB, Baddi (Nominated by HPPCB)
- 稀 Dr. Narender Sharma, Additional Director, CPCB Regional Directorate, Chandigarh (Nominated by CPCB).
- 稀 Shri Ashwani Kumar, Assistant Director, IRO, MoEF&CC Shimla (Nominated by MoEF&CC)

3.2. Meeting of the Joint Committee:

The meeting of the Joint Committee was conducted on 6th-7th September, 2021. During the meeting, the deliberations were made on the points to be complied by the Joint Committee. As per orders of Hon’ble National Green Tribunal, the joint committee is required to comply with the following directions:

- i. Interaction with the concerned stake holder including the concerned industries.
- ii. Status of performance of individual pharmaceutical units, particularly with reference to removal of API residue by them and by the CETP and those discharging effluent directly into the drain and the river.
- iii. Chemical and biological water quality of rivers in questions- Sirsa and Satluj, including the status of residue at relevant locations.
- iv. Inspection of the area and the report on the status of violations and remedial action taken.

3.3. Interaction with the concerned stakeholders including the concerned industries:

In compliance of the orders of Hon'ble National Green Tribunal, a stakeholder meeting was conducted on 20/9/2021 at Regional Office, HPPCB, Baddi, wherein the following stakeholders were invited:

- 稀 Dr. Rajesh Gupta, President, Himachal Drugs Manufacturers Association, 153, 1st floor, Motia Palaza, near Baddi Toll Barrier, Baddi, District Solan, H.P.-173205. **(Representative of Pharma Industry)**
- 稀 Mr. Sanjay Khurana, President, BBNIA, EPIP-Jharmajri Road, EPIP, Phase- 1, Jharmajri, Baddi, Himachal Pradesh-174130 **(Representative of Industries located in Baddi, Barotiwala and Nalagarh)**
- 稀 The President, Lagu Bharti Udyog, 151, DIC, Industrial Area, Baddi, Himachal Pradesh 173205 **(Representative of Small Scale Industries)**
- 稀 Dr. Bishwanath Prasad Singh, Wing Commander (Retd), B-12 4, Swan Nagri, Greater Noida, Dist- G. B. Nagar, UP-201306 **(Applicant in the matter of OA. No. 136 of 2020; Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors.)**

The applicant in this matter viz. Dr. Bishwanath Prasad Singh, Wing Commander (Retd) did not attend the stakeholders' meeting.

The members of the Joint Committee viz. SDM, Nalagarh, MoEF&CC member, HPPCB member along with other officials of HPPCB Regional Office, Baddi, attended the meeting. CPCB member could not participate in the meeting due to engagement in another matter in OA No. 124 of 2021.

The representations made by various stakeholders are attached as **Annexure-2 to Annexure-4**. The minutes of the meeting of the stakeholders' meeting are attached herewith as **Annexure-5**. **The following is the summary of the views expressed by various stakeholders representing the industry with regard to antibiotic residues in the effluents from the Pharma industries and treated effluent from CETP, during the meeting and also in the written representations made by them:**

- a) **MoEF&CC has notified the standards for Pharma industry vide Notification dated 06.08.2021 (Annexure-6), wherein limits of Antibiotic residues as mentioned in the draft Notification (Annexure-7) have been withdrawn/dropped in the final notification dated 06.08.2021.**
- b) In the standards notified by MoEF&CC vide Notification dated 06/08/2021, the chemical and biological sludge or any residue, reject, concentrate generated from wastewater treatment or its management facility at industry or CETP catering to industries engaged in manufacturing of bulk drug or formulation of pharmaceuticals, has been classified as Hazardous waste as per the provision of clause 17 of sub-rule(i) of rule 3 of the hazardous and other waste(Management) Rules, 2016 and shall be subject to the provision made therein.
- c) **No action should be taken against the pharmaceutical industries as the parameters w.r.t. residual antibiotics in the treated effluents are not included in the standards notified by MOEF&CC.**
- d) Representative of BBN Industries Association informed during the meeting that **they have received the funding support to the tune of Rs. 28 Crores from the Ministry of Commerce and Industry, Government of India, under “Trade Infrastructure for Export Scheme”** for their proposal on **“3 MLD Effluent Refractory Management and TDS reduction in CETP”**. The 3 MLD effluent proposed to be treated under this proposal includes pharmaceutical industrial effluent for treatment of API and Antibiotic residues. A DPR prepared in this regard by the Association was also provided to the Joint Committee. On the examination of the details provided by the Association in this regard, it was found that the aspect of API and antibiotic residues in the proposed scheme was not very clear and hence Association was requested to provide the clarification on the following points by HPPCN vide letter dated 22/9/2021 (Copy attached as **Annexure-8**):
- i. Composition of refractory material considered by you in the DPR.
 - ii. Concentration of API and Antibiotic Residues at the inlet of modified CETP designed by Association

- iii. Concentration of API and Antibiotic residues at the outlet of modified CETPs designed by Association

The Association vide letter dated 23/9/2021 (Copy attached as Annexure-9) have submitted following clarification/confirmation on the above points raised by the Joint Committee:

- i. **Antibiotic residues and API are covered under the treatment scheme as submitted in the DPR of 3 MLD refractory management and TDS/FDS reduction in CETP Kenduwal, Baddi through adsorption process and subsequent ultra-filtration process.**
- ii. **The inlet antibiotic residue and API concentration (Cat III-Pharma Units) for this add on facility at CETP is considered as on higher side of 22-25 mg/l but actual testing will be done while undertaking treatability on pilot basis.**
- iii. **The content of antibiotic residue and API in the final outlet after treatment in this proposed add on facility in CETP, Baddi will be Nil.**

In this regard, it was also informed by the Association that Govt. of Himachal Pradesh has already sanctioned and partially released the funds, for this proposal and this project shall be completed within one year.

3.4. Status of performance of individual pharmaceutical units, particularly with reference to removal of API residue by them and by the CETP and those discharging effluent directly into the drain and the river.

In this matter and also in the matter of OA No. 801 of 2018: Jasmeet Singh Vs. State of Himachal Pradesh, **210 pharmaceutical industries (111 antibiotic manufacturing and 99 non-antibiotic manufacturing) located in Baddi- Barotiwala area were monitored by HPPCB, during July to October, 2021, to verify the compliance of parameters prescribed by HPPCB/Himachal Pradesh Government for discharging at the inlet of CETP.**

Out of 111 antibiotic manufacturing industries monitored by Himachal Pradesh Pollution Control Board in this matter, 37 industries were found to be non-complying w.r.t. limits prescribed for discharging into the CETP.

No action could be taken by HPPCB against the above 37 Pharmaceutical industries, which were found to be not complying with the CETP inlet norms, since, the Baddi Barotiwala Nalagarh Industrial Association (BBNIA) has filed a petition in the High Court of Shimla (CWP No. 4961 of 2021), wherein the CETP inlet norms as per notification dated 26/12/2019 issued by Govt. of HP (Department of Environment Science & Technology) in compliance of MoEF&CC Notification dated January 1, 2016, have been challenged, taking a plea that the environmental clearance has specified condition of treatment and inlet norms which may be specified by State Pollution Board for units discharging more than 200 KLD and direction has been issued to the State Pollution Control Board. Hon'ble High Court vide orders dated 01/09/2021 and 10/11/2021, had directed not to take coercive action against them. The copies of petition filed by the industries, Hon'ble High Court Order dated 1/09/2021 and order dated 10/11/2021 and the reply filed by HPPCB before the Hon'ble High Court are enclosed as **Annexure-10**. The orders passed by Hon'ble High Court is as under:

"...In the meanwhile, respondents are restrained from taking any coercive action against petitioners.....order dated 01-09-2021"

"...The order dated 01-09-2021 is clarified to the extent that the same shall only be applicable to those industries having less than 200 KLD hydraulic discharge.....order dated 10-11-2021"

Now, the above matter is listed for hearing before the Hon'ble High Court on 12-04-2022.

Further, the joint committee was directed by Hon'ble National Green Tribunal **to report the status of individual pharmaceutical units with reference to removal of API residues by them and by the CETP**. Therefore, Regional Office, Baddi was requested to provide the next 60 days' schedule of the production of the antibiotics, from the units which are engaged in manufacturing of antibiotics, enabling the committee to plan monitoring/sampling for assessing the performance of individual units and CETP, as well and decide the parameters to be analysed. Based on the information provided to the Joint Committee by HPPCB, 12 Antibiotic manufacturing Units were monitored for the presence of 20 Nos. antibiotic residues in the effluent (both untreated and treated). The results of analysis of samples collected by the Joint Committee along with name of the industries monitored are summarized in the **Table 1**:

Table 1: Results of analysis of antibiotic residues in the pharmaceutical industrial units of Baddi-Barotiwala area.

S.No	Name of Unit and address	Antibiotic Residue	PNEC Value, µg/l	Quantification Limit of the Lab involved in analysis, µg/l	Results of Analysis, µg/l	
					Inlet to Unit's ETP	Outlet of Units's ETP (Inlet to CETP)
1	Helios Pharmaceuticals Ltd Vill Malpur PO Bhud Tehsil Nalagarh Dist Solan HP	Azithromycin	0.03	1	10.8	152
		Ciprofloxacin	0.06	1	4	BQL
		Neomycin	0.03	1	BQL	BQL
		Roxithromycin	1	1	BQL	BQL
2	Cadila Healthcare Ltd Swaraj Majra, Juddi Kalan Post Baddi Tehsil Nalagarh Distt Solan HP	Azithromycin	0.03	1	1512	386
3	Venus Remedies Ltd., Hill Top Industrial Estate Jhamajri EPIP Phase-I Bhatolika lan Tehsil Baddi Distt Solan HP	Imipenem	0.13	1	BQL	BQL
		Meropenem	0.06	1	BQL	BQL
4	Wings Biotech, Plot No 43 & 44 HPSIDC, Ind Area Baddi Distt Solan H.P.	Cefixime	0.06	1	BQL	BQL
		Cefpodoxime	0.25	1	BQL	BQL
		Ciprofloxacin	0.06	1	164	16.6
		Ofloxacin	0.5	1	522.1	172.7
5	Osper Formulations, Plot No 134-B EPIP Phase-I Jhamajri Tehsil Baddi Distt Solan HP	Ceftriaxone	0.5	1	1.8	BQL
		Cefoperazone	0.12	1	BQL	BQL
		Piperacillin	0.5	1	BQL	BQL
		Tazobactam	44	1	BQL	BQL
6	Gopal Life Sciences Unit 2 Hill Top Ind Estate Near Export Zone Jhamajri Tehsil Baddi Distt Solan HP	Cefixime	0.06	1	BQL	BQL
		Cefpodoxime	0.25	1	82.3	BQL
		Amoxicillin	0.25	1	BQL	BQL
		Cloxacillin	0.13	1	BQL	BQL
		Neomycin	0.03	10	BQL	BQL
7	MDC Pharmaceutical,	Cefixime	0.06	1	BQL	BQL

S.No	Name of Unit and address	Antibiotic Residue	PNEC Value, µg/l	Quantification Limit of the Lab involved in analysis, µg/l	Results of Analysis, µg/l	
					Inlet to Unit's ETP	Outlet of Units' ETP (Inlet to CETP)
	Sai Road Baddi Distt. Solan HP.	Cefpodoxime	0.25	1	13.9	BQL
8	FDC Ltd Village Bhud Tehsil Baddi Dist Solan HP	Cefixime	0.06	1	5.9	BQL
		Cefpodoxime	0.25	1	BQL	BQL
		Cefuroxime	0.5	1	BQL	BQL
9	Nectar Life sciences Ltd Formulation Plant Unit 6, Hill top, Vill Bhatolikalan	Ceftriaxone	0.5	1	BQL	BQL
		Cefuroxime	0.5	1	BQL	BQL
10	Cipla Ltd Unit I Vill Upper Malpur P.O. Bhud Tehsil Baddi Distt Solan HP	Azithromycin	0.03	1	6928	5892
		Ofloxacin	0.5	1	101.8	27
		Levofloxacin	0.25	1	2	4
		Nitrofurantoin	64	1	BQL	BQL
11	Aristo Pharmaceutical village Malkhumajra	Cefixime	0.06	1	BQL	BQL
		Cefpodoxime	0.25	1	3	3
		Tazobactam	44	1	BQL	BQL
		Sulbactam	16	1	BQL	BQL
		Cefuroxime	0.5	1	BQL	BQL
12	Aristo Lab village Malkhumajra	Amikacin	16	1	BQL	BQL

The results of the monitoring of antibiotic residues in the Category-III (Pharma) effluent treatment section of CETP, Baddi and in the final discharge after mixing with treated effluent of all other categories, before discharging into the River Sirsa are presented in **Table 2**:

Table 2: Results of analysis w.r.t antibiotic residues at the inlet and outlet of CETP.

S.No	Name and Address of the Unit	Antibiotic Residue	PNEC Value, µg/l	Quantification Limit of the Lab involved in analysis	Results of Analysis, µg/l		
					Intet to CETP (Equilization Tank) Cat-III, Pharma	CETP Outlet Cat-III Treatment section, Pharma	CETP Final Outlet
1	CETP, Baddi Kenduwal	Ciprofloxacin	0.06	1	228.6	269.4	BQL
		Ofloxacin	0.5	1	742	512.2	63
		Piperacillin	0.5	1	BQL	BQL	BQL
		Tazobactam	44	1	BQL	BQL	BQL
		Ceftriaxone	0.03	1	BQL	BQL	BQL
		Cefixime	0.06	1	1.2	BQL	BQL
		Azithromycin	0.03	1	1310	1198	BQL
		Amoxicillin	0.25	1	BQL	BQL	BQL
		Imipenem	0.13	1	BQL	BQL	BQL
		Cefpodoxime	0.25	1	BQL	BQL	BQL
		Sublactam	16	1	BQL	BQL	BQL
		Meropenem	0.06	1	BQL	BQL	BQL
		Cefoperazone	0.12	1	BQL	BQL	BQL
		Cloxacillin	0.13	1	BQL	BQL	BQL
		Levofloxacin	0.25	1	16	11	8
		Neomycin	0.03	10	BQL	BQL	BQL
		Amikacin	16	1	BQL	BQL	BQL
		Roxithromycin	1	1	7	2	BQL
		Cefuroxime	0.5	1	BQL	BQL	BQL
Nitrofurantoin	64	1	BQL	BQL	BQL		

The analysis of the data w.r.t antibiotic residues in the untreated and treated effluent in Pharma Industries and CETP presented in Table 1 and Table 2 indicates that **some of the antibiotics viz. Azithromycin, Ciprofloxacin, Ofloxacin, Levofloxacin etc. are significantly present at the outlet of the industries leading to CETP for further treatment.** The removal efficiency in the primary treatment plants installed by the industries before discharging into the CETP, **was found to be 0-74% for Azithromycin, 90% for Ciprofloxacin, 67-73% for Ofloxacin, 0% for Levofloxacin and Cefpodoxime.** Other antibiotics were found to be present at below quantification limits (BQL) at the inlet and outlet of ETPs installed by the industries for primary treatment. However, values below BQL as reported in the Table 1 and 2 may not be considered, as absence of antibiotic residues in view of the fact the quantification limit of analysis in the Lab engaged for analysis of antibiotic residues, was 2-300 times more than the Predicted No effect Concentration (PNEC) of different antibiotics. PNEC is the concentration of antibiotic, which marks the limit, below which no adverse impact on the ecosystem is measured.

Similarly, the antibiotics viz. **Ofloxacin (63 ug/l) and levofloxacin (8 ug/l) were found to be in significantly present at the final discharge of CETP into the Sirsa River.** With regard to removal efficiency of antibiotic residues in the Category-III (Pharma) effluent treatment section of CETP, it was observed that **Ofloxacin was found to be reduced by 31%, Azithromycin by 9%, Levofloxacin by 31% and Roxithroycin by 71%.** This concentration was found to be further reduced to lower limits after mixing with treated effluent of other categories' effluent, before discharging into the Sirsa River. **Other antibiotics were found to be below quantification limits (BQL).** However, as mentioned in the previous section, this cannot be considered as absence of antibiotic residues in view of the fact the quantification limit of analysis in the Lab engaged for analysis of antibiotic residues, was 2-300 times more than the Predicted No effect Concentration (PNEC) of different antibiotics.

3.5. Chemical and biological water quality of rivers in question- Sirsa and the status of residues at relevant locations.

The Joint Committee was directed by Hon'ble National Green Tribunal to report the status of chemical and biological water quality of Sirsa River and status of residues at relevant locations.

In compliance, the samples from the following locations were drawn during monsoon and post monsoon season, by the Joint Committee for assessment of chemical and biological water quality of Sirsa river:

- i. Point before entry of Sirsa River from Haryana to Himachal Pradesh at Baddi
- ii. Point Upstream of CETP
- iii. Point Downstream of CETP

The analysis data (**Table-3**) shows that the water quality of river Sirsa before CETP and when it is leaving Himachal Pradesh Boundary at D/s Nalagarh Bridge falls under Class B in both samplings i.e. pre-monsoon and post-monsoon. However in the post-monsoon sampling, there is deterioration in the water quality at location downstream of CETP.

