

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

**Original Application No.442 of 2013 (SZ)
With
Original Application No.20 of 2017 (SZ)
With
Original Application No.276 of 2017 (SZ)
With
Original Application No.77 of 2021 (SZ)**

Jith Kumar ...Applicant(s)
Versus
The State of Kerala and others.Respondent(s)
With
Abdul Bhasheer ...Applicant(s)
Versus
Kochi Municipal Corporation &Ors.Respondent(s)
With
Lawyers Environmental Awareness Forum ...Applicant(s)
Versus
State Level Environment Impact Assessment Authority,
Trivandrum and others.Respondent(s)
With
Suo Motu Proceedings initiated based on a Letter received from Justice A.V. Ramakrishna
Pillai, Former Judge, High Court of Kerala, Chairman, State Level Monitoring Committee,
Kerala.
Versus
The Chief Secretary, Government of Kerala, Thiruvananthapuram and Ors.Respondent(s)

**ACTION TAKEN REPORT FILED BY ADDITIONAL CHIEF SECRETARY,
LOCAL SELF GOVERNMENT**

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Dated at Chennai on this the 17th May 2023.

for. G. Joseph
17/5/23

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench.

**Action Taken Report based on the order dated 08.05.2023 of the
Hon'ble NGT in OA 77/2021 (SZ)**

Operative part of the order of NGT in OA.No.442/2013 and OA.No.77/2021 dtd 08.05.2023 related to Brahmapuram fire incident is as follows:

“So far as the burnt ash in the site is concerned, which is the cause of concern as of now, it is stated that it will be done only after segregation. Normal departmental action would take some time, as the bio-mining system would be setup in various places.

However, considering the onset of monsoon in the State of Kerala, the Local Self Government Department is directed to find out the ways and means to cap the 95,923.5 MT of ash mixed with the mud and soil on a temporary basis in order to avoid mixture of the ash reaching the drinking water sources which would be an absolute health hazard.

We make it clear that as the process of capping is deprecated by the Hon'ble Supreme Court, we permit them to do capping as a temporary measure considering the emergency situation. The Additional Chief Secretary who appeared is also confident in getting the same done after consulting with the team of experts already constituted by her.

In this regard, our concern is that the Water Resources Department and also the Public Health Department are to be alerted, as despite temporary measures that may be done, there is every possibility of mixing of ash with the water sources. Therefore, the above referred departments also should look at the necessary measures to supply drinking water in view of the risk of mixing ash in the drinking water sources.

The Local Self Government Department, Water Resources Department and also the Health and Family Welfare Department have to work in coordination to avoid further danger to the citizens through the mixing of ash or leachate into the drinking water sources during monsoon season.”

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Following decisions were taken in the meeting held by ACS,LSGD with members of the technical committee, KSDMA, and senior officers of the department including the CE LSGD on the day of the hearing ie 08.05.2023:

1. Secretary, Kochi Municipal Corporation shall explore whether major big agencies could be engaged for the bioremediation work at brahmapuram by committing large resources on the ground for the bioremediation at the same rates that have already been discovered and for the same nature of work. Whether floating a limited tender needs to be attempted is to be explored in this context.
2. If that is not possible will look at offering multiple agencies under a PMC to do the work.
3. Secretary, Kochi Municipal Corporation shall make arrangements to handover RDF to Sakthi cements with the assistance of CKCL.
4. The scope of providing a geo textile cover both over the affected portion and down stream to contain the contaminated ash could be explored. It was noted that as the ash mixed with plastic went down to 3 m below ground level, control of mere surface run off was not going to be sufficient. The need for a bund that could contain the ash by trapping it in a smaller space that could act as a filtration pond was also to be explored.

Based on technical inputs pursuant to this discussion and discussion with the corporation technical personnel, it was decided to try a combination of double layered bund for holding back the contaminated ash and tarpaulin cover to prevent rain water ingress in the affected site. the DC Ernakulam was asked to convene a meeting in his capacity as Chairman of the DDMA to work out the modalities and to operationalise the short term urgent measure proposed.

The gist of the discussions and decisions in the meeting convened by DDMA Ernakulam is as below:

1. **Construct restraining bunds within the Channel of Chitrapuzha River near the jetty area so as to restrain the flow of toxic ash mixed water to the downstream of Chitrapuzha River.**

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The Solution mainly involves construction of a primary Clarifier (1st protective barrier with restraining bunds) which by process of sedimentation leads to gravity separation of burnt ash particles that settle down. Floatable objects/ash shall also be restrained within the primary bund. A secondary bund shall be constructed downstream of 1st bund and the water here will be exposed to phytoplankton plants which shall feed on the dissolved ashes and heavy metals to further purify the water, before letting down to the main river body.

2. Covering up the burnt legacy waste area with tarpaulin sheets, so that rainfall will not fall directly on to the burnt waste.

The area required to be covered is to be estimated by KMC Engineers. Further, the flow of rainwater falling on the tarpaulin sheets needs to be regulated into the lowermost portion at a point. A proper sized "collection and retention tank" has to be dug and the water collected here must be retained here to allow any heavy objects/ash to settle down. Floating debris, plastics and ash should also be restrained in the tank. Only clear water should be allowed into the river channel where the primary bund is constructed.

3. Small earthen bund

Small earthen bund of height 30 cm (using sand bags) may also be constructed, along the bank of Chitrapuzha channel, adjacent to the burnt legacy waste area, so that any surface runoff that comes can be channelized to the river at any point within the primary bund area. This work may be taken up only if rain water (surface runoff) is found to flow directly into the river.

After deliberations, following decisions were taken:

i. A technical committee will be formed with the Engineers from LSGD, Pollution Control board and Irrigation Departments to vet and issue technical sanctions for the first alternative mentioned above which are to be taken up on an urgent basis before the onset of monsoon. ***It takes a minimum of 15 days to construct the Clarifier.***

Chief Engineer, LSGD shall be the head of this committee.

ii. Sanction will be accorded to the so formed technical committee under



powers conferred under Disaster Management Act to waive off the standard procedure of inviting tenders considering the immediacy of the works involved. A separate DDMA order shall be issued in this regard.

iii. It was also decided that the funds for the works shall be committed from Kerala State Pollution Control Board.

ACS, Environment Department has been addressed to provide required fund for this works from Kerala State Pollution Control Board subject to recuperation through levy of environment compensation.

Also Water Resources Department and Health Department Secretaries were alerted on the possible contamination of drinking water and to take immediate precautionary measures to prevent any chances of water borne diseases.

The report is submitted for favour of consideration by the hon'ble NGT (SZ).

Sarada

Sarada Muraleedharan

ACS LSGD

Government of Kerala



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