

**IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI**

IN

Original Application No. 66 of 2017

IN THE MATTER OF:-

Vallapureddy Gari Govardhan Reddy & Ors.Applicants

VERSUS

Union of India & Ors.Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH:-

I, Dr. Suresh Babu Pasupuleti, working as Scientist 'C' in the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change, at Green House Complex, Gopalareddy Road, Vijayawada - 520 010 (hereinafter referred to as 'MoEFCC') the deponent herein do hereby solemnly affirm and state on oath as under: -

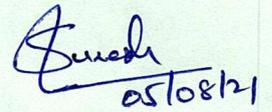
1. That I am duly authorized and competent to swear the present counter affidavit on behalf of MoEFCC.
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. It is respectfully submitted that the present affidavit is being filed in compliance with the order dated 15.06.2021 passed by the Hon'ble Tribunal. The affidavit is in addition to the earlier submitted affidavit, the contents of which are not being repeated herein for the sake of brevity. However, the affidavit filed earlier may be treated as part of this affidavit as well.



4. It is submitted that the Answering Respondent had held a meeting of the Expert Committee of Impact Assessment (IA Policy) Division on 23.01.2020 and 24.01.2020 wherein the applicability of the EIA Notification, 2006 as amended from time to time for Precipitated Calcium Carbonate and Nano Precipitated Calcium Carbonate and their threshold limit, if any was deliberated.
5. Further it is humbly submitted that, after detailed deliberations, the committee clarified that with reference to the present case before this Hon'ble Tribunal regarding the specific issue of applicability of EIA Notification, 2006 on manufacturing of nano material including nano precipitated calcium carbonate and precipitated calcium carbonate, the position is that it is not covered at present under the EIA Notification, 2006, as amended from time to time.
6. Furthermore, the Committee suggested that expert from IIT Madras may be invited for the next meeting for providing inputs. The minutes of the above mentioned meetings has already been placed before the Hon'ble tribunal in the previous affidavit.
7. Subsequently, due to the COVID-19 pandemic restrictions were imposed and regular meetings of the Expert Committee were not convened. Further, in view of CoVID-19 pandemic since March 2020, some of Expert Committee members were also not able to attend the meetings.
8. It is further respectfully submitted that the Committee's tenure expired on 30th June 2020 and was extended only for a period of 3 (three) months, specifically to deliberate on the suggestions/comments/ observations received on draft EIA Notification, 2020 which was issued vide Notification S.O. 1199(E) dated 23rd March 2020 and related activities.
9. Since then, the Expert Committee (IA-Policy) has not been reconstituted. Therefore, it is most respectfully submitted that the Ministry was unable to place the matter earlier before the Committee as it was not reconstituted.
10. However, the subject matter was referred to the sectoral Expert Appraisal Committee (hereinafter EAC) of Industry-III. The meeting for deliberating on whether manufacturing of 'Nano Precipitated' Calcium Carbonate and Precipitated Calcium Carbonate requires prior Environmental Clearance was held at 10.00 AM on 2nd August 2021 through video conference, under the Chairmanship of Prof. Dr. A.B. Pandit, Vice

Chancellor, Institute of Chemical Technology, Mumbai and Chairman Expert Appraisal Committee, Industry-III sector of the MoEFCC.

11. It is respectfully submitted that, M/s Santhiram Chemicals Pvt Ltd., was invited for the meeting and Prof. Dr. Thalappil Pradeep, Professor of Chemistry, Indian Institute of Technology Madras, who is an expert on nanomaterials was also invited as a special invitee. M/s Santhiram Chemicals Pvt Ltd., made a detailed presentation of their manufacturing process.
12. The committee deliberated on the matter and had recommended as follows:
 - i. With regard to bringing this activity under the purview of the EIA Notification, the committee opined that, at present there is no requirement to bring manufacture of precipitated calcium carbonate nanoparticles under the ambit of the EIA Notification 2006.
 - ii. Committee reiterated the opinion of the earlier Expert Committee that at present Environmental Clearance is not required for manufacturing of precipitated calcium carbonate nanoparticles by the proposed process. The precipitated calcium carbonate nanoparticles are inorganic and will not fall under the ambit of EIA Notification 2006 as the Notification only covers synthetic organic chemicals under schedule 5(f) (Copy of the minutes is herewith attached as Annexure).
13. It is further humbly submitted that the delay has been circumstantial and unintentional and nowhere does the Ministry intend on noncompliance of the orders of this Hon'ble Tribunal.
14. It is further submitted that the present additional affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

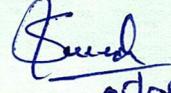

25/08/21

DEPONENT

(डॉ. सुरेश बाबु पसुपुलेटी)
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'सी' / SCIENTIST 'C'
भारत, सरकार / Govt. of India
जलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
विजयवाड़ा / VIJAYAWADA.

VERIFICATION

Verified at Vijayawada on 5th this day of August, 2021 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.


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DEPONENT

(डॉ. सुरेश बाबु पसुपुलेटी)
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'सी' / SCIENTIST 'C'
भारत, सरकार / Govt. of India
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एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
विजयवाडा / VIJAYAWADA.