Table 3: Status of Sirsa River water quality during monsoon and post-monsoon

S. No.	Sampling Location	Monsoon	Post-monsoon
		Class as be Designated Best Use	
1.	Point Upstream of CETP	B	B
2.	Point Downstream of CETP	B	D
3.	River Sirsa D/s Nalagarh Bridge	B	B

The Joint Committee also conducted **sampling and monitoring of Sirsa River to assess the status of antibiotic residues during post monsoon season**, while conducting monitoring of individual industries and CETP for assessing the performance w.r.t treatment of antibiotic residues and the results are presented in **Table 4:**

Table 4: Presence of antibiotic residues in Sirsa River

S. No	Sampling Location /Site	Antibiotic Residues	PNEC Value	Quantification Limit of the Lab involved in analysis, µg/l	Results of Analysis, µg/l		
					Up-stream CETP in Sirsa River (Entering from Haryana)	Down-stream of CETP in Sirsa River (After mixing with CETP Discharge)	Downstream of CETP at Nalagarh Bridge in Sirsa River
1.	River Sirsa	Ciprofloxacin	0.06	1	BQL	BQL	BQL
		Ofloxacin	0.5	1	BQL	BQL	BQL
		Piperacillin	0.5	1	BQL	BQL	BQL
		Tazobactam	44	1	BQL	BQL	BQL
		Ceftriaxone	0.03	1	BQL	BQL	BQL
		Cefixime	0.6	1	BQL	BQL	BQL
		Azithromycin	0.03	1	2.5	2.1	2.9
		Amoxicillin	0.25	1	BQL	BQL	BQL
		Imipenem	0.13	1	BQL	BQL	BQL
		Cefpodoxime	0.25	1	BQL	BQL	BQL
		Sublactam	16	1	BQL	BQL	BQL
		Meropenem	0.06	1	BQL	BQL	BQL
		Cefoperazone	0.12	1	BQL	BQL	BQL
		Cloxacillin	0.13	1	BQL	BQL	BQL
		Levofloxacin	0.25	1	BQL	BQL	BQL
		Neomycin	0.03	10	BQL	BQL	BQL
		Amikacin	16	1	BQL	BQL	BQL
		Roxithromycin	1	1	BQL	BQL	BQL
		Cefuroxime	0.5	1	BQL	BQL	BQL
Nitrofurantoin	64	1	BQL	BQL	BQL		

Antibiotic residue viz. Azithromycin was found to be in significantly present in River Sirsa both at the Up-stream (2.5 ug/l) and Down-stream of CETP (2.1 ug/l), which was further increased to 2.9 ug/l in the Nalagarh area. Other antibiotics were found to be below quantification limits (BQL) in River Sirsa, which however, may not be considered as absence of antibiotic residues in view of the fact the quantification limit of analysis in the Lab engaged for analysis of antibiotic residues, was 2-300 times more than the Predicted No effect Concentration (PNEC) of different antibiotics.

3.6. Report on the status of violations and remedial action taken by HPPCB:

In the last order of the Hon'ble National Green Tribunal, the following violations were also observed:

- 稀 We find that there is gross failure on the part of the State PCB to act as per public trust doctrine in preventing discharge of toxic effluents containing harmful residue of antibiotics in water posing threat to aquatic life... ..*
- 稀 Mere fact that standards have not been revised by MoEF&CC of the residual antibiotics in industrial effluents can be no justification for State PCB not taking steps to prevent.*
- 稀 Pending finalization of standards by MoEF&CC, State PCB can go by earlier standards or lay down standards by itself under section 17 of the Water Act. MoEF&CC needs to expedite the process of finalizing the standards in the interest of protection of environment.*

In compliance of the directions of Hon'ble National Green Tribunal, **the inspection of the area was made by the Joint Committee on September 6-7, 2021 and it was observed that pharmaceutical unit which are connected to CETP are not discharging effluent directly into the drain/river.**

With regard to laying down of standards for antibiotic residues by HPPCB under Section 17 of the water Act, as directed by Hon'ble National Green tribunal, **the representative of HPPCB in the Joint Committee apprised that the following action has been taken by HPPCB, which may be submitted in the report of the Joint Committee for consideration of Hon'ble National Green Tribunal:**

- i. The State Board has adopted all the national standards notified by the MoEF&CC Govt of India under Environment Protection Act, 1986 for discharge or emission of pollutant from industries. The antibiotic residual in the effluent is relatively new**

concept for which no research study, expertise or standards are available with the State Board. The State Board has requested all SPCBs to intimate if any API residuals standards have been laid down by them and are being followed regarding monitoring of antibiotic residual effluent from pharma industries. In response, the Bihar Pollution Control Board, Odisha Pollution Control Board and Chandigarh Pollution Control Committee intimated that they have not laid down any specific antibiotic standards in industrial effluent of pharmaceutical units in their States. (Copies annexed as **Annexure-11**).

- ii. **The State Board has constituted two internal Committees vide office order dated 27-7-2021 & 06-08-2021**(copies annexed as **Annexure-12**) to examine the issue and prepare a proposal of standards for antibiotic residual discharge & to finalize the total requirement of instruments along with specifications to setup laboratory facility for analysis of antibiotics in water /waste water (effluent), respectively. **The State Board has sought expertise from the CPCB** vide letters dated 27-7-2021, 12-8-2021, 18-8-2021, 15-9-2021 and 20-9-2021 (copies annexed as **Annexure-13**). In this regard, CPCB vide letter dated 07/09/2021 has provided the steps/process to be followed, for development of standards. It was also informed by CPCB that recently MoEF&CC has notified standards for Bulk Drugs and Formulation (Pharmaceutical) Industry on 06/08/2021, wherein limits for antibiotic residues are not notified. It was suggested by CPCB that SPCBs/PCCs can develop location specific standards (Antibiotic Residues) by following the process described in CPCB letter (**Annexure-14**).
- iii. **There is no sufficient research material, equipments/ instruments and expertise available with State Board to lay down such standards and recommended that MoEF &CC may notify the standards at national level.**
- iv. The second committee constituted on 06-08-2021 has informed on 20-09-2021 that it is in the process of preparing analytical infrastructure requirements for analysis of pharmaceutical compounds/ antibiotics in environment samples and detailed specification of equipment will be finalized in consultation with CPCB in due course of time. **In this regard, CPCB vide email dated 20/9/2021 has provided details of**

Analytical requirements, laboratory infrastructure, chemicals and manpower required for analysis of antibiotic residues in the effluents (Annexure-15)

- v. **The State Board has also repeatedly requested MoEF & CC, Govt of India vide letter dated 7-7-2021, 21-7-2021 and 12-8-2021 (copies annexed as Annexure-16) to notify the standards for residual antibiotics and response is still pending as it a matter of national concern. However, the final standards notified by MoEF&CC vide Notification dated 06/08/2021, does not include the limits of API and antibiotic residues in the effluent, which were part of draft standards notified by MoEF&CC.**
- vi. **State Board has directed the drug manufacturing units through the Drug Manufacturing Associations & Regional Officers of the Board vide letter dated 4-8-2021 (copy annexed as Annexure-16) to ensure that adequate treatment facility be provided by all pharma industries for the treatment of antibiotic residues and to reduce API residue discharge.**

3.7. Conclusion and Recommendations:

Based on the outcome of the study conducted by the Joint Committee in this matter, it is concluded and recommended as follows:

- i. **Out of 111 antibiotic manufacturing industries** monitored by Himachal Pradesh Pollution Control Board in this matter, **37 industries were found to be non-complying w.r.t. limits prescribed for discharging into the CETP.**
- ii. **No action could be taken by HPPCB against the above 37 pharmaceutical formulation industries (engaged in the manufacturing of antibiotics), which were found to be not complying with the CETP inlet norms, due to stay by Hon'ble High Court of Himachal Pradesh.** Now, the matter is listed for hearing before the Hon'ble High Court on 12-04-2022.
- iii. **Some of the antibiotics viz. Azithromycin, Ciprofloxacin, Ofloxacin, Levofloxacin etc. were found to be significantly present (no comparison could be made as MOEF&CC has not prescribed any standards for residual antibiotic) at the outlet of the industry's**

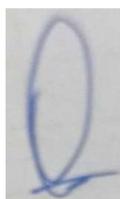
leading to CETP for further treatment. The removal efficiency in the primary treatment plants installed by the industries before discharging into the CETP, **was found to be 0-74% for Azithromycin, 90% for Ciprofloxacin, 67-73% for Ofloxacin, 0% for Levofloxacin and Cefpodoxime.**

- iv. Similarly, **the antibiotics viz. Ofloxacin (63 ug/l) and levofloxacin (8 ug/l) were found to be in significantly present at the final discharge of CETP into the Sirsa River.** With regard to removal efficiency of antibiotic residues in the Category-III (Pharma) effluent treatment section of CETP, **it was observed that Ofloxacin was found to be reduced by 31%, Azithromycin by 9%, Levofloxacin by 31% and Roxithroycin by 71%.** This concentration was found be further reduced to lower limits after mixing with treated effluent of other categories' effluent, before discharging into the Sirsa River
- v. **Antibiotic residue viz. Azithromycin was found to be significantly present in River Sirsa both at the Up-stream (2.5 ug/l) and Down-stream of CETP (2.1 ug/l), which was further increased to 2.9 ug/l in the Nalagarh area.** Further, during the post-monsoon sampling, deterioration in the water quality downstream of CETP was observed during monitoring by the Joint Committee.
- vi. **Other antibiotics were found to be present at below quantification limits (BQL) in the study conducted by the Joint Committee in this matter. However, it may not be considered as absence of antibiotic residues in view of the fact the quantification limit of analysis in the Lab engaged for analysis of antibiotic residues, was 2-300 times more than the Predicted No effect Concentration (PNEC) of different antibiotics. PNEC is the concentration of antibiotic, which mark the limit, below which no adverse impact on the ecosystem is measured.**
- vii. **It is pertinent to apprise the Hon'ble National Green Tribunal that though MOEF&CC has notified the standards for pharma industry vide Notification dated 06.08.2021 but the limit of Antibiotic residues (as mentioned in the draft Notification) has been withdrawn/dropped. Hence there is no parameter for residual antibiotic which Joint Committee could compare with.**

viii. Representative of BBN Industries Association informed during stakeholders' consultation that the association has **received the funding support to the tune of Rs. 28 Crores from the Ministry of Commerce and Industry, Government of India, under "Trade Infrastructure for Export Scheme"** for their proposal on **"3 MLD Effluent Refractory Management and TDS reduction in CETP"**. The 3 MLD effluent proposed to be treated under this proposal includes pharmaceutical industrial effluent for treatment of API and Antibiotic residues and **the content of antibiotic residue and API in the final outlet after treatment in this proposed add on facility in CETP, Baddi will be Nil. It was also informed that the implementation of the above proposal will be completed within one year.**

In view of the fact that i) antibiotic residues were found to be present significantly at the outlet of industries leading to CETP, outlet of CETP and River Sirsa, ii) MoEF&CC has dropped the limits of antibiotics in the final standards for Pharmaceutical Industries notified vide notification vide 6/8/2021 and iii) As informed by BBN Industries Association regarding funding of Rs. 28 Crores for upgrading the CETP/add on facility, including treatment of antibiotic residues with claim of achieving the concentration of antibiotic residues as nil, *It is recommended that all the Pharmaceutical Industries of BBN area (located outside the catchment area of CETP) may be connected to CETP Baddi, and the "limit of antibiotic residues as BDL/<PNEC" may be incorporated by HP State Pollution Control Board (HPSPCB) as one of the terms of Consent to Operate (CTO) granted to CETP Baddi, after commissioning of the proposed "add on facility" in CETP, Baddi.*

The above final report of the Joint Committee is submitted for the consideration of Hon'ble NGT and the Joint Committee will abide by further directions of Hon'ble National Green Tribunal, in this matter.



Ashwani Kumar,
MoEF&CC, IRO Shimla



P. C. Gupta,
HPPCB, Baddi



19/1/22

Dr. Narender Sharma
CPCB, Chandigarh



Mahendra Pal Gurjar, IAS
Distt. Admn, Solan

Dated: January 19, 2022

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 136/2020

(With reports dated 10.03.2021 & 05.05.2021)

Veterans Forum for Transparency in Public Life

Applicant

Versus

State of Himachal Pradesh & Ors.

Respondent(s)

Date of hearing: 23.06.2021

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

Applicant: Dr. Bishwanath Prasad Singh, Wing Commander (Retd.), in Person

Respondent: Mr. Nalin Kohli, Advocate for HPSPCB

ORDER

1. Prayer in this application is for remedial action against discharge of waste from CETP at Baddi and from Acme Life Sciences, Nalagarh and Helio Pharmaceuticals at Solan, to prevent pollution of rivers Sirsa and Satluj. According to the applicant, the CETP is not connected to pharmaceutical units at Barotiwala and Nalagarh who are discharging their effluents directly into the rivers. It is further stated that even after treatment in ETP/STPs, pharmaceutical ingredients may still be coming out from the industries unless ETP/STPs are specialized for the purpose. It is further stated that present CETP is not designed to neutralize Active Pharmaceutical Ingredient (API). The TSDF does not receive sludge generated from the industrial units at Nalagarh. The industries located at

ii. **As per Environmental Clearance granted to CETP Baddi by the Ministry of Environment, Forests and Climate Change (MoEF&CC), the member industries with hydraulic loading more than 200 KLD shall treat the effluent in the existing onsite ETPs and then discharge into CETP for further treatment and discharge. However, it was informed that Units with hydraulic loading of 200 KLD are not treating effluent in the onsite ETPs and supplying primary treated effluent to CETP. Therefore, CETP has not been complying with this condition of the Environmental Clearance granted by MoEF&CC for the last 04 years.** Accordingly, the sampling of these units was done by HPPCB team on 10/12/2020 and the samples were sent to HPPCB Central Laboratory. The results of the analysis are expected by 10/01/2021.

iii. The observations made by the Joint Committee during visit to the two Pharma units i.e. M/s Acme Life Sciences and M/s Helios Pharmaceuticals mentioned in the original application are as follows:

- Both the pharma units have connectivity with the CETP for supplying the primary treated effluent, for further treatment at CETP.
- No effluent was found to be discharged directly by the Units, in the drain.
- The Joint Committee collected the samples from the final outlet of the pharma units under reference, to see the concentration of residual antibiotics in the primary treated effluent which is being sent to CETP for further treatment. The results of the analysis are expected by 09/02/2021.

iv. The evaluation of the results of the analysis of the CETP samples collected by the Joint Committee on 12-13 October, 2020, indicated intended dilution by CETP so as to achieve the prescribed norms. Therefore, the Joint Committee conducted unannounced re-sampling and sent the samples for analysis from three different laboratories.

v. **The results of analysis for the samples collected by the Joint Committee have been analyzed in HPPCB Regional Laboratory, Paonta Sahib and evaluation of the results indicated that CETP is not meeting the norms prescribed for COD (264 mg/l > 250 mg/l), BOD (35 mg/l > 30 mg/l), FDS (2252 mg/l > 2100 mg/l) and Chloride (1838 mg/l > 1000 mg/l). Therefore, it is concluded that CETP is discharging the effluent into the Sirsa River without complying with the prescribed norms.** The results of the analysis of the samples are awaited from two other laboratories.

vi. The samples from CETP, upstream and downstream of Sirsa River and the pharma units under question, were

collected by the joint committee on 09/12/2020 for analysis of 12 Nos. residual antibiotic residues from Shri Ram Institute of Industrial Research, Delhi. The results of analysis of effluent samples for residual antibiotics is expected by 09/02/2021. The issue of discharge of residual antibiotics as raised by the applicant may be concluded by the Joint Committee after receipt of the analysis results.

In view of the fact that complete analysis reports will be available by 09/02/2021, it is humbly prayed to Hon'ble National Green Tribunal that Joint Committee may kindly be permitted to file the final conclusive report by 15/02/2020."

4. Accordingly, further action taken report may be separately filed by the State PCB before the next date 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. The directions in the connected matter being OA No. 801/2018, Jasmeet Singh v. State of Himachal Pradesh, dealt with by a separate order, to the extent relevant for the present matter, may also be followed."

4. The State PCB has filed its report dated 10.03.2021 giving the analysis results of samples calculated from the units as follows:-

"Supplementary Report:

The analysis results from the remaining two laboratories w.r.t samples collected by the Joint Committee have been received (Annexure-2 and Annexure-3), Further, the report of analysis w.r.t. samples collected by the Joint Committee from CETP, Pharma Units and Sirsa River for the presence of antibiotics from the approved external laboratory has also been received (Annexure-4). Accordingly, supplementary report in this matter is being filed by the Joint Committee as follows:

- i) The results of analysis as received from three different laboratories of HPPCB, indicated that CETP is not meeting the norms prescribed for BOD (41, 35 & 38 mg/l > 30 mg/l), FDS (2252 & 3190 mg/l > 2100 mg/l) and Chloride (1209, 1838 & 1209 mg/l > 1000 mg/l). Therefore, it may be concluded that CETP is discharging the effluent into the Sirsa River without complying with the prescribed norms.*
- ii) The results of analysis of the samples collected from various stages of CETP and also final discharge point in River Sirsa for the presence of residual antibiotics indicate that two antibiotics viz. Ciprofloxacin and Ofloxacin are present in the final treated effluent of CETP as a concentration of 22.8 ug/l and 69.8 ug/l respectively.*
- iii) There are no standards notified by MoEF&CC for residual antibiotics in industrial effluents. However, these values are*

1140 time higher for Ciprofloxacin (22.8 ug/l Vs. 0.02 ugh) and 349 times higher for Ofloxacin (69:8 ug/l Vs. 0.2 ugh) when compared with the proposed standards in the draft notification issued by MoEF&CC vide No. CG-DL-E-27012020- 215690 dated January 23, 2020 (Annexure-5), for pharmaceutical industry effluent arid CETPs with membership of Bulk drug and formulation units.

- iv) Similarly, the samples collected by the Joint Committee from the outlets of two Pharmaceutical Industries viz. Helios Pharmaceutical and M/s Acme City Tech LLP, leading to CETP, were found be much higher than the standards proposed in the draft notification issued by MoEF&CC. Also, the values reported as below quantification limit (BQL), in the analysis report of the external laboratories may not be considered as conclusive and within the proposed limits as draft notified by MoEF&CC, since the BQLs of external laboratory for various antibiotics tested in the samples, as shared with the Joint Committee, are much higher than the proposed standards.
- v) As per reports and research data available in the literature, the concentration of residual antibiotics has been found to be reduced by 60-90 % in conventional biological treatment plant. In view to assess the performance of the biological treatment system installed by CETP, the samples were collected from various stages of CETP. The results of analysis indicated that the performance of biological treatment system installed by CETP is not in line with the reports and data available in the literature, w.r.t. treatment of residual antibiotics. The inefficient performance of biological treatment system is also evident from the noncompliance of CETP with regard to biochemical oxygen demand (BOD).

