

IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI

M.A. No.

IN

Original Application No. 16 of 2019 (SZ)

IN THE MATTER OF: -

K.Gemini

...Appellant

-Vs-

Union of India &
ors.

...Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH: -

I, Dr.Saranya P, D/o P.K.Narasimman, aged about 33 years currently working as Scientist-D in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Integrated Regional Office, Chennai, do hereby solemnly affirm and state as under:-

1. That I am authorized to swear the present affidavit on behalf of the MoEF&CC on the basis of the official records maintained therein.
2. That the contents of the application, unless specifically admitted herein, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. That, it is respectfully submitted that the Hon'ble Tribunal, vide its order dated 29.03.2022, inter-alia, has directed the (MoEF&CC) to file an additional affidavit clarifying "why while granting EC to Gujarat Alkalies in which one of the products is hydrogen peroxide and certain specific conditions have been imposed for the hydrogen peroxide plant also whereas in Punjab Alkalies case, they have specifically mentioned that EC is not required for manufacturing of hydrogen peroxide and no additional conditions imposed and the MOEFCC in



Dr. P. Saranya
Scientist 'D'
Government of India
Min. of Environment Forest and Climate Change,
Integrated Regional Office,
1st Floor, Addl. Office Block for GPOA,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006.

the additional reply affidavit, have not mentioned as reasons as to why two different stands have been taken by the Ministry in respect of the same product."

4. That, it is humbly submitted that the MoEF&CC, vide its affidavits filed before the Hon'ble Tribunal in December, 2021 and March, 2022 in the instant matter wherein it has been mentioned that, manufacturing/production of Hydrogen Peroxide which is an inorganic chemical does not fall under the purview of EIA Notification, 2006. Hence, no environmental clearance is needed for the manufacturing/production for standalone Hydrogen Peroxide unit.
5. That, it is humbly submitted that the EIA Notification, 2006 in Paragraph 7, stipulates four stages in the process of obtaining Environmental Clearance (EC). Stage (1) is Screening wherein the Expert Appraisal Committee takes the decision whether or not Environmental Impact Assessment Report has to be prepared for the proposed projects. Stage (2) is Scoping wherein the Expert Appraisal Committee for category 'A' projects and the State Expert Appraisal Committee for category 'B' projects determines detailed and comprehensive Terms of Reference addressing all relevant environmental concern for the preparation of a detailed EIA/EMP Report in respect of the proposed project or activity for which the prior environmental clearance is sought. Stage (3) relates to conduction of Public Consultation. Lastly, Stage (4) relates to Appraisal of the Projects wherein the detailed scrutiny/deliberations by the EAC or the SEAC of the application and other documents like the final EIA/EMP Report and outcome of public consultations including public hearing proceedings and its action plans, submitted by the Project Proponent to regulatory authority concerned for grant of environment clearance is conducted.
6. That it is humbly submitted that in the case of M/s Gujarat Chemicals, the Terms of Reference (ToR) was granted vide letter dated 05/03/2016 by the MoEF&CC, with no additional specific conditions imposed for the hydrogen peroxide unit wherein the project proponent (PP) was directed to submit the final EIA/EMP report for consideration of their proposal for EC within 3 years. A copy of the ToR dated 05/03/2016 has been annexed herewith as



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ANNEXURE R/1. Further, the PP has not submitted the EIA/EMP report against the above-said ToR to the MoEF&CC for further appraisal by the EAC.

7. That, it is further submitted that there may be a scenario wherein EC is sought by the project which is manufacturing certain chemicals/products covered in the schedule of the EIA Notification, 2006 and the same project may be producing/ manufacturing other chemicals/products which may not require prior EC. In such cases, the ToR is granted for the entire project including those chemicals which may not require prior EC, in order to have a holistic picture about the baseline data within an impact zone of study area i.e. 10 km radial distance from the project site and cumulative impact of the project in the EIA report along with the designing of risk assessment and disaster management plan to prevent any hazard/accidents.
8. That it is humbly submitted that even in case of consideration of integrated and inter-related projects for grant of EC under the EIA, Notification, 2006, wherein the products proposed to be manufactured are covered under different categories, viz. Category A, Category B1 and Category B2, then in such instances, the project is appraised only on the basis of the higher category. Hence in the instant case, as M/s Gujarat Alkalis as a unit required EC for the production of its organic chemicals therefore it was appraised by the EAC at the central level and not for the grant of EC to the hydrogen peroxide unit.
9. Furthermore, it is humbly submitted that the PP is supposed to enumerate the details of all the products that they are producing because expansion ToR was sought for the entire unit and not for any specific chemical. Hence, it is the entire integrated unit for which EC is granted which may or may not include products for which EC is not required as per the schedule of the EIA Notification, 2006. Thus, even in the case of M/s Gujarat Alkalies also ToR was granted to conduct EIA studies for the entire plant and that does not indicate that hydrogen peroxide units require EC.