Minutes of the meeting held for deliberating on whether manufacturing of 'Nano Precipitated' Calcium Carbonate requires prior Environmental Clearance

The meeting for deliberating on whether manufacturing of 'Nano Precipitated' Calcium Carbonate and Precipitated Calcium Carbonate requires prior Environmental Clearance was held at 10.00 AM on 2nd August 2021 through video conference, under the Chairmanship of Prof. Dr. A.B. Pandit, Vice Chancellor, Institute of Chemical Technology, Mumbai and Chairman Expert Appraisal Committee, Industry-III sector of the MoEFCC. Prof. Dr. Thalappil Pradeep, Professor of Chemistry, Indian Institute of Technology Madras, who is an expert in the area of nanomaterials was also invited as a special invitee. The list of other participants is placed as annexure.

The Expert Committee was briefed that the National Green Tribunal, Southern Zone Bench, Chennai, in Original Application No 66 of 2016 titled as Vallapureddy Gari Govardhan Reddy & ors. Vs. Union of India & ors. had directed the Ministry to clarify the applicability of the EIA Notification, 2006 for Participated Calcium carbonate and Nano Participated Calcium carbonate and their threshold limit.

It was informed to the Expert Committee that the matter had already been placed in the Expert Committee under the Chairmanship of Dr. S.R. Wate, which after due deliberation had held that at present (with reference to NGT case), manufacturing of nanomaterial including nano precipitated calcium carbonate and precipitated calcium carbonate is not covered under the EIA Notification, 2006 as amended from time to time. The Committee also suggested to discuss the matter further by inviting manufacturer of the nanoscale chemicals to explain the process for taking any decision in this regard. The committee was of the view that expert from IIT Madras may be invited for the next meeting for providing inputs.

In this regard, M/s Santhiram Chemicals Pvt Ltd., was invited for the present meeting and Prof. Dr. Thalappil Pradeep, Professor of Chemistry, Indian Institute of Technology Madras, who is an expert on nanomaterials was also invited as a special invitee. M/s Santhiram Chemicals Pvt Ltd., made a detailed presentation of their manufacturing process. The deliberations and recommendations of the committee are as follows:

Deliberations:

1. Calcium carbonate is clean and eco-friendly as it forms a part of food and medicine for human consumption, poultry & fishery feed. However, any nanoscale formulation leading to consumer or other products using the precipitated calcium carbonate nanoparticles may have to go through appropriate evaluation.
2. That the manufacturing process is Zero Liquid Discharge process and the process is a closed loop process where effluents are not being released into the environment. Therefore not many nanoparticles are likely to be leached into the environment.



3. The activity has been granted CTE/CTO by the State Pollution Control Boards under the The Water (Prevention and Control of Pollution) Act 1974 and The Air (Prevention and Control of Pollution) Act, 1981. The committee noted that the SPCB, after careful scrutiny had issued CTE under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and the rules made there under.
4. The Committee also noted that the CTE granted by the SPCB has sufficient environmental safeguards prescribed for mitigating any emission. Further the CTE has mandated that the unit has to comply with the National Ambient Air quality standards notified by MoEF&CC.
5. Further the Committee also noted that the CTE mandated that effluents shall not be discharged on land or into any water bodies or into aquifers under any circumstances and shall achieve Zero Liquid Discharge (ZLD) system for both trade & domestic effluents, by providing appropriate treatment facilities to recycle the entire waste water.
6. The available research studies have not shown any major health concern or environmental impact with regard to precipitated calcium carbonate nanoparticles.
7. There has been some reseach done on Zebra fish and some plants which have not shown much impacts.

Recommendations:

1. With regard to bringing this activitiy under the purview of the EIA Notification, the committee opined that, at present there is no requirement to bring manufacture of precipitated calcium carbonate nanoparticles under the ambit of the EIA Notificaiton 2006.
2. Committee reiterated the opinion of the earlier Expert Committee that at present Environmental Clearance is not required for manufacturing of precipitated calcium carbonate nanoparticles by the proposed process. The precipitated calcium carbonate nanoparticles are inorganic and will not fall under the ambit of EIA Notification 2006 as the Notification only covers synthetic organic chemicals under schedule 5(f).

The meeting ended with a vote of thanks to the Chairperson.



Annexure

List of participants

1. Prof. (Dr.) A.B. Pandit, Chairman, EAC, Ind-III, MoEFCC
2. Prof. (Dr.) Thalappil Pradeep, IIT Madras, Special Invitee
3. Sh. A.K Agrawal, Director-IA Policy, MoEFCC
4. Dr. R.B Lal, Scientist E, Member Secretary, EAC, Ind-III, MoEFCC
5. Dr. Ashok Kumar Saxena, Member, EAC
6. Shri Tukaram M Karne, Member, EAC
7. Shri Sanjay Bisht, Member, EAC
8. Dr. Suresh Panwar, Member, EAC
9. Prof. (Dr.) S. N. Upadhyay, Member, EAC
10. Prof. (Dr.) Vijay S. Moholkar, Member, EAC
11. Shri Dinabandhu Gouda, representative of CPCB/ Member EAC
12. Shri Santosh Gondhalkar, Member, EAC
13. Dr. P. Saranya, Scientist D, Industry-III, MoEFCC
14. Dr. J. D Marcus Knight, Scientist D, IA Policy, MoEFCC
15. Sh. Ritin Raj, Research Assistant, MoEFCC
16. Ms. Namrata Singh, Consultant, MoEFCC
17. Ms. Shivangi Chaturvedi, Legal Associate, MoEFCC