Conclusion and Recommendations:

In view of the fact that:

- i) There are no standards notified by MoEF&CC w.r.t. residual antibiotics in industrial effluents;
- ii) Draft notified standards are yet to be decided by MoEF&CC;
- iii) The concentration of residual antibiotics at outlet of CETP in Sirsa River, is much higher than the draft notified standards;
- iv) The treatment efficiency of CETP w.r.t residual antibiotics is not at par with the reports and data available in the literature;
- v) The CETP is not meeting the prescribed norms of BOD, FDS and chloride and discharging effluent into Sirsa River without complying with the prescribed norms.

It is recommended that Pharmaceutical (both bulk drug and formulation units) may be directed by Himachal Pradesh Pollution Control Board to provide primary treatment to the level of predicted no effect concentration (PNEC) as developed by members of AMR

Industry Alliance (Annexure-6), as a site (Baddi) specific preventing measure, so that there is no adverse impact of residual antibiotics on the environment and also to prevent development of antimicrobial resistance (AMR).”

5. The report is followed by further report dated 05.05.2021 as follows:-

“It is further submitted that now the joint committee has submitted its supplementary report which is annexed as Annexure R-1/1. Based on the inspections and sampling conducted the conclusion and recommendations made by the joint committee are as under:-

- “i) There are no standards notified by MoEF & CC w.r.t. residual antibiotics in industrial effluents.*
- ii) Draft notified standards are yet to be decided by MoEF & CC.*
- iii) The concentration of residual antibiotics at outlet of CETP in Sirsa river is much higher than the draft notified standards.*
- iv) The treatment efficiency of CETP w.r.t. residual antibiotics is not at par with the reports and data available in the literature.*
- v) The CETP is not meeting the prescribed norms of BOD, FDS and chloride and discharging effluent into Sirsa River without complying with the prescribed norms.....”*

The copy of Supplementary Report submitted by the joint committee dated 10-03-2021 (annexed as Annexure R-1/1) may be placed on record please.

It is submitted that as of now there are no specific standards notified by the Govt. of India for residual antibiotics parameters in the existing notification of standards for pharmaceutical (Manufacturing and Formulation Industry). However, it is worthwhile to mention here that all the bulk drugs/pharmaceutical manufacturing units (if not connected with CETP) are being regulated for the compliance as per standards notified in MoEF & CC Notification dated 9- 7-2009 (copy annexed as Annexure R-1/2). If the pharmaceutical (manufacturing and formulation industry) is member of CETP, then the unit is bound to comply with inlet quality standards notified by the Govt. of HP vide notification dated 17-3-2018 and 26-12-2019 (copies annexed as Annexure R-1/3 and R-1/4) The notification of specific standards for residual antibiotics (annexed as Annexure -5 with joint report) is still under proposed stage and shall be implemented for regulatory aspect as and when finalized by the MoEFF & CC.”

6. The industrial units in question have also filed their Counter Affidavits. The said Counter Affidavits are of no assistance.

7. As against the above, the applicant has filed written submission on 11.06.2021 pointing out that the analysis of the samples shows presence of antibiotics in the water.

8. The conclusion drawn from the analytical results is as follows:-

“

1. *Ciprofloxacin (22.8µg/L) and Ofloxacin(69.8µg/L) were detected in higher concentrations in the effluent released to Sirsa river from CETP (Sr. no 4), i.e., 1139 and 348 times higher than the prescribed MoEF& CC draft notification limits.*
2. *The higher concentrations of antibiotics in the effluent released to Sirsa river (Sr. no 4) clearly indicate that CETP is unable to completely remove or degrade these antibiotics.*
3. *Ofloxacin (960µg/L) was found in the effluent from M/ S Helios Pharmaceutical (Sr. no 13) release to CETP, which is much higher than the draft notification limit (0.2 µg/L). It clearly raises doubt on the level of pre-treatment of the pharma effluent from this industry before it is released to the CETP.*
4. *The samples drawn from the effluent of M/ S Acme City Tech LLP (Sr. no 14 and 15) release to CETP shows reasonably high concentrations of Ofloxacin (170 µg/L) and Azithromycin (423µg/L) even after primary treatment, indicate inefficient pre-treatment at this industry.*
5. *In the research methodology Limit of quantification (LOQ) for a compound by any method indicates the lowest concentration that can be quantified with accuracy and precision. The values below LOQ cannot be correctly quantified during the analysis and are reported as Below Quantification Limit (BQL). In the present analysis, the LOQs of the compounds fixed for the analysis by the lab are very high; namely, Ciprofloxacin (5 µg/L), Ofloxacin (5 µg/L), Piperacillin (5 µg/L), Azithromycin (10 µg/L), Tazobactam (5 µg/L), Ceftazidime (50 µg/L), Cefixime (20 µg/L), Amoxicillin (10 µg/L), Ampicillin (10 µg/L), Cefpodoxime (10 µg/L), Sulbactam (10 µg/L), Ceftriaxone (50 µg/L) and Cefoperazone (10 µg/L). The above LOQs of the compounds are much higher than even the antibiotic discharge limits set by the MoEF & CC draft notification for these compounds; except for Tazobactam.*
6. *Incidentally Piperacillin and Amoxicillin are the antibiotics are known for the very adverse impact on the human health even in the very low concentration. In this laboratory analysis, BQL limit for these compounds are set as (5 µg/L) and (10 µg/L) which is significantly higher than the limit fixed in the draft standards. In the draft standards the limit set for these two compounds are (0.1µg/L).*

7. *This implies that the Limit of Quantification (LOQ) set up by the lab is significantly higher than the limit set by the draft notification and therefore many of the compounds are not being detected as has been marked as BQL in the analysis results.*
8. *Therefore, the samples analysis should be conducted using an analytical method to precisely and accurately quantify lower concentrations of the compounds (LOQs should be kept as close or even lower than the draft notification limits) to quantify all the compounds at lower concentrations with accuracy and precision. This raises the question mark on integrity of the overall analysis by the lab.*
9. *Further the findings also imply that the CETP is not designed to efficiently treat class IV effluents; however, operator of CETP has entered into agreement with various pharma manufacturing units who are releasing class IV effluents to the CETP since 2017.”*

9. Further submissions are reproduced below:-

“14. The migration of antimicrobials into the environment has significant impacts. They can disrupt wastewater treatment processes and adversely affect ecosystem because they are toxic to beneficial bacteria. Some antimicrobials also bio accumulates; for example, erythromycin has been found to have both a high bio accumulation factor of 45.31 and a tendency to accumulate in soil. Antimicrobials can also be persistence for extended periods of time, the environmental persistence of erythromycin for example, is longer than one year.

15. Although not well studied, the presence of antimicrobials in natural waters may be exerting selective pressure leading to the development of antibiotics resistance in bacteria. The threat of growing antibiotics resistance has been recognised by, among others, the WHO, the National Academy of Science, the American Medical Association, the American Public Health Association and the US government Accountability. In fact the Centre for Disease Control and prevention (CDC) has identified antibiotics resistance as one of the most pressing public health problem facing the nation. Infections caused by bacteria with resistance to at least one antibiotic have been estimated to kill over 60,000 hospitalized patients each year. Methicillin resistant strains of Staphylococcus aureus, although previously limited primarily to hospital and health facilities, are becoming more widespread. In 2007, Consumer Reports tested over 500 whole chickens for bacterial contamination and antibiotic resistance. They found wide spread bacterial contamination in their samples and 84 percent of the salmonella and 67 percent of the campylobacter organisms that were isolated showed resistance to one or more antibiotic.

16. Antibiotic resistance is caused by a number of factors including repeated and improper use of antibiotics in both humans and animals.

Half of the antibiotics used in livestock are in the same classes of drug that are used in humans and animals. The U.S. institute of Medicine and the WHO have both stated that widespread use of antibiotics in agriculture is contributing to antibiotic resistance.

17. *The above study done by the HPPCB shows that from whichever place samples have been taken by HPPCB these are having antibiotics discharge which should not have been there. There is not a single sample in which the aforesaid antibiotics discharging into surface water and also seeping into the subsoil water is not there. This would lead to harmful antibiotic resistance amongst human and animal population and, thus, reducing the chances of their recovering from diseases where absence of resistance from these antibiotic would have helped. The above table and the subsequent narration would show that the antibiotics found in the discharge include some of the ultimate antibiotics developing resistance of which may be a death warrant for different life forms – human and animal – if infected with diseases where these antibiotics could have provided a cure.*

18. *A situation where all random samples show the same results, in technical terms, is called '100% random test positivity'. In view of the '100% random test positivity', the study conducted by HPPCB cannot be stated to be complete and conclusive. It only indicates that a whole lot of polluting antibiotics are being discharged into the surface and subsoil water which is harmful for human and animal population.*

19. *As per information available at internet, there are more than 270 Pharmaceutical Companies operating in Baddi-Barotiwala-Nalagarh area. List of such Pharmaceutical Companies along with their addresses, as obtained through internet sites, is placed at Annexure A.*

20. *This necessarily requires a further and more detailed study as a sequel to 'the sample study' done by HPPCB to understand the entire extent of damage because of the aforesaid antibiotic discharge into the water bodies. It is being called 'sample study' because of the fact that it has '100% random test positivity' and therefore, in scientific tradition, there is an absolute need for following it up with a detailed, wide and more in depth study of the antibiotic discharge into river sirsa."*

10. We have heard the applicant in person and the Learned Counsel for State PCB.

11. We find that there is gross failure on the part of the State PCB to act as per public trust doctrine in preventing discharge of toxic effluents containing harmful residue of antibiotics in water posing threat to aquatic life (reference: "biomonitoring of Sirsa River in Baddi area of Himachal

Pradesh by Bhagat S. Chauhan, *et al*, *International Journal of Theoretical and Applied Sciences* 5 (1): 183-185(2013)) which is also in violation of the Water (Prevention and Control of Pollution) Act, 1974. Such failure of statutory duties is at the cost of public health and protection of environment for which Chairman and Member Secretary of the PCB owe an explanation which may be furnished before the next date. Mere fact that standards have not been revised by MoEF&CC of the residual antibiotics in industrial effluents can be no justification for State PCB not taking steps to prevent. Pending finalization of standards by MoEF&CC, State PCB can go by earlier standards or lay down standards by itself under section 17 of the Water Act. MoEF&CC needs to expedite the process of finalizing the standards in the interest of protection of environment.

12. Accordingly, MoEF&CC and the State PCB may take further remedial action expeditiously. The State PCB may ensure that no harmful components in the effluents are discharged into the water by the units in question or any other API unit. A joint Committee of nominee of MoEF&CC, CPCB, State PCB and District Magistrate, Solan may conduct inspection of the area and give a report of the status of violations and the remedial action taken within three 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. The State PCB will be the nodal agency for compliance. The Committee may interact with the concerned stakeholders, including the concerned Industries. The report may inter alia give status of performance of individual pharmaceutical units, particularly with reference to removal of API residue by them and by the CETP, the number of pharma industries connected to CETP and those discharging effluents directly into the drain and the river. The report may further indicate chemical and biological water quality of rivers in

question - Sirsa and Satluj, including the status of residue at relevant locations. CPCB may also suggest monitoring mechanism for API residue through a credible system so as to cover all pharma industries in the country discharging API residue directly or indirectly in river systems. CPCB may propose the timelines to undertake monitoring which may also take a note of water quality monitoring guidelines of CPCB titled "Guidelines on Water Quality Monitoring, 2017" and the performance audit report dated 18.09.2020 filed by CPCB in OA 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.* and the directions of the Tribunal dated 05.02.2021. Relevant direction is reproduced below:

"22. The directions on the subject are summed up as follows:

i to vi xxx.....xxx.....xxx

vii. CPCB and State PCBs/PCCs, as directed earlier, may utilise EC funds on laboratory set up/upgradation, and on the mentioned areas in the report as well as on approved District Environment Plans. No approval of Central/State Government will be necessary in this regard in view of section 33 of the NGT Act, supra."

CPCB may file report on the above aspects before the next date of hearing 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 05.10.2021.

A copy of this order be forwarded to MoEF&CC, State PCB District Magistrate Solan and CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 23, 2021
Original Application No. 136/2020
SN

BADDI INFRASTRUCTURE

CIN: U45209HP2010NPL031349, GSTIN : 02AAECB3644E1Z9

(SPV of BBN Industries Association)

Regd. Office: BTTI Complex, EPIP Phase - 1, Jharmajri, Tehsil Baddi, P.O. Barotiwala,

Distt. Solan (H.P.) 174103, Ph.: 01795-271105, 271106

Email: baddiinfra@yahoo.in, btti.pvtiti@gmail.com, web site: baddiinfra.org.in



No.BI/HPSPCB/2021- 1109 - 1110

Date:- 20.09.2021

To
**The Chief Environmental Engineer,
 HP State Pollution Control Board
 Regional Office, Baddi**

**Subject :- OA No. 801/2018 titled Jasmeet Singh Vs State of Himachal Pradesh & Ors. and
 OA No. 136/2020 titled Veteran Forum for Transparency in Public Life Vs State
 of Himachal Pradesh & Ors. pending before the Hon'ble National Green
 Tribune.**

Dear Sir,

1. We have already informed to your office that we had submitted the following action plan w.r.t. control of FDS parameter, within the prescribed limits:

A. Short term plan

- i.Meeting was held with Senior Management of Vardhman and Winsome Textile to modify their processes to reduce their TDS, till their ZLD facility is operational.
- ii.After deliberation they agreed to reduce TDS from their current level immediately.
- iii.Series of Meetings were held with SME members with consent to operate (COP) less than 200 KLD discharging high TDS and following decision were taken:
 - The units discharging more than 50000 mg/l TDS will use facility of MEE available at Shivalik Solid Waste Management to the extent of 20KLD capacity
 - Other Small units to modify their processes and reduce the TDS by 50%.

Outcome/Status

- **TDS/FDS in the final discharge of CETP was significantly reduced.**

B. Medium term plan

- i. Vardhman & Winsome to set up their individual facilities at their end to treat their respective high TDS effluent of Category-IV by installing ZLD Facility, which is expected to be completed by 30.06.2021.
- ii. The flow of Sewage to the STP at CETP should increase at least to 2-3 MLD by 31/03/2021.

Outcome/Status

- Vardhman & Winsome have already set up their individual facilities at their end to treat their respective high TDS effluent by installing ZLD Facility. Vardhman has already stopped the discharge of Effluent of Category-IV w.e.f 10.07.2021 & Winsome will stop the discharge of Effluent of Category-IV very shortly.
- **With the above stated action by the two textiles units, CETP has become compliant w.r.t FDS outlet parameter and all other notified outlet parameters.**
- The flow of Sewage to the STP at CETP has not increased to the desired level. The present flow of Sewage from the area under MC Baddi for the month of August was 431 KLD and for September (till date) 390 KLD. The commulative flow from February 2020 till date is 220 KLD only against a minimum agreed flow of 3000 KLD. The capacity of STP at CETP is 5500 KLD.
- With the increase of the flow of Sewage there will be further Reduction of FDS parameter.
- The Sample Test Results of HPSPCB & Final Outlet of CETP labs for w.r.t. FDS parameter are well within the prescribed limits along with all other parameters tested. **Hence CETP is compliant.**

The test results of the Final Outlet of CETP lab & HPSPCB are as below:

Sr. No	Date of collection	HPSPCB	CETP
1	21.05.21	2019	2347
2	07.06.21	2072	2023
3	19.06.21	1918	1802
4	07.07.21	2100	2017
5	02.08.21	Awaited	1442
6	23.08.21	Awaited	1446
7	06.09.21	Awaited	1509

From the above stated results it is very much evident that the CETP is compliant w.r.t FDS parameter and CETP was already compliant w.r.t. all other parameters.

C. Long term plan

- CETP to submit DPR to install separate facility for treatment of TDS for small units discharging less than 200KLD
- CETP plan also includes treatment of API from Pharma industry which is expected to be notified in near future.

Outcome/Status

- We have already submitted a Detailed Project Report (DPR) for **“3 MLD Refractory Management and TDS/FDS Reduction in CETP Kenduwal,**

Baddi", project to the Commissioner of Industries GoHP for financial assistance under Trade Infrastructure Export Scheme (TIES).

Copy of the DPR is attached as per **Annexure-A**

- The Proposal for "3 MLD Effluent Refractory Management & TDS Reduction in CETP under Trade Infrastructure for Export Scheme (TIES)" has been approved by the Ministry of Commerce & Industry GoI and out of a total grant of Rs. 20 Crores, Rs. 10 Crores payment has been released on 27.08.2021.

Copy of the letter No. Ind.Dev.F(16)ASIDE(CETP)-IV-7203 dated 06.09.2021 is attached as per **Annexure-B**

- Tender documents have been prepared and Notice Inviting Tender/Bid has been published in the News Paper on 08.09.2021.

Copy of the Tender Notice is attached as per **Annexure-C**

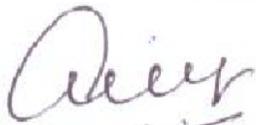
2. After completing the Tendering process of Technical and Financial evaluation of the Bids, we would be able to place the order for the project by 15th October 2021. The project is planned to be commissioned within a period of one year from the placement of the work order.
3. Regarding OA No.136/2020 titled Veteran Forum for Transparency in Public Life Vs State of Himachal Pradesh & Ors, we wish to state that letter No. BBNIA/PCB/2021 dated 20.09.2021 has been submitted by BBN Industries Association, presenting the view in the matter.

Copy of the letter is attached as per **Annexure-D**

The above is submitted for your kind information and consideration please.

Yours Faithfully

For Baddi Infrastructure



Vijay K Arora
Director & CEO

Enclosure: -Annexures A to D

Copy to :- President BBNIA-for Information

ANNEXURE - B

No. Ind.Dev.F(16)ASIDE(CETP)-IV/- - 7203
 Government of Himachal Pradesh
 "Directorate of Industries"

Dated: Shimla-171001; the

From:

Director of Industries,
 Himachal Pradesh.

06 SEP 2021.

To

The Chief Executive Officer,
 M/s Baddi Infrastructure,
 EPIP Phase-I, Jharmajri, Baddi,
 Distt. Solan, H.P.

Subject:-

Regarding starting the work of proposed facility at CETP, Baddi.