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Nungambakkam, Chennai - 600 006.

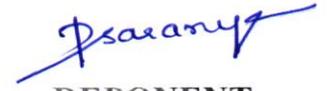
10. That the answering respondent has highest regards for law and acts in a prudent manner with regard to the cases pending before this Hon'ble Court.
11. That the present additional affidavit may kindly be taken on record and into consideration and this Hon'ble Court may pass appropriate Order(s), direction(s) as deemed fit and proper and in the interest of environment.


DEPONENT

Dr. P. Saranya
Scientist 'D'
Government of India
Min. of Environment Forest and Climate Change,
Integrated Regional Office,
1st Floor, Addl. Office Block for GPOA,
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Nungambakkam, Chennai - 600 006.

VERIFICATION

Verified at Chennai on this 07th day of April, 2022 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed there from.


DEPONENT

Dr. P. Saranya
Scientist 'D'
Government of India
Min. of Environment Forest and Climate Change,
Integrated Regional Office,
1st Floor, Addl. Office Block for GPOA,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006.

J-11011/304/2015-IA II (I)
Government of India
Ministry of Environment, Forest and Climate Change
(I.A. Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110 003

E-mail : lk.bokolia@nic.in
Telefax: 011-24695313
Dated: 5th March, 2016

To,
Shri Amrit
Additional General Manager
M/s Gujarat Alkalies and Chemicals Ltd.
Dahej Complex: P.O Dahej, Vagra,
Bharuch, Gujarat

Email.: general@gacl.co.in ; Fax.: 2641-256220

Subject: Expansion of phosphoric acid plant and Hydrogen Peroxide and new Chloromethane plant at plot no. 3, GIDC Dahej, Taluka Vagra, district Bharuch, Gujarat by M/s Gujarat Alkalies and Chemical Ltd. – reg TOR

Ref. No.: Your Proposal no. IA/GJ/IND2/35756/2015; dated 25th December, 2015

Sir,

Kindly refer your proposal no. IA/GJ/IND2/35756/2015 dated 25th December, 2015 along with project documents including Form-I, Pre-feasibility Report and draft 'Terms of Reference' as per the EIA Notification, 2006. It is noted that the proposal is for expansion of phosphoric acid plant and Hydrogen Peroxide and new Chloromethane plant at plot no. 3, GIDC Dahej, Taluka Vagra, district Bharuch, Gujarat by M/s Gujarat Alkalies and Chemical Ltd. Following products will be manufactured:

S. No.	Products	Existing capacity (MTPM)	Additional Proposed (MTPM)	Total after expansion (MTPM)
A	Phosphoric Acid Plant (Expansion)			
1	Phosphoric Acid (100% P ₂ O ₅ basis)	1725	2783	4508
2	Phosphoric Acid (85% H ₃ PO ₄ basis)	2790	4500	7290
3	High Boiling Material	6	9.67	15.67
4	Calcium Chloride	17400	0	17400
B	Hydrogen Peroxide (100%) (Expansion)	2493	1200	3693
C	Chloromethane Plant (New)			
1	Total Chloromethane	--	18000	18000
2	Methylene Chloride	--	14400	14400
3	Chloroform	--	2700	2700
4	Carbon Tetra Chloride	--	900	900

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Production Capacity of Existing (No Expansion) Products:

S. No.	Products	Existing capacity (MTPM)
D	Poly Aluminum Chloride Plant	
1	Poly Aluminum Chloride (18%)	3750
2	Poly Aluminum Chloride (30%)	1080
E	Anhydrous Aluminum Chloride Plant	
1	A.A.C (Granules/Powder)	1890
2	Sodium hypochlorite (10-13% Cl ₂ basis)	755
3	Non- Ferrous Alum	6
F	Stable Bleaching Powder	1250
G	Sodium Chlorate Plant	
1	Sodium Chlorate Solid (MT)	1860
2	Sodium Chlorate Solution (M ³)	3400
H	Caustic Soda Plant	
1	Caustic Soda (100%) Lye/Prills/Flakes	23550
2	Chlorine Gas	20784
3	Hydrochloric acid	7260
4	Hydrogen Gas	695.1
5	Sodium Hypochlorite	1019
6	Dilute Sulphuric acid (78-80%)	589
7	Gypsum	780