Sir,

As you are aware that the proposal for providing advance treatment facility for the improvement in the functioning of CETP Baddi (3 MLD effluent refractory management & TDS reduction) submitted to the Department of Commerce, GoI by the State Govt. for financial assistance under Trade Infrastructure for Export Scheme (TIES), has been approved in the 14th meeting of the Empowered Committee of TIES held on 02.08.2021 with the Financial Patten as under (copy of minutes of the meeting enclosed):-

Sr. No.	Means of Finance	Amount (Rs. in Cr.)
1	Central Grant (Max. limit of Rs. 20.00 Cr. i.e. 70% of Project Cost)	20.00
2	State Govt. Share (10%) i) Department of Industries (50%) = Rs. 1.425 Cr. ii) State Pollution Control Board (50%) = Rs. 1.425 Cr.	2.85
3	SPV Contribution (20%)	5.66
	Total:	28.51

All the requisite details/documents for processing release of funds for the project has been sent to the Department of Commerce, GoI and the first installment of Central Grant amounting to Rs. 10.00 Cr. is likely to be released to you by the Department of Commerce, GoI in a few days.

As per minutes of the meeting held on 4.8.2021 under the Chairmanship of the Chief Secretary to the Govt. of H.P. in compliance of latest Hon'ble NGT directions in OA No. 801/2018 and OA No. 136/2020, M/s Baddi Infrastructure has been directed to initiate and complete the process for floating of tenders and ensure that tenders shall be awarded by 15th September, 2021.

Contd. Page 2.

5718
 08/09/21 Recd CEO Sir

2.

You are, therefore, requested to start the work of proposed facility at CETP, Baddi by completing all the codal formalities in this behalf immediately and complete the work at the earliest.

Yours faithfully,

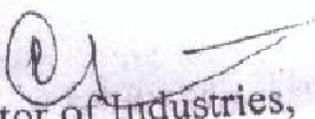
Encls.: As above.


Director of Industries,
Himachal Pradesh.

Dated:

Endst. No. Ind.Dev.F(16)ASIDE(CETP)-IV/-

Copy to the Addl. Chief Secretary (Industries) to the Govt. of H.P., Shimla-2 with the request to take up the matter with the State Pollution Control Board at Govt. level to release its share of Rs. 1.425 Cr. to the SPV.


Director of Industries,
Himachal Pradesh.

Baddi Infrastructure

ANNEXURE - C

Baddi Technical Training Institute (BTI) Complex, EPIP Phase-1
Jharmajri, P.O. Barotiwala, Tehsil Baddi, Distt. Solan (H.P)-174103
Phone: - 01795-271105 & 271106. Email:- baddiinfra@yahoo.in

TENDER NOTICE

Date: 08/09/2021

The CEO, BADDI INFRASTRUCTURE BADDI, HP (a company registered under section 25 of the companies Act, 1956) invites sealed tenders for design, supply, construction, Installation, commissioning, testing and trial run of **3 MLD capacity for Effluent Refractory Management and TDS/FDS Reduction** at their existing 25 MLD capacity CETP & 5.5 MLD capacity STP located at Baddi, Distt. Solan(H.P).

Estimated project cost is Rs. 25 Crores.

The scheme/design should be conforming to the specifications as per the Technical Bid/Financial Bid and DPR which are part of the tender.

In case any Bidder intends to submit his own process design, they may do so, subject to fulfillment of purified water and salt generation for recycling, however, it will be subject to the approval of Baddi Infrastructure.

Eligibility Criteria:

I. Should have completed at-least two works of "Water Reclamation and Recycling from Waste water" of a minimum capacity of 1500KLD, one of them costing not less than Rs. 10 Crores, in last 3 years (Proof to be attached).

II. Should have an average annual financial turnover not less than Rs. 60Crores during the last three years ending 31st March 2021. Group turnover of associate/sister entities will also be considered for the purpose of average annual financial turnover. (Audited Balance sheet to be attached).

General conditions:-

1. The Tender/Bidding documents may be downloaded from website www.baddiinfra.org and will be available up to 22.09.2021. The tender documents file will be password protected. Password will be made available to the Bidders upon payment of Rs. 17,700/- (including GST) through NEFT/IMPS by sending proof of payment on baddiinfra@yahoo.in
Account Holder Name : Baddi Infrastructure, Bank Account Number : 18630210001684.
Bank: UCO Bank, Baddi Distt. Solan, H.P. IFSC Code : UCBA0001863
2. The tender should be accompanied with Earnest Money of Rs. 50 lacs in shape of Demand Draft, FDR/Bank Guarantee issued by any Nationalized Bank valid for a period of 90 days from the date of opening of Bid, favoring BADDI INFRASTRUCTURE, payable at Baddi in a separate envelope. The tender not accompanied with requisite Earnest Money shall not be considered. The earnest money deposited by unsuccessful Tenderer will be returned without any interest within 15 days.
3. The validity of the bids shall be for 90 Days from the last date of opening of bid.
4. Pre-Bid meeting will be held for any techno-commercial clarification at Baddi Infrastructure at 2:30 PM to 5:30 PM on **23/09/2021**.
5. Bid must be delivered in the office of CEO, Baddi Infrastructure on or before 3 PM on **29/09/2021** during office hours. If it happens to be a holiday on the date of receipt of the bids the same will be received on the next working day.
6. Earnest Money, Technical Bid and Financial Bid are to be submitted in separate sealed Envelope.
7. The Technical bid along with the Earnest Money will be opened at 3 PM at Baddi Infrastructure on **30/09/2021** in the presence of the Bidders who wish to attend. The Financial Bids of the technically qualified Bidders will be opened on the same date.
8. Prospective Bidders must submit hard bound Bid Document of all pages duly numbered. Spiral or loose bidding shall not be entertained.
9. Bid must comprise of original documents containing proof of payment of tender money, earnest money, solvency certificate, undertaking of non-corrupt practices & non-cartelization and other documents as per tender document otherwise Bid will be out rightly rejected.
10. No conditional tender will be accepted which will be liable for rejection.
11. Baddi Infrastructure shall have the right to reject or accept any or all the tenders and will not be bound to accept the lowest or any tender or to give any reason for such a decision. The decision of Baddi Infra shall be final.
12. All disputes will be subject to jurisdiction of court at Nalagarh, Distt. Solan HP.
13. Bidding document shall prevail over relevant instruction in the notice inviting tender and the notice inviting tender shall be treated as modified to that extent.
14. Sealed tenders must be submitted super-scribed "TENDER FOR REFRACTORY MANAGEMENT AND TDS/FDS REDUCTION" in the office of BADDI INFRASTRUCTURE JHARMAJRI, BADDI, HP on the date as mentioned above.

Chief Executive Officer, Baddi Infrastructure.

SIZE: 17X8



B.B.N. Industries Association (Regd.)

EPIP-Jharmajri Road, EPIP Phase I, Jharmajri, Baddi, Distt. Solan H.P. - 174103
 Phone : 01795-271195, fax: 01795-271195, Mobile : 098160-46495

Website : www.bbni.com, E-mail : info@bbniemail.in, admin@bbniemail.in

BBNIA/ PCB/2021

Dt. 20.09.2021

The Chairman,
 Inspection Committee of Hon'ble NGT

Subject: Case No.136/2020 Veteran Forum for Transparency in Public Life V/s State of HP & Others

Dear Sir,

At the outset we thank you for giving us an opportunity to present our view on the above case. As per the hearing held at Hon'le NGT rested with last one on 23.06.2021, mainly the following issues came into light.

1. The issue started from direct discharge by some pharmaceutical units into drain and the applicant raised issue of API contents in river water resulting into resistant pathogens reaching living beings through water.
2. The CETP is not following the condition of EC to get pre-treated effluent from units discharging more than 200KLD.
3. The CETP beside category-IV (i.e mainly FDS and chloride) is also not capable of treating these API discharges in the effluent of Pharma formulation units.
4. The CETP is discharging higher than norm BOD and TDS/chloride to river.
5. There are no standards notified by MOEF for discharge of API contents and only draft notification is done. It directed the MOEF to expedite the final notification and in absence asked state PCB to formulate its own norm.
6. The testing labs have higher LOQ than specified in draft notification of MOEF hence most of the parameters are reported as not detectable by the Sri Ram Lab and asked CPCB/SPCB to use EC funds to upgrade their labs to test the API as per draft notification

We would like to submit our point wise view and action taken as under-

- A. We do not support any industry discharging untreated effluent in to water sources.
- B. The CETP was following the EC conditions as per pre-treatment notification of 2018 of SPCB and subsequently the revised notification of 2019, CETP submitted an action Plan along with the units above 200KLD which now stands completed at level of units mainly M/s Vardhman and Winsome Textile. The EC condition is therefore now stands complied with. The notification dates 26/12/19 of state PCB with respect to inlet norms is stayed by Hon'ble High Court of HP vide

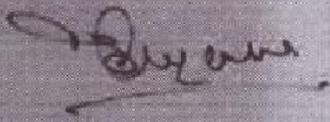
stayed vide order dt. 15.09.2021 till 27.10.2021 with a direction not to take any coercive action against the petitioner (BBNIA)-(copy enclosed)

- C. The category-IV effluent is now being treated at unit level and the units are now Zero discharge for category-IV. Regarding API the CETP had submitted action plan to set up additional facility to treat API and FDS/Chloride if required to meet the standards after stopping of category-IV effluent. We may submit that the funding support from GOI and GOHP has already been sanctioned and partially released. The CETP has already notified tender for installation of these facilities and tender opening process to start from 29/09/21.
- D. The CETP had submitted short term, medium term and long term plan to control these parameters of BOD & FDS to NGT through State PCB and we are happy to declare that we became compliant in BOD long back but from May onward we are compliant in all respect. After stoppage of discharge from Vardhman our FDS level is as low as 1300-1500mg/ltr against norm of 2100.
- E. The MOEF has finally notified the proposed standards for Pharma industry vide notification dt. 06.08.2021 but instead of API norms they have termed the effluent as hazardous and asked industry to comply within one year from the date of notification. We, therefore, feel there is no need for state specific norms which otherwise may make the industry incompetent as compared to other states. We may also submit that the CETP in the meantime will upgrade its facility to treat APIs and units connected to CETP can continue to discharge to CETP.
- F. For up-gradation of Labs to test API the answer is with CPCB or SPCBs.

Hope the Committee report will highlight all these achievements specially the compliant CETP for all norms except APIs and its proposed up-gradation to treat these in about one year's time.

Thanking you,

For BBN Industries Association



(Sanjay Khurana)
President



B.B.N. Industries Association (Regd.)

EPIP-Jharmajri Road, EPIP Phase I, Jharmajri, Baddi, Distt. Solan H.P.-174103
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BBNIA/ PCB/2021

Dt. 20.09.2021

To
The Chairman,
Inspection Committee of Hon'ble NGT,
Baddi.

Reg.: Case No.136/2020 Veteran Forum for Transparency in Public Life V/s State of HP & Others

Dear Sir,

In continuation of our submissions as made this morning verbally during the Stakeholder Meeting convened by you as well as submitted in writing by us, we would further like to bring following facts on records as the same was conveyed verbally during the discussions, for your kind consideration as addendum to our earlier submissions:

In the **Draft Notification of MOEF&CC dated 23rd January, 2020, in part-D.** *“Antibiotic Residues in the treated effluent of Bulk Drug and Formulation Industry and CETP with membership of Bulk Drug and formulation Units”* the **121 parameters with limiting value for concentration (µg/l) were mentioned for “Individual antibiotic residues”.**

Whereas as per **Final Notification of MOEF& CC dated 6th August, 2021** the said individual parameters, which were proposed for residuals of antibiotics are NOT notified, It has been now mentioned in **Part-D & notified now as “Chemical and Biological sludge or any residue, reject, concentrate generated from wastewater treatment or its management facility at Industry or CETP catering to industries engaged in manufacturing of bulk drug or formulation of Pharmaceuticals, shall be classified as Hazardous Waste as per the provision of clause 17 of sub-rule (i) of rule 3 of the Hazardous and Other Wastes**

(Management and Trans-boundary Movement) Rules, 2016 and shall be subject to the provision made therein”.

Which means that any Pharmaceutical Formulation Industry / Bulk Drug Industry, OR CETP catering to industries engaged in manufacturing of Bulk Drugs or Pharma Formulations have to dispose the said effluent carrying the residuals of antibiotics, if any as per Hazardous Waste Management Rules 2016. BBN Area is having a Hazardous Waste Management Site available as Shivalik Solid Waste Management Ltd. (SSWML) as such the said industries can contact SSWML for the same. Though, we wish to state the Rules as per the notification dated 06.8.21 **shall come into force after one year from the date of publication** in the official Gazette i.e. 05.08.2022.

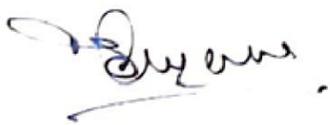
However, we once again reiterate that CETP Baddi is putting up API REFRACTORY MANAGEMENT SYSTEM, for its Pharma Formulation member industries, under its up gradation plan, which is under active implementation & will be functional within next one year.

In the light of the above, we request that Hon'ble NGT may kindly be apprised on the issue accordingly.

Thanking You,

Yours Sincerely

For **BBN Industries Association**



(Sanjay Khurana)
President



HIMACHAL DRUG MANUFACTURERS ASSOCIATION (Regd.)

Annexure 4

153, 1st Floor, Motia Plaza, Nr. Baddi Toll Barrier, Baddi - 173205, Himachal Pradesh

E-mail : himachaldrugs@gmail.com, Ph. No. : 82196-17038

PRESIDENT

Dr. Rajesh Gupta
+91 97790 21318

CHAIRMAN

C. S. Pushkarna

GENERAL SECRETARY

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R.B. Gupta
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Harish Goyal
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Nirmal Singh Rana

JOINT SECRETARY

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Manu Jain
Vishal Chadha
Sanjay Ahuja
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Sanjay Guleria
Vinod Gupta
S. L. Singla
M. B Goyal
Rakesh Arora

CHIEF ADVISOR

Satish Singhal
+91 98726-33936

To

The Chief Environmental Engineer

H.P State Pollution Control Board

Regional office, Baddi

Subject: Meeting of stake Holders held in the o/o Chief Environmental officer, Regional office Baddi.

Respected Sir

This is in reference to letter number PCB/OA No. 136/2020/Consent/2021-5419-33 dated 4.8.21 through which the worthy member Secretary Himachal Pradesh state Pollution Control Board has issued in reference to order dated 23.6.2021 passed by honorable NGT related to antibiotic residues discharged in pharmaceutical industrial effluent in Baddi Industrial area and subsequently to letter no PCB/RO Baddi/NGT/21 1638-46 from Chief Environmental officer and the meeting of stake holders held on 20.9.21 in the Chief Environmental officer, Baddi . In this regard it is humbly submitted that Himachal Drugs Manufacturers Association which comprises of 70% MSME industry stands in Harmony with the concerns of the Hon'ble NGT which says that by **no means the antibiotics residues should be discharged on land or in water** and assures in letter and spirit that we are committed to protect our environment through complete adherence to and compliance of the standards laid down by the State and Central government Authorities from time to time.

Our pharmaceutical industrial manufacturing is in the noble profession of serving the humanity with quality and life saving



HIMACHAL DRUG MANUFACTURERS ASSOCIATION (Regd.)

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drugs. We have always stood by the government and the interests of our public in times of trouble may it be providing of free medicines supplies to the various flood affected areas in the country to being Corona warriors and providing uninterrupted supply of drugs needed for the management of covid 19 and in future assure compliance, solidarity and support to all mandatory, social and moral responsibility.

The issue of antibiotics residues has been recently pointed out by the Veterans forum and seriously taken by the Hon'ble NGT but there are still no standards laid down either by the Centre or by the State pollution control boards till date.

It is further submitted that most of our member pharmaceutical industries have already entered into tripartite agreement with the CETP on the directions of Hon'ble Himachal Pradesh High court and as such do not discharge our effluent in to soil or water but feed it to the CETP either through tankers or pipeline and believe that the CETP has the responsibility and capability of treating the same and in turn we discharge our duty of paying the charges of the same.

It is further submitted that Mr Guleria who represented the Baddi Infrastructure in the meeting of stake holders held at the office of the Chief Environmental as per the directions of Hon'ble NGT has assured verbally and in writing before the committee that the Baddi Infrastructure has floated tenders for the setting up of an additional effluent treatment facility which will ensure cent percent environmental compliance with respect to the antibiotics residues.

We also request the committee and the State Pollution Control Board to ensure adequate representation of the pharmaceutical sector in the CETP project right from conception to operations so as to have effectively be able to achieve the common objective of saving our environment and preserving nature and not face such embarrassing situations in future.



HIMACHAL DRUG MANUFACTURERS ASSOCIATION (Regd.)

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It is further requested to the committee and the State and the Central Pollution Control Board to take necessary steps and issue necessary directions to the Baddi Infrastructure and BEIL infrastructure Ltd. to include cent percent of the industry especially pharmaceutical industry in the catchment area of the CETP to be able to achieve best environmental compliance w.r.t water pollution in this region.

It is finally submitted that with the assurance of the BEIL infrastructure ltd as mentioned above we are of the view that our effluent would be effectively treated with respect to all the standards already laid down and for the antibiotic residues and ensure that no antibiotic residues shall be discharged in water or land.

We also thank the Hon'ble NGT and the worthy Committee for giving us an opportunity to present our views and concerns as stake holders.

With warm regards

Munnish Thakur

General Secretary, HDMA

Minutes of Stake Holder Meeting held on dated 21.09.2021 in compliance to Hon'ble NGT Orders dated 23.06.2021 passed in OA 136/2020 titled Veterans Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors.

In compliance to NGT Orders dated 23.06.2021 passed in OA 136/2020 titled Veterans Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors to conduct the meeting with stakeholders, the meeting was fixed on 20-09-2021 and following stake holders were informed:

1)	Dr. Rajesh Gupta, President, Himachal Drugs Manufacturers Association, 153, 1 st floor, Motia Palaza, near Baddi Toll Barrier, Baddi, District Solan, H.P.-173205. (Stake Holder)
2)	Mr. Sanjay Khurana, President, BBNIA, EPIP-Jharmajri Road, EPIP, Phase-1, Jharmajri, Baddi, Himachal Pradesh-174130. (Stake Holder)
3)	The President, Lagu Bharti Udyog, 151, DIC, Industrial Area, Baddi, Himachal Pradesh 173205. (Stake Holder)
4)	DR. Bishwanath Prasad Singh, Wing Commander (Retd), B-12 4, Swan Nagri, Greater Noid`a, Dist- G. B. Nagar, UP-201306 (Applicant of the Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors. pending)

At the outset, Regional Officer, Baddi, HPSPCB welcomed all the members of Joint Inspection Committee and various stake holders the detail of stakeholders is annexed as Annexure-I. The member from CPCB and the applicant of Veteran Forum for Transparency in Public Life were not present in the meeting. He further apprised the members regarding the orders passed in OA 136/2020 titled Veterans Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors.

The State Pollution Control Board has constituted a committee to lay down the standards under section 17 of water Act, 1974 for residual antibiotics in industrial effluent and the meeting of committee was held on 11.08.2021 and minutes of meeting held were discussed (Copy Annexed as Annexure-I).



Further, in compliance to Hon'ble NGT order and minutes of meeting earlier held this meeting has been scheduled today for Stakeholders Consultation/meeting. The Regional officer, HPSPCB, apprised the stake holders that as per information received from drug office there are 210 numbers of units who have obtained the license for manufacturing of antibiotics. The directions were issued to all the industries to submit their production schedule for manufacturing of Antibiotics for upcoming 60 days through their Industrial Association i.e. Himachal Drug Manufacturers association units are asked to submit the manufacturing schedule of antibiotics. The Regional officer, HPSPCB requested the stake holders to give their views in the present court matter.

The representative of B.B.N. Industries Association (Regd.) has submitted the representation vide No. BBNIA/PCB/2021 dated 20.09.2021 (Copy Annexed as Annexure-III) and has further apprised all the members that from the OA no. 136/2020 pending before the Hon'ble NGT Delhi some issue has been come into light w.r.t. functioning of CETP, discharge of untreated effluent by the some pharmaceutical industries, CETP beside Cat-IV is not capable of treating API discharge of Pharma units, no standards has been notified by the MOEF&CC for discharge of API and the testing labs has higher Limit of Quantification (LOQ) than specified in draft notification of MOEF.

He further, apprised the Committee members that the Cat-IV effluent is now being treated at unit level and the units are zero discharge for Category-IV effluent and regarding the treatment of residual antibiotics in the CETP Baddi. The CETP Baddi has submitted action plan to setup additional facility to treat API and FDS/chloride if required. He further, apprised the Committee members they have received the funding support from the Govt. of India and Govt. of HP has already sanctioned and partially released the funds. The CETP Baddi has invited tenders for design, supply, construction, installation, commissioning, testing and trial run of 3 MLD capacity for effluent refractory management and TDS/FDS Reduction at their existing 25 MLD capacity CETP & MLD STP located at Baddi, Distt. Solan (HP) on 08.09.2021 and the tender opening process will start from 29.09.2021 and this project shall be completed within one year. (letter from Baddi Infrastructure Annexed as Annexure-II)

The president B.B.N. Industries Association (Regd.) further submitted before the Committee Members that the MOEF has notified the proposed standards for Pharma industry vide Notification dated 06.08.2021, but instead of API Norms they have termed the antibiotic residue in the effluent as hazardous and has notified that chemical and

biological sludge or any residue, reject, concentrate generated from wastewater treatment or its management facility at industry or CETP catering to industries engaged in manufacturing of bulk drug or formulation of pharmaceuticals, shall be classified as Hazardous waste as per the provision of clause 17 of sub- rule(i) of rule 3 of the hazardous and other waste(Management) Rules,2016 and shall be subject to the provision made therein.(Representation Annexed as Annexure-III)

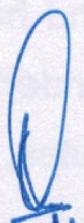
The president from the Himachal Drug Manufacturers Association (regd.) further submitted before the Committee members through their representation (Copy Annexed as Annexure-IV) that earlier there were no standards for residual antibiotic in effluent by the MOEF& CC and in the notification dated 06.08.2021 the same has also not been included by the MOEF& CC. No action should be taken against the pharmaceutical industries as the parameters w.r.t. residual antibiotics are not framed by MOEF&CC and has termed the antibiotic residue in the effluent as hazardous and same is to be dealt under clause 17 of sub- rule (i) of rule 3 of the hazardous and other waste (Management) Rules, 2016.

Final Conclusion:

1. The MOEF&CC after detailed objection and suggestions received from all persons and stakeholders in response to Draft Notification dated 23.01.2020 finally notified the parameters for Bulk drug and formulation (pharmaceutical) on dated 06.08.2021. The parameters mentioned in the Part-D of draft notification w.r.t residual antibiotic in effluent has been further have termed as the antibiotic residue in the effluent as hazardous and has notified that chemical and biological sludge or any residue, reject, concentrate generated from wastewater treatment or its management facility at industry or CETP catering to industries engaged in manufacturing of bulk drug or formulation of pharmaceuticals, shall be classified as Hazardous waste as per the provision of clause 17 of sub- rule(i) of rule 3 of the hazardous and other waste(Management) Rules,2016 and shall be subject to the provision made therein. All the members present in the meeting were in view that the State pollution Control Board should follow the notification dated 06.08.2021 beside finalizing the separate parameters for residual Antibiotics in effluent.
2. In the Stakeholders meeting all the members were in opinion that State Board should follow the notification dated 06.08.2021 notified by the MOEF&CC for Bulk drug and formulation (pharmaceutical) as the draft notification stands quashed.



3. The CETP Baddi to complete the proposed effluent refractory management and TDS/FDS Reduction of capacity 3 MLD within one year.
4. The representative of Himachal Drugs Manufacturers Association was requested to direct all industries to submit their production schedule for manufacturing to State Pollution Control Board at earliest so that further sampling/study could be conducted in compliance to Hon'ble NGT orders dated 23.06.2021.
5. No action should be taken against the pharmaceutical industries as the parameters w.r.t. residual antibiotics are not framed by MOEF&CC and has termed the antibiotic residue in the effluent as hazardous and same is to be dealt under clause 17 of sub- rule (i) of rule 3 of the hazardous and other waste(Management) Rules,2016


24/9/21
Ashwani Kumar,
MoEF&CC, IRO
Shimla


P. C. Gupta,
HPPCB, Baddi

Mahendra Pal Gurjar, IAS
Distt. Admn, Solan

6.

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में संख्यांक का. आ. 844(अ) तारीख 19 नवंबर, 1986 में प्रकाशित किए गए थे और अंतिम बार अधिसूचना संख्यांक सा.का.नि. 243(अ) तारीख 31 मार्च, 2021 द्वारा अंतिम रूप से संशोधित किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 6th August, 2021

G.S.R. 541(E).—Whereas, certain draft rules, namely the Environment (Protection) Amendment Rules, 2020 were published in the Gazette of India, Extraordinary, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, *vide* notification of the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 44 (E), dated the 23rd January, 2020, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And Whereas, copies of the Gazette containing the aforesaid notification were made available to the public on the 23rd January, 2020;

And Whereas, objections and suggestions received from all persons and stakeholders in response to the aforesaid notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely: -

1. **Short title and commencement.** - (1) These rules may be called the Environment (Protection) Second Amendment Rules, 2021.

(2) They shall come into force after one year from the date of publication of this notification in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule-I, for serial number 73 and the entries relating thereto, the following serial number and entries shall be substituted, namely:-

S.No.	Industry	Parameters	Standard
1	2	3	4
73.	Bulk Drug and Formulation (Pharmaceutical)	A. EFFLUENT STANDARDS*	
		Limiting value for concentration (in mg/l except for pH and Bio assay)	
		(i) Compulsory Parameters	
		pH	6.0 -8.5
		BOD (3 days 27°C)	30
		COD	250
		TSS	100
		Oil & Grease	10
		Ammonical Nitrogen	100
		Bio - Assay Test**	90% Survival of Fish after first 96 hours in 100% effluent

(ii) Additional Parameters^{##}	
***Benzene	0.1
***Xylene	0.12
***Methylene Chloride	0.9
***Chlorobenzene	0.2
Phosphates as P	5
Sulphides as S	2
Phenolic Compounds	1
Zinc	5
Copper	3
Total Chromium	2
Hexavalent Chromium (Cr ⁶⁺)	0.1
Cyanide (as HCN)	0.1
Arsenic	0.2
Mercury	0.01
Lead	0.1
SAR	Less than 26 (applicable only for discharge on land)
(iii) Industry connected with CETP	
<ul style="list-style-type: none"> The discharge norms for industry connected with CETP and of CETP shall be governed by Ministry of Environment, Forest & Climate Change notification S.O. 4 (E), dated the 1st January, 2016. State Pollution Control Board shall prescribe additional relevant parameters as given at para A (ii) of this notification as per needs and discharge potential of member industries and specify the frequency of monitoring considering the receiving environment conditions. 	
<p>Note:</p> <p>The standards in para A is applicable to all discharges except to CETP.</p> <p>*Not applicable to industry discharging to CETP, and shall be applicable to all discharge to land and surface water bodies including use of treated wastewater for horticulture or irrigation purpose.</p> <p>** The Bio assay test shall be conducted as per IS : 6582-1971</p> <p>## Parameters listed as “Additional Parameters” shall be prescribed by SPCB depending on the process and product and its monitoring frequency shall be monthly/quarterly as decided by SPCBs</p> <p>***Limits shall be applicable to industries those are using Benzene, Xylene, Methylene Chloride, Chlorobenzene.</p>	

B. EMISSION STANDARDS	
(Tank farm Vents)	
Parameter	Limiting value for concentration (mg/Nm³)
Chlorine	15
Hydrochloric acid vapor	35
Ammonia	30
Benzene	5
Toluene	100
Acetonitrile	1000
Dichloromethane	200
Xylene	100
Acetone	2000
<i>C. The total cumulative losses of solvent should not be more than 5% of the solvent on annual basis from storage inventory</i>	
<p>D. Chemical and Biological sludge or any residue, reject, concentrate generated from wastewater treatment or its management facility at Industry or CETP catering to industries engaged in manufacturing of bulk drug or formulation of Pharmaceuticals, shall be classified as Hazardous Waste as per the provision of clause 17 of sub-rule (i) of rule 3 of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 and shall be subject to the provision made therein.</p>	

[F. No. Q-15017/12/2018-CPW]

NARESH PAL GANGWAR, Jt. Secy.

Note : The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and lastly amended *vide* notification G.S.R. 243(E), dated the 31st March, 2021.

		cxix. बेंकोमाईसिन	3.20
		cxx. वियोमाईसिन	0.80
		cxxi. विजिनियामाईसिन	0.80. %

टिप्पणी: - एंटीबायोटिक अवशिष्ट युक्त गाद को जलाकर राख किया जाएगा और साझा खतरनाक अपशिष्ट भस्मक अथवा उद्योग विशिष्ट भस्मक के लिए अधिसूचित किए गए भस्मक का मानक लागू होगा।

[फा.सं.क्यू.-15017/12/2018-सीपीडब्ल्यू]

जिग्मेत टक्पा, संयुक्त सचिव

टिप्पणी: मूल नियम भारत के राजपत्र असाधारण, भाग- II, खंड 3, उप-खंड (i) में दिनांक 19 नवम्बर, 1986 को संख्या का.आ. 844 (अ) द्वारा प्रकाशित किए गए थे और उन्हें अंतिम बार दिनांक 26 दिसम्बर, 2019 को सा.का.नि. 952 (अ) की अधिसूचना द्वारा संशोधित किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 23rd January, 2020

G.S.R. 44(E).— The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public.

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period specified above to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003, or send it to Member Secretary, CPCB and Scientist 'E' Ministry at the e-mail address i.e. mscb.cpcb@nic.in and h.kharkwal@nic.in.

Draft Notification

The Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

- Short title and commencement-** (1) These rules may be called the Environment (Protection) Amendment Rules, 2019.
(2) They shall come into force on the date of their final publication in the Official Gazette.
- In the Environment (Protection) Rules, 1986, in Schedule-I, for serial number 73 and the entries relating thereto, the following serial number and entries shall be substituted, namely:-

Sl. No.	Industry	Parameters	Standard
1	2	3	4
"73	Bulk Drug and Formulation (Pharmaceutical)	A. EFFLUENT STANDARDS	
		For final outlet of ETP	
		Limiting value for concentration (in mg/l except for pH and Bio assay)	
		i) Compulsory Parameters	
		pH	6.0 -8.5

BOD (3 days 27°C)	30
COD	250
TSS	100
TDS	2100
Oil & Grease	10
Bio - Assay Test**	90% Survival of Fish after first 96 hours in 100% effluent
ii) Additional Parameters	
Ammonical Nitrogen	50
Nitrate Nitrogen	10
***Benzene	0.05
***Toluene	0.05
***Xylene	0.06
***Methylene Chloride	0.9
Phosphates as P	5
Chlorides	1000
Sulphates as SO ₄	1000
Fluoride	2
Sulphides as S	2
Phenolic Compounds	1
Total Residual Chlorine	1
Zinc	5
Iron	3
Copper	3
Total Chromium	2
Hexavalent Chromium (Cr ⁶⁺)	0.1
Cyanide	0.1
Arsenic	0.2
Mercury	0.01
Lead	0.1
****Active Pharmaceutical Ingredient (API)	0.05
iii) for final outlet of Industries discharging to CETP	
For each Common Effluent Treatment Plant(CETP), the state Board will prescribe inlet quality Standards for general parameters, Ammonical Nitrogen and Heavy Metals as per the design of the Common Effluent Treatment Plant(CETP) and local needs and conditions. As per notification S.O. 4 (E) dated 1 st January, 2016	
Note:	
ZLD = Zero Liquid Discharge system in Bulk Drug and formulation industry is considered when treated effluent meeting the limits prescribed for compulsory parameters shall be used in Process or Utilities (boiler/ Cooling tower etc.). The reuse of treated effluent in gardening/ horticulture shall not be considered as ZLD in Bulk Drug and formulation industries.	
** The Bio assay test shall be conducted as per IS : 6582-1971	
Parameters listed as "Additional Parameters" shall be prescribed depending upon the process and product.	
*** Limits shall be applicable to industries those are using Benzene, Toluene, Xylene, Methylene Chloride, Chlorobenzene.	
****API limits shall be applicable for units manufacturing API other than antibiotics.	
B. EMISSION STANDARDS from Process Reactor Vents/ Tank farm Vents	
Parameter	Limiting value for concentration (mg/Nm³)
Chlorine	15
Hydrochloric acid vapour	35
Ammonia	30
Benzene	5
Toluene	100
Acetonitrile	1000
Dichloromethane	200

Xylene	100
Acetone	2000
C. The total losses of solvent should not be more than 3% of the solvent consumed.	
D. Antibiotic Residues in the treated effluent of Bulk Drug and Formulation Industry and CETP with membership of Bulk Drug and formulation Units	
Individual antibiotic residues will be equal to or less than the values given in the below table.	
Parameter	Limiting value for concentration (µg/l)
i. Amikacin	6.40
ii. Amoxicillin	0.10
iii. Amphotericin B	0.01
iv. Ampicillin	0.10
v. Anidulafungin	0.01
vi. Avilamycin	3.20
vii. Azithromycin	0.01
viii. Aztreonam	0.20
ix. Bacitracin	3.20
x. Bedaquiline	0.03
xi. Benzylpenicillin	0.10
xii. Capreomycin	0.80
xiii. Cefaclor	0.20
xiv. Cefadroxil	0.80
xv. Cefalonium	8.40
xvi. Cefaloridine	1.60
xvii. Cefalothin	0.80
xviii. Cefazolin	0.40
xix. Cefdinir	0.10
xx. Cefepime	0.20
xxi. Cefixime	0.02
xxii. Cefoperazone	0.20
xxiii. Cefotaxime	0.04
xxiv. Cefoxitin	3.20
xxv. Cefpirome	0.02
xxvi. Cefpodoxime	0.10
xxvii. Cefquinome	0.64
xxviii. Cestarine	0.02
xxix. Ceftazidime	0.20
xxx. Cestibuten	0.10
xxxi. Cestiofur	0.02
xxxii. Cestobiprole	0.09
xxxiii. Cestolozane	0.76
xxxiv. Cestriaxone	0.01
xxxv. Cefuroxime	0.20
xxxvi. Cepbalexin	0.03
xxxvii. Chloramphenicol	3.20
xxxviii. Ciprofloxacin	0.02
xxxix. Clarithromycin	0.03
xl. Clavulanic Acid	22.40
xli. Clinafloxacin	0.20
xlii. Clindamycin	0.04
xliii. Cloxacillin	0.05
xliv. Colistin	0.80
xlv. Daptomycin	0.40
xlvi. Delamanid	0.02
xlvii. Doripenem	0.04
xlviii. Doxycycline	0.80
xliv. Enramycin	1.92
i. Enrofloxacin	0.02

li.	Ertapenem	0.05
lii.	Erythromycin	0.20
liii.	Ethambutol	0.80
liv.	Faropenem	0.01
lv.	Fidaxomicin	0.01
lvi.	Florfenicol	0.80
lvii.	Fluconazole	0.10
lviii.	Flumequine	0.10
lix.	Fosfomicin	0.80
lx.	Fusidic acid	0.20
lxi.	Gatifloxacin	0.05
lxii.	Gemifloxacin	0.02
lxiii.	Gentamicin	0.08
lxiv.	Imipenem	0.05
lxv.	Isoniazid	0.05
lxvi.	Itraconazole	0.004
lxvii.	Kanamycin	0.44
lxviii.	Levofloxacin	0.10
lxix.	Lincomycin	0.72
lxx.	Linezolid	2.68
lxxi.	Loracarbef	0.80
lxxii.	Mecillinam	0.40
lxxiii.	Meropenem	0.02
lxxiv.	Metronidazole	0.05
lxxv.	Minocycline	0.40
lxxvi.	Moxifloxacin	0.05
lxxvii.	Mupirocin	0.10
lxxviii.	Nalidixic acid	6.40
lxxix.	Narasin	0.20
lxxx.	Neomycin	0.01
lxxxii.	Netilmicin	0.20
lxxxiii.	Nitrofurantoin	25.60
lxxxiv.	Norfloxacin	0.20
lxxxv.	Ofloxacin	0.20
lxxxvi.	Oxacillin	0.40
lxxxvii.	Oxytetracycline	0.20
lxxxviii.	Pefloxacin	3.20
lxxxix.	Phenoxymethylpenicillin	0.02
xc.	Piperacillin	0.20
xc.	Polymixin	0.80
xcii.	Retapamulin	0.02
xcii.	Rifampicin	0.02
xciii.	Roxithromycin	0.40
xciv.	Secnidazole	0.40
xcv.	Sparfloxacin	0.02
xcvi.	Spectinomycin	12.80
xcvii.	Spiramycin	0.20
xcviii.	Streptomycin	6.40
xcix.	Sulbactam	6.40
c.	Sulfadiazine	288.00
ci.	Sulfadimethoxine	20.00
cii.	Sulfadoxine	0.24
ciii.	Sulfamethoxazole	0.24
civ.	Tazobactam	17.60
cv.	Tedizolid	3.92
cvi.	Teicoplanin	0.20
cvi.	Telithromycin	0.02

	cviii.	Tetracycline	0.40
	cix.	Thiamphenicol	0.40
	cx.	Tiamulin	0.40
	cxii.	Ticarcillin	3.20
	cxiii.	Tigecycline	0.40
	cxiiii.	Tildipirosin	0.17
	cxv.	Tilmicosin	0.40
	cxvi.	Tobramycin	0.40
	cxvii.	Trimethoprim	0.20
	cxviii.	Trovafloxacin	0.01
	cxix.	Tylosin	0.33
	cx.	Vancomycin	3.20
	cxx.	Viomycin	0.80
	cxxi.	Virginiamycin	0.80

Note:- The sludge containing antibiotic residues shall be incinerated and the standard of incinerator notified for common hazardous waste incinerator or industry specific incinerator shall be applicable.