Details of Natural Gas Based Captive power Plant (CPP)

S. No.	Plant	Existing capacity (MW)
1	Power	70,560 MWH/M
2	Steam	120 TPH HP and 24 TPH IP

2.0 Draft Terms of Reference (TOR) have been discussed and finalized during 3rd Expert Appraisal Committee (Industry-2) meeting held during 18th-19th January, 2015 for preparation of EIA/EMP report. The Committee prescribed the following Specific and Additional TOR in addition to Generic TOR provided at Annexure-I (refer to Ministry's website) for preparation of EIA-EMP report:

A. Specific TOR

1. Details on requirement of energy and water alongwith its source and authorization from the concerned department.
2. Energy conservation in ammonia synthesis for urea production and comparison with best technology.
3. Details of ammonia storage and risk assessment thereof.
4. Measures for control of urea dust emissions from prilling tower.
5. Measures for reduction of fresh water requirement.

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6. Details of proposed source-specific pollution control schemes and equipments to meet the national standards for fertilizer.
7. Details of fluorine recovery system in case of phosphoric acid plants and SSP to recover fluorine as hydrofluoro silicic acid (H_2SiF_6) and its uses.
8. Management plan for solid/hazardous waste including storage, utilization and disposal of by products viz., chalk, spent catalyst, hydro fluoro silicic acid and phosphor gypsum, sulphur muck, etc.
9. Details on existing ambient air quality for PM10, PM2.5, Urea dust*, NH_3^* , SO_2^* , NO_x^* , HF^* , F^* , Hydrocarbon (Methane and Non-Methane) etc., and expected, stack and fugitive emissions and evaluation of the adequacy of the proposed pollution control devices to meet standards for point sources and to meet AAQ standards. (*as applicable)
10. Details on water quality parameters in and around study area such as pH, Total Kjeldhal Nitrogen, Free Ammonical Nitrogen, free ammonia, Cyanide, Vanadium, Arsenic, Suspended Solids, Oil and Grease, *Cr as Cr^{+6} , *Total Chromium, Fluoride, etc.
11. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
12. Authorization/Membership for the disposal of liquid effluent in CETP and solid/hazardous waste in TSDF, if any.
13. Material Safety Data Sheet for all the Chemicals are being used/will be used.
14. Details of incinerator if to be installed.
15. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling & safety system to be incorporated.
16. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.
17. Details on solvents to be used, measures for solvent recovery and for emissions control.
18. Details of process emissions from the proposed unit and its arrangement to control.
19. Authorization/Membership for the disposal of liquid effluent in CETP and solid/hazardous waste in TSDF, if any.
20. Action plan for utilization of MEE/dryers salts.
21. Material Safety Data Sheet for all the Chemicals are being used/will be used.

B. Additional TOR

- i Public hearing to be conducted and issues raised and commitments made by the project proponent on the same should be included in EIA/EMP Report in the form of tabular chart with financial budget for complying with the commitments made.
- ii A separate chapter on status of compliance of Environmental Conditions granted by State/Centre to be provided. As per circular dated 30th May, 2012 issued by MoEF, a certified report by RO, MoEF on status of compliance of conditions on existing unit to be provided in EIA-EMP report.
- iii CRZ clearance is to be obtained.
- iv Impact of effluent on marine life.

3.0 These 'TORs' should be considered for the preparation of EIA/EMP for expansion of phosphoric acid plant and Hydrogen Peroxide and new Chloromethane plant at plot no. 3, GIDC Dahej, Taluka Vagra, district Bharuch, Gujarat by M/s Gujarat Alkalies and Chemical Ltd. in addition to

all the relevant information as per the 'General Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006. The EIA/EMP as per TORs should be submitted to the Chairman, Gujarat Pollution Control Board, for public consultation. The SPCB shall conduct the public hearing/public consultation as per the provisions of EIA notification, 2006.

4.0 You are requested to kindly submit the final EIA/EMP prepared as per TORs and incorporating all the issues raised during Public Hearing / Public Consultation to the Ministry for considering the proposal for environmental clearance **within 3 years as per the MoEF O.M. No. J-11013/41/2006-IA.II (I) dated 8th October, 2014.**

5.0 The consultants involved in the preparation of EIA/EMP report after accreditation with Quality Council of India/ National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/Laboratories including their status of approvals etc.


(Lalit Bokolia)
Additional Director

Copy to:

- 1 The Chairman, Gujarat Pollution Control Board, Paryavaran Bhawan, Sector – 10, A, Gandhi Nagar - 382 010, Gujarat.
- 2 Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal – 462016.


(Lalit Bokolia)
Additional Director