[F.No. Q-15017/12/2018-CPW]

JIGMET TAKPA, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844 (E), dated the 19th November, 1986 and last amended vide notification number G.S.R. 952(E), dated the 26th December, 2019.



**H.P. STATE POLLUTION CONTROL BOARD,
Regional Office "HIMUDA COMPLEX" Phase-1, Baddi
Tehsil Baddi, Distt. Solan (HP) Phone-01795-245374**

No. PCB/RO Baddi/NGT/OA No 136/2020Veterans Forum/21- 1733

Dated: 22.09.2021

To

The Director,
Baddi Infrastructure,
BTTI Complex, EPIP Phase-I,
Jharmajri, Tehsil Baddi, P.O. Barotiwala, Distt. Solan, H.P.

Sub: OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors. Pending before the Hon'ble National Green.

Sir,

This is in reference to the stakeholders' meeting held on 20-09-2021 regarding antibiotic residues in the effluent released by pharma industries and treatment at CETP, your representation dated 20/9/2021 and DPR of "3 MLD Refractory Management and TDS/ FDS Reduction in CETP Kenduwal, Baddi. Submitted by you vide letter no. BI/HPSPCB/2021-1109-1110 dated 20-09-2021.

The details submitted by you were examined by the Joint Committee. In this regard you are requested to provide the following details:

1. Composition of refractory material considered by you in the DPR.
2. Concentration of API and Antibiotic Residues at the inlet of modified CETP designed by you.
3. Concentration of API and Antibiotic residues at the outlet of modified CETPs designed by you

Kindly treat it urgent since this is to be included in the report to be filed before Hon'ble National Green Tribunal by the Joint Committee.

Yours faithfully,


Regional Officer,
HP State Pollution Control Board,
Regional Office, Baddi.

BADDI INFRASTRUCTURE

CIN: U45209HP2010NPL031349, GSTIN : 02AAECB3644E1Z9

(SPV of BBN Industries Association)

Regd. Office: BTTI Complex, EPIP Phase - 1, Jharmajri, Tehsil Baddi, P.O. Barotiwala,
Distt. Solan (H.P.) 174103, Ph.: 01795-271105, 271106

Email: baddiinfra@yahoo.in, btti.pvtiti@gmail.com, web site: baddiinfra.org.in



No. BI/HPSPCB/2021-

Date-23-09-2021

To

The Regional Officer,
HP State Pollution Control Board,
Regional Office, Baddi.

Sub: OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors. Pending before the Hon'ble National Green.

Dear Sir,

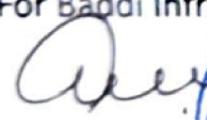
This is in reference to your letter no. 1733 dated 22-09-2021 regarding the subject cited as above.

We wish to clarify and submit as under:

- 1) Antibiotic residue and API is covered under the treatment scheme as submitted in the DPR of 3 MLD Refractory Management and TDS/ FDS Reduction in CETP Kenduwal, Baddi through adsorption process and subsequent ultra-filtration process.
- 2) The inlet antibiotic residue plus API (CAT-III -Pharma units) for this add on facility at CETP is considered as on higher side of 22-25 mg/ltr but actual testing will be done while undertaking treatability on pilot basis
- 3) The content of antibiotic residue and API in final outlet after treatment in this proposed add on facility in CETP Kenduwal, Baddi will be Nil.

Yours faithfully

For Baddi Infrastructure


 Vijay K Afora,
 Director & CEO


**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

CWP No. 4961/2021

IN THE MATTER OF:-

Baddi Barotiwala Nalagarh Industries Association
(BBNIA)

.....Petitioner

Versus

State of HP &ors.

.....Respondents

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over to
Sh. V. B. Verma Adv
on -23-10-2021

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Respondent No. 2&3

Place: Shimla

Dated:- 22-10-2021

Through Counsel

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

CWP No. 4961/2021

IN THE MATTER OF:-

Baddi Barotiwala Nalagarh Industries Association (BBNIA) with its registered office at EPIP, Phase-I, Jhadmajjri, Baddi, District Solan HP. 1741003, through its executive head Sh. Rajeev Satya and its duly Authorised Representative.

.....Petitioner

Versus

- 1. The State of HP through Principal Secretary, Environment Science & Technology to the Government of HP (also ex-Officio Chairman of the HP State Pollution Control Board) Civil Secretariat, Shimla 171002.
- 2. HP State Pollution Control Board through its Member Secretary, Him Parivesh Phase -III, New Shimla-171009.
- 3. The Member Secretary, Himachal Pradesh State Pollution Control Board Him Parivesh Phase -III, New Shimla-171009.
- 4. Municipal Council Baddi, District Solan through its Executive Officer.

..... Respondents



Member Secretary,
HP State Pollution Control Board
Shimla

**Reply to the petition on behalf of
Respondents No.2 and 3.**

May it please your Lordships:-

Preliminary Submissions:-

1. That the Common Effluent Treatment Plant Baddi (CETP) through its operator i.e. Baddi Infrastructure has not been arrayed as party in this matter which is a necessary party for adjudication of this matter.

2. That the petitioners have obtained the interim order dated 1-9-2021 by misrepresenting before the Hon'ble Court wherein replying respondent has been restrained from taking coercive action against all the petitioner Industrial Association. It is submitted that in fact, present petition is confined only to those member industries (connected to CETP Baddi) which have effluent discharge of less than 200 KLD whereas petitioner is an Association of the Industries wherein both categories of the units are members (whether they are having discharge of more than 200 KLD or less than 200 KLD). Therefore, order dated 1-9-2021 is required to be modified and present petition deserves to be dismissed.


Member Secretary,
HP State Pollution Control Board
Shimla

Reply on merits :-

1. Contents of para 1 relate to petitioner's status as Society registered under the HP Societies Registration Act 2006, its objectives to promote industries in BBN area and authorisation of its Executive head to file present petition are a matter of record and need no reply.
2. In reply to para-2-3 it is submitted that Respondent No. 1 i.e. Additional Chief Secretary Environment, Science and Technology Government of HP is admittedly holding charge of Chairman of State Board. Rest of the contents of paras are wrongly portrayed and are denied. The State Board is duly constituted as per section 4 of the Water Act 1974 and as per Hon'ble Supreme Court's directions and presently the State Government vide notification dated 19-10-2020 has nominated members of the Board for a period of three years. Copy of notification dated 19-10-2020 is annexed as **Annexure R-2/1**.
- 4-6 In reply to para 4-6 it is submitted that a Common Effluent Treatment Plant (CETP) was established at Baddi by the Department of Industries, Government of HP which came into operation in the year 2015 for treatment of effluent generated by the industries falling in the catchment area of CETP. As per the State Government order dated 27-10-2010.


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all the industries located in the catchment area of the CETP were required to send their waste water to CETP for further treatment (copy at **Annexure-P-3**). In the meanwhile, Ministry of Environment, Forest and Climate Change, Government of India issued a notification dated 01-01-2016 (**Annexure R-2/2**) which stated that :- *“For each Common Effluent Treatment Plant (CETP), the State Board will prescribe inlet quality standards for General Parameters, Ammonical - Nitrogen and heavy metals as per design of the Common Effluent Treatment Plant (CETP) and local needs and conditions.”*

Subsequently, the Hon'ble Supreme Court of India vide order dated 22-2-2017 in WP No. 375/2012 titled Paryavaran Surksha Samiti v/s UOI, (copy annexed **Annexure-2/3**) made it mandatory for the all member industries connected to CETP to revive and operate their ETPs upto primary treatment level, before sending the effluent to CETP. In compliance to directions of the Hon'ble Supreme Court the respondent State Board published/issued public notice in news papers dated 7-4-2017 and 11-4-2017 (copy annexed as **Annexure-R-2/4**) informing all industries irrespective of their connectivity with CETP to make their primary effluent treatment plants fully operational within three months.



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As there were no inlet standards prescribed for the primary treatment of the industries hence in compliance to notification dated 1-1-2016 issued by Ministry of Environment, Forest and Climate Change, Government of India and Hon'ble Supreme Court orders dated 22-2-2017, the State Board initially proposed/prescribed and recommended to the State Government, the inlet quality standards for waste water after primary treatment which shall be entered into the CETP for final disposal/treatment. On the recommendations of the State Board, initially the Department of Environment S&T, Government of HP vide notification dated 17-3-2018 (**Annexure -P-10**) notified three inlet quality standards for members industries connected to CETP i.e. TSS, Oil and Grease and pH. Later on Hon'ble NGT took cognizance of the functioning of the CETP Baddi in OA No. 801/2018 and vide order dated 27-9-2019, constituted a joint committee of Central Pollution Control Board, HP State Pollution Control Board and District Magistrate Solan to examine the performance status of discharge of effluents by industries and efficacy of the CETP. The committee submitted its report on 16-11-2019 (**Annexure R-2/5**) which recommended that the State Board needs to review the notification dated 17-3-2018 and include other parameters like TDS, BOD, Chloride and Sulphide.


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Accordingly the State Board prepared and recommended to the State Government additional parameters for inlet quality standards of the member industries. On the recommendations of the State Board, the notification dated 26-12-2019 (**Annexure P-13**) was issued by the Department of Environment S&T, Government of HP as per design of CETP and local needs and conditions.

As regard to the judgment passed by Hon'ble Supreme Court of India in Civil Appeal No. 1359 / 2017 titled as Techhi Tagi Tara vs Rajender Singh Bhandari and others, it is submitted that compliance to the directions passed in said judgment have been made by the State of HP and guidelines for the appointment of Chairman of the State Board have been prepared. Presently the State Board has been constituted by the State Government under section 4 of the Water Act 1974 vide notification dated 19-10-2020 for a period of three years. It is pertinent to submit here that in pending Contempt Petition (Civil) No. 655 of 2020 with regard to compliance to the judgment passed in Tech Tagi Tara vs Rajender Singh Bhandari case vide order dated 8-2-2021, Hon'ble Supreme Court observed that the State of HP has complied with the directions. Copy of order annexed as **Annexure R-2/6**. Hence there are no violations of the Water Act, 1974 or Hon'ble Supreme Courts directions as alleged.


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HP State Pollution Control Board
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7. Contents of para 7 relate to establishment of Special Purpose Vehicle (SPV) namely Baddi Infrastructure for operation of CETP Baddi and order dated 20-8-2010 passed by the Hon'ble High Court of HP in CWPIIL 13/2006 which are a matter of record. As regard to the issue of setting up of CETP in two phases as per detailed project report the same pertain to the Baddi Infrastructure which needs to be arrayed as necessary party/respondent in this matter. The issue of funding of CETP also does not pertain to the replying respondent.
8. Contents of para 8 relate to Environment Clearance dated 8-1-2013 granted to the CETP Baddi by the Ministry of Environment, Forests and Climate Change, Government of India which is a matter of record. It is submitted that the petitioner is wrongly interpreting the conditions of Environment Clearance that only members industries having load of more than 200 KLD are required to treat effluent at their existing onsite effluent treatment plant before sending to CETP for further treatment. As already submitted in paras supra, Hon'ble Supreme Court of India vide judgment dated 22-2-2017 in WP No. 375/2012 had made it mandatory for all member industries connected to CETP to revive and operate their ETPs upto primary treatment level, before sending the effluent to CETP. Further inlet parameters need



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to be complied with by member industries as per notification 26-12-2019 (at **Annexure P-13**). It is further submitted that the Hon'ble NGT vide order dated 23-6-2021 (**Annexure R-2/7**) in OA No. 801/2021 directed the HPSPCB that "*...We also find that merely keeping an eye on units discharging more than 200 KLD is not enough. Violation by those discharging less than 200 KLD is not less serious violation nor less harmful for the environment and public health.....*". Therefore, in view of the above position it is not possible to exempt the units having discharge less than 200 KLD from applicability of notification dated 26-12-2019.

9. In reply to para -9 it is submitted that neither the State Board nor the State Government ever issued any direction or letter of exemption to any member industry from the requirement of primary treatment but rather issued public notices in daily news papers dated 7-4-2017 and 11-4-2017 informing all the member industries of CETP to make their primary effluent treatment plants fully operational within three months. Moreover the terms and conditions of tripartite agreement referred to by the petitioner (at **Anexure-P-8**) also do not in specific terms say so and the State Board is not a party to it.


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HP State Pollution Control Board
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10. Contents of para 10 relate to suo-moto cognizance taken by the Hon'ble High Court of HP on the issue of connectivity of member industries with the CETP in CWPIIL No. 11/2016 which are a matter of record.

11-12. Contents of pars 11-12 are denied as stated. The petitioner is giving an incorrect presentation of conditions of Environment Clearance and minutes of meeting dated 3-4-2017. As the CETP was consistently found violating the outlet discharge norms, notified by MoEF & CC vide notification dated 1-1-2016 for Fixed Dissolved Solids standards in the absence of advance treatment system, it is a must for individual units to treat their effluent at their own ETPs before sending the same to the CETP. Moreover, as already submitted in para supra as per directions of the Hon'ble Supreme Court of India dated 22-2-2017 passed in WP No. 375/2012, directions of the Hon'ble NGT dated 23-6-2021 passed in OA No. 801/2018 and in compliance to MoEF &CC, Government of India's notification prescribing inlet quality standards, all member industries are required to adhere to the prescribed inlet quality standards as notified in notification dated 26-12-2019.

13-14 Contents of para 13-14 relate to design and conditions of CETP to treat category I to category IV type of effluents

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which are a matter of record. On the issue of establishment of second phase of project by the CETP Baddi, the State Board had issued notices on 31-8-2019, 28-12-2020 and 19-4-2021 (copies annexed as **Annexure R-2/8**). The petitioner has wrongly mentioned that order dated 27-10-2010 (**Annexure P-3**) was issued by the respondent No. 1 i.e. Department of Environment S&T. In fact it was issued by the Department of Industries and not by the respondent No.1.

15. Contents of para 15 relate to inlet quality norms notified by the Government of HP on the recommendation of respondent Board which are matter of record. The petitioner has made wrong claims. It is denied that there was no violation of the norms notified and it is also denied that neither the CETP nor member industries can be said to be polluting or discharging effluent in violation of norms. Presently the CETP has not provided advance treatment system to treat the Fixed Dissolved Solids (FDS) which can help it to achieve its outlet parameters as per MoEF&CC notification dated 01.01.2016. All the member industries as per directions of the Hon'ble Supreme Court of India and Hon'ble NGT are required to comply with inlet parameters before sending their effluent to CETP. Further, it is submitted that the CETP was found consistently non-


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compliant to the prescribed norms, as per sampling results details of CETP outlet discharge given at **Annexure R-2/9**, therefore Environmental Compensation of Rs. One crore eighty seven lakhs ninety thousand was levied on the CETP by the State Board on 15-10-2019 and 18-10-2019 (Copies annexed as **Annexure R-2/10**). A Criminal Complaint No. 148/2 of 2019 was also filed against the operators of the CETP before the Ld. Judicial Magistrate First Class, Nalagarh Distt Solan HP.

16 Contents of para 16 relate to order dated 27-9-2019 passed by the Hon'ble NGT in OA No. 801/2018 (**Annexure P-11**) and the report filed by the joint committee dated 16-11-2019 (**Annexure P-12**) which are a matter of record. However, it is submitted that vide report dated 16-11-2019 (**Annexure P-12**) the joint committee recommended that the State Board needs to review the notification dated 17-3-2018 and include other parameters like TDS, BOD, Chloride and Sulphide. Accordingly on the recommendations of the State Board, the notification dated 26-12-2019 was issued by Government of HP. With regard to the issue of providing advance treatment system by the CETP, the State Board has issued notices to the CETP Baddi on 31-8-2019, 28-12-2020 and 19-4-2021 (**Annexure R-2/8**). In addition continuous follow up was also done and the State Board also took up


Member Secretary,
HP State Pollution Control Board
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this matter with State Government in meetings under the Chairmanship of Chief Secretary Government of HP held on 26-2-2021 and 4-8-2021 (**Annexure P-18**) wherein it was directed that until CETP upgrades its existing treatment system and consistently complies with the norms for outlet discharge norms, the industries with hydraulic loading of less than 200 KLD cannot be exempted for the inlet parameters. As the CETP was constantly violating the norms with regard to FDS parameter, therefore it was decided that the issue will be considered once the CETP ensures consistent compliance in terms of providing adequate treatment as the compliance by the CETP currently is on the basis of mass balancing which is only a short term measure undertaken by the CETP. It is further submitted that with regard to the textile units discharging more than 200 KLD effluent i.e. M/s Vardhman Textile and M/s Winsome Textile, it is submitted that M/s Vardhman Textile has only recently installed their Reverse Osmosis system and is presently not sending its category-IV effluent to the CETP. Although, M/s Winsome Textile has also installed the Reverse Osmosis systems pursuant to the directions of the Hon'ble NGT in OA No. 801/2018 for control of FDS and directions of the State Board and the State Government, however it is still under trial.


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17. Contents of para 17 relate to submission of detail project report (DPR) to the Director Industries regarding installation of 3 MLD Refractory management and TDS Reduction in CETP which are matter record. In this regard as per information received from the Department of Industries approval for setting up of Refractory management and TDS Reduction in CETP has been accorded by the Ministry of Commerce and Industry, Government of India in 14th meeting of empowered committee of Trade Infrastructure and Import Scheme (TIES) on 2nd August 2021. Copy of minutes of meeting are annexed as **Annexure R-2/11**.

18. Contents of para 18 relate to notification dated 26-12-2019 issued by the Department of Environment S&T, Government of HP which are a matter of record. However it is denied that such notification was issued without any statutory authority, jurisdiction and powers. The said notification was issued by the Respondent No.1, pursuant to judgment of the Hon'ble Supreme Court and orders passed by the Hon'ble NGT on the recommendation of the respondent Board.

19-21. In reply to para 19-21 it is submitted that the matter regarding exemption from State Government notification dated 26-12-2019 for units having less than 200 KLD load,


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 Shimla

was taken up with the State Government. However, as the CETP was constantly violating the norms with respect to FDS parameter, therefore it was decided that the issue will be considered once the CETP ensures the compliance. Copy of communication received from the State Government is already annexed at **Annexure P-16** of the CWP and copies of minutes of meetings held under Chairmanship of Chief Secretary Government of HP are annexed at **Annexure P-18 Colly.**

22. Contents of para 22 are denied as stated. The grounds taken up stand controverted and the petitioner association has no cause of action and is not entitled to any relief and the petition deserves to be dismissed.

22(A) Contents of para 22(A) are denied as stated. It is submitted that under section-18(b) of Water Act 1974, the State Government is empowered to issue directions or such notification. State Government is also empowered to frame Rules under section 64 of the Water Act, 1974 to carry out the purposes of the Act.

22(B-D) Contents of para 22(B-D), to the extent of the State Board's functions under section 17 of the Water Act 1974, are a matter of record. However under Rule-3(2), (3) and (3A) of Environment Protection Rules 1986, the State Board can


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also specify more stringent standards, than the standards provided in Schedule I-IV of the Environment Protection Rules, 1986. It is denied that respondent No. 1 has issued the notification dated 26-12-2019 without any jurisdiction under the Water Act 1974. As already submitted in paras supra it is also denied that the State Board has not been constituted under section 4 of the Water Act 1974.

22(E) Contents of para 22(E) are denied as stated. As already submitted in paras supra the Board has been duly constituted by the State Government vide notification dated 19-10-2020. However it is further submitted that constitution of the State Board and appointment of its members is the prerogative of the State Government which is empowered to do so under section 4 of the Water Act 1974.

22(F) In reply to para 22(F) it is submitted that as per judgment dated 22-9-2017 passed by Hon'ble Supreme Court of India (**Annexure P-19**) the guidelines have been framed by the State of HP regarding appointment of Chairman of the State Board. According to these guidelines the Secretary (Environment) to the Government of HP will be ex-officio Chairman of the State Board till a person is selected for nomination/appointment as Chairman of the State Board or


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the post falls vacant due to any other reason. Copy of guidelines dated 23-01-2019 annexed as **Annexure R-2/12**.

22(G) Contents of para 22(G) are denied. It is submitted that connectivity issue of sewerage line with CETP needs action from the Jal Shakti Department and Municipal Council Baddi, although the State Board is regularly taking up this issue with these concerned departments. However, as already submitted in paras supra, as per directions of the Hon'ble Supreme Court of India, all industries are required to comply with inlet parameters before disposing its effluent to the CETP.

22(H) In reply to para 22(H) it is submitted that as the CETP is not meeting the norms with regard to FDS and the Hon'ble NGT has taken cognizance of the issue and as per directions of Hon'ble Supreme Court of India, petitioner industries are required to comply with inlet parameters before discharging its effluent to the CETP for treatment of other parameters.

22(I) Contents of para 22(I) are wrong and denied as stated. Not only the CETP is to be compliant, but the member industries are also required to be compliant to the prescribed environmental norms. Contents of the para relating to implementation of phase-II project of CETP Baddi calls for reply of M/s Baddi Infrastructure. As already submitted in


Member Secretary,
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paras supra the State Board has issued notices to the CETP Baddi for providing advance treatment, as it was consistently non-complying to the FDS parameter. Further, as per information from Industries Department the proposal for providing advance treatment facility for improvement in the functioning of the CETP Baddi was submitted to Department of Commerce, Govt. of India for funding the project under Trade Infrastructure for Govt. of India Expert Scheme, wherein the proposal has been approved.

22(J) Contents of para 22(J) stand controverted in view of the submissions made in paras supra. It is not the SPCB but the CETP owner/management (a special purpose vehicle created by the Department of Industries) which is responsible for making upgradations to effectively treat the effluent for which notices were duly issued by the State Board as a regulator. Further, as per directions of Hon'ble Supreme Court of India, all industries are required to comply with inlet parameters before disposing its effluent to the CETP. It is submitted that notification dated 26.12.2019 was issued by the Govt. in compliance to MoEF& CC's notification dated 01-01-2016. It is also denied that the CETP is to act merely as post office, as the inlet quality standards notified for industries discharging to CETP are higher compared to


 Member Secretary,
 HP State Pollution Control Board
 Shimla

the outlet discharge norms prescribed for the CETP and by way of treatment, the standards are required to be achieved by the CETP. The comparison of some of these parameters are as below:-

Parameter	Inlet quality norms prescribed for CETP on 26-12-2019 to be followed by member industries.	Outlet discharge norms prescribed for CETP by MoEF &CC on 01-01-2016.
BOD	350	30
COD	1000	250
Lead	1	0.1
TSS	250	100
Oil & Grease	15	10
Sulphide	5	2

The CETP has achieved compliance to outlet norms only recently in May 2021 after constant follow up by the State Board.

22(K) In reply to para 22(K) as already submitted, State Board has issued notices to the CETP for installation of advance treatment system from time to time as it was non-complying


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H.P. State Pollution Control Board
Shimla

to the norms in respect of MoEF &CC notification dated 1-1-2016. With regard to the matter of member industries discharging less than 200 KLD, the matter was taken up with State Government. The State Government has conveyed vide communication dated 9-11-2020 (**Annexure P-16**) that as the CETP was constantly violating the norms with regard to FDS parameter therefore once CETP Baddi upgrades and provides adequate treatment the issue can be considered. The matter was also discussed in the meeting under chairmanship of Chief Secretary Government of HP on 26-2-2021 and 4-8-2021 (**Annexure P-18**). However as the CETP was constantly violating the norms with regard to FDS parameter, therefore it was decided that the issue will be considered once the CETP ensures compliance to effluent norms.

23-25 Contents of paras 23-25 are denied as stated. It submitted that impugned order passed by the respondent Board is appealable before the Hon'ble National Green Tribunal under section 16 of NGT Act 2010.

Prayer:-

In view of the detailed submissions made hereinabove and facts and circumstances of the case, it is therefore prayed that the aforesaid petition may kindly be dismissed qua the


Member Secretary,
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Shimla

replying respondent. Any other order which this Hon'ble Court deems fit, may kindly be passed in the interest of justice.

Date:
Place: - Shimla

Respondent No.2&3
Member Secretary,
HP State Pollution Control Board
Shimla

Through Counsel

**IN THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

CWP No. 4961/2021

IN THE MATTER OF:-

Baddi Barotiwala Nalagarh Industries Association
(BBNIA)

.....**Petitioner**

Versus

State of HP &ors.

.....**Respondents**

AFFIDAVIT

I, Apoorv Devgan, son of late Sh. Bharat Bhushan, aged 33 years, presently working as Member Secretary, H.P. State Pollution Control Board, Him Parivesh, Phase-III, BCS, New Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under: -

1. That the accompanying reply has been drafted at my instance and under my instructions.
2. That the contents of preliminary submissions para 1-2 and reply paras 1-25 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.


 Member Secretary,
 HP State Pollution Control Board
 Shimla

3. I further affirm that the contents this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Shimla on ____ day of October, 2021.

DEPONENT

Member Secretary,
HP State Pollution Control Board
Shimla

Government of Himachal Pradesh
Department of Environment, Science & Technology

No. STE-A(1)-4/2001-I-L

Dated Shimla-2, the

19th October, 2020.

NOTIFICATION

In supersession to this Department's Notification of even No. dated 3rd, July, 2017, the Governor, Himachal Pradesh, in exercise of the powers conferred under clause (b) and clause (c) of sub-section (2) of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, is pleased to nominate the following official Members to the Board of Directors of H.P. State Pollution Control Board for a period of three years, with immediate effect.

- | | |
|--|--------|
| 1. The Additional Chief Secretary (Industries) to the Govt. of H.P. | Member |
| 2. The Additional Chief Secretary (MPP & POWER) to the Govt. of H.P. | Member |
| 3. The Additional Chief Secretary (Finance) to the Govt. of H.P. | Member |
| 4. The Secretary (Env., S&T) to the Govt. of H.P. | Member |
| 5. The Secretary (Urban Development) to the Govt. of H.P. | Member |
| 6. The Managing Director, HP Road Transport Corporation, Shimla. | Member |
| 7. The Chief Executive Officer, HIMURJA, Shimla. | Member |

By Order

Rajneesh

Secretary (Env., Sci. & Tech.)

to the Government of Himachal Pradesh

Endst. No. STE-A (1)-4/2001-I-L

Dated: Shimla-2, the 19th October, 2020.

Copy forwarded for information to:

1. The Secretary to the Governor, HP, Shimla-2
2. All the Administrative Secretary to the Govt. of H.P., Shimla-2.
3. The Pr. Secretary to the Chief Minister, H.P.
4. The Director, Environment, Science & Technology, Shimla.
5. The Member Secretary, H.P. State Pollution Control Board, Him Parivesh, New Shimla-9.
6. The Dy. Secretary to the Chief Minister, Himachal Pradesh.
7. The P.S. to the Chief Secretary to the Govt. of H.P., Shimla-2
8. All the Official members of the Board of Directors of the H.P. State Pollution Control Board, Shimla-9.
9. The Controller, Printing & Stationary, HP Govt. Press, Shimla-3 for publishing in the Rajpatra.
10. Guard File


 (Saipal Dhiman) 19-10-2020
 Jt. Secretary (EST) to the
 Govt. of Himachal Pradesh

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सा.का.नि. सं. 446(अ), तारीख 13 जून, 2011; सा.का.नि. सं. 152(अ), तारीख 16 मार्च, 2012; सा.का.नि. सं. 266(अ), तारीख 30 मार्च, 2012; सा.का.नि. सं. 277(अ), तारीख 31 मार्च, 2012; सा.का.नि. सं. 820(अ), तारीख 9 नवंबर, 2012; सा.का.नि. सं. 176(अ), तारीख 18 मार्च, 2013; सा.का.नि. सं. 535(अ), तारीख 7 अगस्त, 2013; सा.का.नि. सं. 771(अ), तारीख 11 दिसंबर, 2013; सा.का.नि. सं. 2(अ), तारीख 2 जनवरी, 2014; सा.का.नि. सं. 229(अ), तारीख 28 मार्च, 2014; सा.का.नि. सं. 232(अ), तारीख 31 मार्च, 2014; सा.का.नि. सं. 325(अ), तारीख 7 मई, 2014; सा.का.नि. सं. 612(अ), तारीख 25 अगस्त, 2014; सा.का.नि. सं. 789(अ), तारीख 11 नवंबर, 2014; और अंत में अधिसूचना का.आ. सं. 3305(अ), तारीख 7 दिसंबर, 2015 द्वारा संशोधन किए गए थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 1st January, 2016

S.O. 4(E).—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. **Short title and Commencement.**—(1) These rules may be called the Environment (Protection) Amendment Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule-I,—

(a) the serial number 41 and the entries relating thereto, shall be omitted;

(b) for serial number 55 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

S. No.	Industry	Parameter	Standards		
(1)	(2)	(3)	(4)		
“55.	Common Effluent Treatment Plants (CETP)				
	A. Inlet Quality Standards	For each Common Effluent Treatment Plant (CETP), the State Board will prescribe Inlet Quality Standards for General Parameters, Ammonical-Nitrogen and Heavy metals as per design of the Common Effluent Treatment Plant (CETP) and local needs & conditions.			
	B: Treated Effluent Quality Standards		Max. permissible values (in milligram/litre except for pH and Temperature)		
			Into inland surface water	On land for irrigation	Into sea
		General Parameters			
		pH	6-9	6-9	6-9
		Biological Oxygen Demand, BOD ₅ , 27 °C	30	100	100
		Chemical Oxygen Demand (COD)	250	250	250*
Total Suspended Solids (TSS)	100	100	100		
Fixed Dissolved Solids (FDS)	2100*	2100*	NS*		

Specific parameters			
Temperature, °C	Shall not exceed more than 5°C above ambient water temperature	Shall not exceed more than 5°C above ambient water temperature	Shall not exceed more than 5°C above ambient water temperature
Oil & Grease	10	10	10
Ammonical -Nitrogen	50	NS*	50
Total Kjeldahl Nitrogen (TKN)	50	NS*	50
Nitrate- Nitrogen	10	NS*	50
Phosphates, as P	5	NS*	NS*
Chlorides	1000	1000	NS*
Sulphates, as SO ₄	1000	1000	NS*
Flouride	2	2	15
Sulphides, as S	2	2	5
Phenolic compounds (as C ₆ H ₅ OH)	1	1	5
Total Res. Chlorine	1	1	1
Zinc	5	15	15
Iron	3	3	3
Copper	3	3	3
Trivalent Chromium	2	2	2
Manganese	2	NS*	2
Nickel	3	NS*	3
Arsenic	0.2	NS*	0.2
Cyanide, as CN	0.2	NS*	0.2
Vanadium	0.2	NS*	0.2
Lead	0.1	NS*	0.1
Hexavalent Chromium	0.1	NS*	0.1
Selenium	0.05	NS*	0.05
Cadmium	0.05	NS*	0.05
Mercury	0.01	NS*	0.01
Bio-assay test	As per industry-specific standards	As per industry-specific standards	As per industry-specific standards

*NS-Not specified

Notes:

- Discharge of treated effluent into sea shall be through proper marine outfall. The existing shore discharges shall be converted to marine outfalls. In cases where the marine outfall provides a minimum initial dilution of 150 times at the point of discharge and a minimum dilution of 1500 times at a point 100 m away from discharge point, then, the State Board may relax the Chemical Oxygen Demand (COD) limit:

<p>Provided that the maximum permissible value for Chemical Oxygen Demand (COD) in treated effluent shall be 500 milligram/litre.</p> <p>2. *Maximum permissible Fixed Dissolved Solids (FDS) contribution by constituent units of a Common Effluent Treatment Plant (CETP) shall be 1000 milligram/litre. In cases where Fixed Dissolved Solids (FDS) concentration in raw water used by the constituent units is already high (i.e. it is more than 1100 milligram/litre) then the maximum permissible value for Fixed Dissolved Solids (FDS) in treated effluent shall be accordingly modified by the State Board.</p> <p>3. In case of discharge of treated effluent on land for irrigation, the impact on soil and groundwater quality shall be monitored twice a year (pre- and post-monsoon) by Common Effluent Treatment Plants (CETP) management. For combined discharge of treated effluent and sewage on land for irrigation, the mixing ratio with sewage shall be prescribed by State Board.</p>	
<p>4. Specific parameters for some important sectors, selected from sector-specific standards</p>	
Sector	Specific Parameters
Textile	Bio-assay test, Total Chromium, Sulphide, Phenolic compounds
Electroplating Industries	Oil & Grease, Ammonia-Nitrogen, Nickel, Hexavalent Chromium, Total Chromium, Copper, Zinc, Lead, Iron, Cadmium, Cyanide, Fluorides, Sulphides, Phosphates, Sulphates,
Tanneries	Sulphides, Total Chromium, Oil & Grease, Chlorides
Dye & Dye Intermediate	Oil & Grease, Phenolic compounds, Cadmium, Copper, Manganese, Lead, Mercury, Nickel, Zinc, Hexavalent Chromium, Total Chromium, Bio-assay test, Chlorides, Sulphates,
Organic chemicals manufacturing industry	Oil & Grease, Bio-assay test, Nitrates, Arsenic, Hexavalent Chromium, Total Chromium, Lead, Cyanide, Zinc, Mercury, Copper, Nickel, Phenolic compounds, Sulphides
Pharmaceutical industry	Oil & Grease, Bio-assay test, Mercury, Arsenic, Hexavalent Chromium, Lead, Cyanide, Phenolic compounds, Sulphides, Phosphates."

[F. No. Q-15017/18/2014-CPW]

Dr. RASHID HASAN, Advisor

Note- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844(E), dated the 19th November, 1986 and subsequently amended vide the following notifications:—

S.O. 433(E), dated the 18th April 1987; G.S.R. 176(E) dated the 2nd April, 1996; G.S.R. 97(E), dated the 18th February, 2009; G.S.R. 149(E), dated the 4th March, 2009; G.S.R. 543(E), dated the 22nd July, 2009; G.S.R. 739(E), dated the 9th September, 2010; G.S.R. 809(E), dated the 4th October, 2010; G.S.R. 215(E), dated the 15th March, 2011; G.S.R. 221(E), dated the 18th March, 2011; G.S.R. 354(E), dated the 2nd May, 2011; G.S.R. 424(E), dated the 1st June, 2011; G.S.R. 446(E), dated the 13th June, 2011; G.S.R. 152(E), dated the 16th March, 2012; G.S.R. 266(E), dated the 30th March, 2012; and G.S.R. 277(E), dated the 31st March, 2012; and G.S.R. 820(E), dated the 9th November, 2012; G.S.R. 176(E), dated the 18th March, 2013; G.S.R. 535(E), dated the 7th August, 2013; G.S.R. 771(E), dated the 11th December, 2013; G.S.R. 2(E), dated the 2nd January, 2014; G.S.R. 229 (E), dated the 28th March, 2014; G.S.R. 232(E), dated the 31st March, 2014; G.S.R. 325(E), dated the 07th May, 2014; G.S.R. 612(E), dated the 25th August, 2014; G.S.R. 789(E), dated the 11th November, 2014 and lastly amended vide notification S.O. 3305(E), dated the 7th December, 2015.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 375 OF 2012

Paryavaran Suraksha Samiti and another ..Petitioners

versus

Union of India and others ..Respondents

J U D G M E N T

JAGDISH SINGH KHEHAR, CJI

The petitioners have approached this Court, seeking a writ in the nature of mandamus, for a direction to the respondents, (which includes the Union Government, all the State Governments and the Union Territories) to ensure, that no industry which requires "consent to operate" from the concerned Pollution Control Board, is permitted to function, unless it has a functional effluent treatment plant, which is capable to meet the prescribed norms for removing the pollutants from the effluent, before it is discharged.

2. The Union of India, and the State Governments (including the Union Territories) have filed counter affidavits, expressing their individual positions. During the course of hearing, learned counsel representing the respondents, also made some suggestions,

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PARVEEN KUMAR
Date: 2012.03.01
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which could be highly beneficial, in carrying forward the process of removing pollutants, from the discharged effluent, in a systematic and co-ordinated manner.

3. During the course of hearing, it was not disputed between

the rival parties, that the initiation of the process has to be at the individual level of the industry itself. It was suggested that each industry which requires "consent to operate" from the concerned Pollution Control Board, should be mandated to set up a functional primary effluent treatment plant. We are informed, that only when such an effluent treatment plant has been set up, the concerned Pollution Control Board grants a "no objection" to the industry, and accordingly "consent to operate", so as to allow the industry to become functional. It is therefore apparent, that all running industrial units, which require "consent to operate" from the concerned Pollution Control Board, have a functional primary effluent treatment plant, in place.

4. The question that arises for our consideration is, whether the same is maintained in good order, after the industry itself has become functional. The industry requiring "consent to operate", can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their

primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency/company, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith.

5. Such an industrial concern, which has been disabled from carrying on its industrial activities, as has been indicated in the foregoing paragraph, is granted liberty to make its primary effluent treatment plant functional to the required capacity, and thereupon, seek a fresh "consent to operate" from the concerned Pollution Control Board. Only after the receipt of such fresh "consent to operate", the industrial activities of the disabled industry, can be permitted to be resumed. In carrying out the above exercise, we consider it just and appropriate to require, the Pollution Control Boards to carry out inspections, by prioritizing inspections of severely and critically polluted industries, so that visible results emerge at the earliest.

6. Liberty is hereby granted to private individual(s) and organizations, to address complaints to the concerned Pollution Control Board, if any industry is in default. On the receipt of any

such complaint, the concerned Pollution Control Board, shall be obliged to verify the same, and take such action against the defaulting industry, as may be permissible in law. Such action, would be in addition to the discontinuation of industrial activity forthwith, in the manner directed hereinabove (but only after verification).

7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50 per cent, that of the concerned State Government (including the concerned Union Territory) is 25 per cent. The balance 25 per cent, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed, that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up "common effluent treatment plants", according to learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the time

lines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up "zero liquid discharge plants", if and when required in the future.

9. During the course of hearing, we were informed by learned counsel, that the running of 'common effluent treatment plants', which are in place, is also a matter of serious concern. In this behalf, it was submitted, that some of the common effluent treatment plants are dis-functional, because of lack of finances, whilst some others are dis-functional, because of the requirement of repairs, which have not been carried out, again because of lack of financial resources.

10. Given the responsibility vested in Municipalities under Article 243W of the Constitution, as also, in item 6 of the 12th Schedule, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view, that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the concerned municipalities (and/or local bodies), cannot be permitted to shy away, from discharging this onerous duty. In case there are further

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financial constraints, the remedy lies in Articles 243X and 243Y of the Constitution. It will be open to the concerned municipalities (and/or local bodies), to evolve norms to recover funds, for the purpose of generating finances to install and run, all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention, that such norms as may be evolved for generating financial resources, may include all or any, of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the concerned State Government (Union Territory), through the Secretaries, Urban Development and Local Bodies respectively, (depending on the location of the respective common effluent treatment plant). The norms for generating funds, for setting up and/or operating the 'common effluent treatment plant' shall be finalized, on or before 31.03.2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the concerned State Governments (or the Union Territories), shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dis-functional, from their own financial resources.

11. Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the concerned State Governments (including, the concerned Union Territories) will prioritize such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.

12. We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functional, within the time lines and the format, expressed hereinabove.

13. We are of the view, that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We therefore hereby provide, that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the time lines, expressed above, shall be of the Member Secretaries of the concerned Pollution Control Boards. The Secretary of the Department of Environment, of the concerned State Government (and the concerned Union Territory), shall be answerable in case of default. The concerned Secretaries to the Government shall be responsible of monitoring the progress, and issuing necessary directions to the concerned Pollution Control Board, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data, and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. To supervise complaints of non-implementation of the instant directions, the concerned Benches of the National Green Tribunal, will maintain running and numbered case files, by

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dividing the jurisdictional area into units. The above mentioned case files, will be listed periodically. The concerned Pollution Control Board is also hereby directed, to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.

15. Liberty is granted to private individuals, and organizations, to approach the concerned Bench of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions.

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.

17. It would be in the interest of implementation of the objective sought to be achieved, to also require each concerned State (and each, concerned Union Territory) to make provision for "online, real time, continuous monitoring system" to display emission levels, in the public domain, on the portal of the concerned State Pollution Control Board. We are informed, that at least three State Governments have already adopted the aforesaid

measures. Such measures shall be put in place by all the concerned State Governments(including, the concerned Union Territories), within six months from today.

18. The instant writ petition stands disposed of, in the aforesaid terms.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;
FEBRUARY 22, 2017.

.....J.
[SANJAY KISHAN KAUL]

H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH PHASE-III, NEW SHIMLA-171009

Phone No.: 0177-2673788 Fax: 0177-2673018

NOTICE

(To All Industries/Organizations/Municipal Local Bodies/HPSEBL)

Whereas Hon'ble Supreme Court of India vide judgement dated 22.02.2017 passed in Writ Petition (C) No. 375 of 2012 dated 22.02.2017 has passed orders regarding the establishment of Primary Effluent Treatment Plant, Common Effluent Treatment Plant and Sewage Treatment Plant. Relevant contents of the said judgement are reproduced below:-

"4. The industry requiring "consent to operate" can be permitted to run, only if its primary effluent treatment plant is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency/company, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith.

In view of above all the industries concerned falling under the ambit of Water Act 1974 whether existing/operating with "Consent to operate" and/or whether a new industry intending to establish itself after obtaining "Consent to Establish" from the HP State Pollution Control Board will have to necessarily have primary effluent treatment plant within the industry, which is functional.

In terms of the directions contained in the judgement of the Hon'ble Supreme Court cited supra, the HP State Pollution Control Board hereby issues caution notice to all industries/industrial units which have obtained the "Consent to operate" or would require "Consent to Operate" from the Board to ensure that these industrial units make their primary effluent treatment plants fully operational within three months from 22.02.2017 i.e. on or before 22.05.2017. Thereafter the Board will carry out mandatory inspections to verify all the industrial units requiring "Consent to Operate" including all the industrial units which are already operating with consent to operate obtained from the Board to find out whether such industrial units has a functional primary effluent treatment plant.

Please note that if any such industrial unit(s) are found having no effluent treatment plant or which are not fully operational, the same will be restrained from carry out any further industrial activity.

This is for the general information of all industrial units as directed by the Hon'ble Supreme Court of India in the judgment referred to above.

The Hon'ble Supreme Court of India in the aforesaid judgement has further held at paragraph 8 as under:-
"8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the time lines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while, acquiring land for the "common effluent treatment plants", the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up "zero liquid discharge plants", if and when required in the future.

Under paragraph 10 of the said judgement, the Hon'ble Supreme Court has further, categorically ordered that the onus to operate the existing common effluent treatment plants, rests on the Municipalities (and/or local bodies).

At paragraph 12 of the said judgement, the Hon'ble Supreme Court of India has observed as under:-
"12. We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that "sewage treatment plants" shall also be set up and made functional, within the time lines and the format, expressed hereinabove.

In view of the foregoing, the concerned authorities are hereby required to take necessary steps to forthwith implement the order of the Hon'ble Supreme Court as laid down by the Hon'ble Supreme Court in the judgement cited supra.

All concerned through this Notice of the Board shall comply with directions of the Hon'ble Supreme Court within stipulated time limit.

Member Secretary

7/5/17

The Tribune dated 7-4-2017



हिमाचल प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड

हिम परिवेश, चरण-3, न्यू शिमला-171009

दूरभाष: 0177-2673766 फैक्स: 0177-2673018

नोटिस

(सभी उद्योगों/संगठनों/शहरी स्थानीय निकायों/हिमाचल प्रदेश राज्य विद्युत् परिषद् लिमिटेड)

भारत के माननीय सर्वोच्च न्यायालय द्वारा दिनांक 22.02.2017 को, डब्ल्यू0 पी0 (सी) 375धु2012 में प्राथमिक प्रवाह उपचार संयंत्र, संयुक्त प्रवाह उपचार संयंत्र (सी0 इंडो टी0 पी0) तथा सीवेज उपचार संयंत्र (एस0 टी0 पी0) के संबंध में आदेश पारित किए गए। उपरोक्त निर्णय के प्रासंगिक तथ्यों को यहां पुनः प्रस्तुत किया जा रहा है:-

"4..... कोई भी उद्योग यदि 'ऑपरेट करने की सहमति' चाहता हो, उसे ऐसा करने की तभी अनुमति दी जा सकती है जब उसका प्राथमिक प्रवाह उपचार संयंत्र क्रियाशील हो। इसलिए हम यह न्यायोचित मानते हैं कि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड, ऐसी सभी औद्योगिक इकाइयों को जिन्हें 'ऑपरेट करने की सहमति' की आवश्यकता है। आज से तीन माह के भीतर, अपने प्राथमिक प्रवाह उपचार संयंत्र को पूरी तरह क्रियाशील बनाने के लिए एक संयुक्त विज्ञापन द्वारा सूचित करे। तीन माह की नोटिस अवधि के समाप्त होने के उपरांत संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को यह अधिकार होगा कि वह निरीक्षण कर सत्यापित करे कि ऐसी प्रत्येक औद्योगिक इकाई जिन्हें 'ऑपरेट करने की सहमति' की आवश्यकता है, के पास प्राथमिक प्रवाह उपचार संयंत्र पूरी तरह क्रियाशील है। ऐसी इकाइयों को किसी भी प्रकार की औद्योगिक गतिविधि करने से रोका जा जाएगा, जो निर्धारित नोटिस अवधि में प्राथमिक प्रवाह उपचार संयंत्र को क्रियाशील करने में असमर्थ रहेंगे। इस निर्देश को लागू करने के लिए संबंधित विद्युत् आपूर्ति तथा वितरण एजेंसी को दोषी उद्योग का बिजली कनेक्शन काटने का अधिकार होगा। हम इसलिए आगे यह भी निर्देश देते हैं कि यदि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड संबंधित विद्युत् आपूर्ति एवं वितरण एजेंसी/कम्पनी को ऐसे उद्योगों की बिजली की आपूर्ति काटने की सिफारिश करे, जो ऐसा संयंत्र क्रियाशील न कर पाए हो, तो उन्हें ऐसी सिफारिश का सम्मान करना होगा और दोषी इकाइयों की बिजली आपूर्ति तत्काल बन्द करना होगा।"

उपरोक्त तथ्यों के दृष्टिगत सभी संबंधित उद्योग जो जल अधिनियम, 1974 के अंतर्गत आते हैं, चाहे वे मौजूदा इकाई हों अथवा 'ऑपरेट करने की सहमति' के चरण में हों या नए उद्योग जो हिमाचल प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड से स्थापित करने की सहमति लेने के उपरांत स्थापित होना चाहते हों, को प्राथमिक प्रवाह उपचार संयंत्र अनिवार्य रूप से स्थापित करना होगा।

माननीय सर्वोच्च न्यायालय द्वारा दिए गए अपने निर्णय में निहित दिशा-निर्देशों का अनुपालन करते हुए, हि.प्र. राज्य प्रदूषण नियंत्रण बोर्ड, अतः ऐसे सभी उद्योगों/औद्योगिक इकाइयों को एहतियाती नोटिस जारी करता है, जिन्होंने 'ऑपरेट करने की सहमति' प्राप्त कर ली है अथवा जिन्हें अभी यह अनुमति प्राप्त करनी है, वे 22.02.2017 से तीन माह के भीतर अर्थात् 22.05.2017 तक अपना प्राथमिक प्रवाह उपचार संयंत्र पूरी तरह क्रियाशील कर लें। इसके उपरांत बोर्ड अनिवार्य रूप से निरीक्षण करेगा कि ऐसे सभी उद्योग जिन्हें 'ऑपरेट करने की सहमति' की आवश्यकता है अथवा ऐसे सभी उद्योगों भी, जो बोर्ड से 'ऑपरेट करने की सहमति' पहले ही प्राप्त कर चुके हैं कि क्या वास्तव में उनके पास क्रियाशील प्राथमिक प्रवाह उपचार संयंत्र है या नहीं।

कृपया नोट करें कि यदि किसी औद्योगिक इकाई के पास कचरा प्रबंधन संयंत्र नहीं है अथवा वे पूरी तरह क्रियाशील नहीं है तो उन्हें औद्योगिक गतिविधियां चलाने से रोक दिया जाएगा।

माननीय सर्वोच्च न्यायालय द्वारा इस संबंध में दिए गए निर्णय के अनुसार जारी इन दिशा-निर्देशों को सभी औद्योगिक इकाइयों इसे एक संयुक्त सूचना के रूप में समझे।

माननीय सर्वोच्च न्यायालय ने उपरोक्त निर्णय में पैरा नम्बर-8 में यह भी कहा है:-

"8- इसके दृष्टिगत, वित्तीय स्थिति को भी ध्यान में रखा गया है, जैसा कि उपरोक्त विमर्श किया जा चुका है, हमारा यह मत है कि 'संयुक्त प्रवाह उपचार संयंत्रों की स्थापना को एक अनिवार्य मिशन के रूप में लिया जाए। जहां तक पहले ही कार्यान्वित किए जा रहे ऐसे कचरा प्रबंधन संयंत्रों का प्रश्न है, हमें आशा है कि वे निर्धारित समयवधि के भीतर पूरे कर लिए जाएंगे। जहां तक अभी स्थापित किए जाने वाले संयुक्त प्रवाह उपचार संयंत्रों का प्रश्न है, हम यह उचित मानते हैं कि संबंधित राज्य सरकारों (संबंधित केन्द्र शासित प्रदेशों सहित) को निर्देश दिए जाए कि वे आज से तीन वर्ष के भीतर इन्हें पूरा करें। हमारा यह भी मत है कि संयुक्त प्रवाह उपचार संयंत्रों के लिए भूमि अधिग्रहित करते समय संबंधित राज्य सरकारों (संबंधित केन्द्र शासित प्रदेश सहित) ऐसी अतिरिक्त भूमि को अधिग्रहित करें, जो भविष्य की आवश्यकता अनुसार ज़ैरो लिक्विड डिस्चार्ज संयंत्र (जैड0 एल0 टी0) की स्थापना के लिए भी पर्याप्त हो।"

माननीय सर्वोच्च न्यायालय के उपरोक्त निर्णय के पैरा नं-10 के अनुसार स्पष्ट रूप से यह भी निर्देश दिए गए हैं कि मौजूदा संयुक्त प्रवाह उपचार संयंत्रों को संचालित करने की जिम्मेदारी संबंधित नगरपालिकाओं (स्थानीय निकायों) की होगी।

माननीय सर्वोच्च न्यायालय के उपरोक्त निर्णय के पैरा-12 में यह भी कहा गया है -

"12- हमारा यह मत है जैसा कि उपरोक्त सुझावों में भी कहा गया है कि मल उपचार से उत्पन्न होने वाले सम्भावित दुष्प्रभावों से भी साथ-साथ निपटने की दिशा में कदम उठाए जाएं। अतः हम यह निर्देश देते हैं कि 'मल उपचार संयंत्र उपरोक्त दर्शाए गए निर्धारित समय सीमा एवं मानकों के अनुसार स्थापित एवं क्रियाशील किए जाएं।"

उपरोक्त तथ्यों के दृष्टिगत संबंधित प्राधिकरणों को माननीय सर्वोच्च न्यायालय द्वारा दिए गए उपरोक्त निर्णय को लागू करने के लिए आवश्यक कदम उठाने होंगे ताकि माननीय सर्वोच्च न्यायालय के आदेशों की पालना हो सके।

सदस्य सचिव

21/05/2017



H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III NEW SHIMLA-171009
Phone. No 0177- 2673766 Fax-0177-2673018

NOTICE

**(To All Industries /Organizations/Municipal Local Bodies
/HPSEBL)**

Whereas Hon'ble Supreme Court of India vide judgment dated 22-02-2017 passed in Writ Petition (C) No. 375 of 2012 dated 22-02-2017 has passed orders regarding the establishment of Primary Effluent Treatment Plant, Common Effluent Treatment Plant and Sewage Treatment Plant. Relevant contents of the said judgment are reproduced below:-

"..4. The industry requiring "consent to operate", can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the