

**Minutes of the first meeting of the Task Force - set up in compliance with the Orders of the High Court of Madhya Pradesh at Jabalpur dated 30th March, 2005 and 13th May, 2005 respectively - held on 31st May, 2005 at 12.00 noon in Room No. 501, Shastri Bhawan, New Delhi**

A list of the officials of the Government of India, Government of Madhya Pradesh (M.P.) and other organisations is at **Annexure-1**.

2. The High Court of Madhya Pradesh, at Jabalpur, hearing the Writ Petition No. 2802 of 2004, had directed, vide its order dated 30th March, 2005, to set up a Task Force under the Chairmanship of the Secretary, Department of Chemicals and Petrochemicals (C&PC), Government of India, for the removal of toxic wastes from the former Union Carbide India Ltd. (UCIL) Plant at Bhopal. Further, vide its order dated 13th May, 2005, the High Court had directed to include Dr. K.P. Nyati, Head, Environment Management Division, Confederation of Indian Industry (CII) also in the Task Force and to hold the first meeting of the reconstituted Task Force before the first week of June, 2005.

3. In compliance with the orders of the High Court of M.P., the first meeting of the Task Force was held on 31st May, 2005 at the time and venue mentioned above, under the chairmanship of Secretary (C&PC). A representative of Engineers India Limited (EIL) was also invited to be present in the meeting.

4. The Joint Secretary (C&PC) welcomed the members of the Task Force and other officials and gave a brief background of the issues to be discussed in the meeting, which were as follows:

- (i) The methodology to be adopted and the progress made in the work outlined in Phase-I and II of the action plan submitted by the Government of M.P. in the High Court of M.P. at Jabalpur, being carried out by the Madhya Pradesh Pollution Control Board (MPPCB).
- (ii) Removal of contaminated soil and remediation of ground/sub-soil water.
- (iii) Finalisation of Phase-III of the action plan pertaining to dismantling and decommissioning of the UCIL Plant at Bhopal.
- (iv) Status of the proposal of the Government of M.P., in EFC format, for presenting a case before the Planning Commission for the funding of the entire project of removal/ remediation of toxic wastes and decommissioning/ dismantling of the plant.

**Methodology to be adopted for Phase-I and II of the action plan (treatment/ disposal of stored toxic wastes in SLF)**

4. The Chairman, MPPCB informed that MPPCB would act as the project coordinator for carrying out the tasks outlined in the action plan. However, the required

technology available with MPPCB was adequate for undertaking the tasks included in Phases I and II only, i.e., the tasks up to filling/ covering of the secured landfill (SLF). He informed the Task Force that the landfill approach had been opposed by some NGOs. The Principal Secretary (Environment) of the Government of M.P. clarified that the NGOs had opposed the landfill site being either in the UCIL premises or at any other location in Bhopal. This concern can be suitably addressed with the construction of a Treatment, Storage & Disposal Facility (TSDF) for the management of industrial waste at Indore, with the capabilities of handling wastes more toxic than those lying in the UCIL plant.

5. The expert from CII suggested that the agency engaged for TSDF at Indore may be used for pre-treatment of the toxic wastes before sending them to the SLF. Since pre-treatment involves stabilisation, the toxic wastes may be first immobilized by putting these in cement concrete matrix and then transporting these to Indore. He added that as per Central Pollution Control Board (CPCB) guidelines, after the SLF is closed, adequate security arrangements be made at the SLF site to prevent opening of the same by humans or animals.

6. The expert from National Environmental Engineering Research Institute (NEERI) submitted that toxic wastes like Temik and Sevin had completed more than half of their lives and were now almost non-toxic. However, the Tarry waste stored in drums needed to be incinerated as it had some contents of Mercury. Thus, the SLF approach was appropriate for all toxic wastes except Tarry residuals. It was also suggested that NEERI would advise MPPCB on the pre-treatment of the toxic wastes.

7. The representative of Engineers India Limited (E.I.L.) suggested that the project schedule for the construction of the SLF needed to be matched with the schedule planned for waste disposal activity. The Environment Impact Analysis (EIA) of the project may be done by NEERI.

8. The expert from CPCB informed that Gujarat and Maharashtra had world-class incinerators where the Tarry wastes containing Mercury could also be taken care of. Therefore, the Ministry of Environment & Forests, Government of India, may ask the Government of Gujarat to allow transportation of Tarry wastes from Bhopal to Gujarat, for incineration. He further suggested that the overall supervision of NEERI and EIL was necessary during the execution of the project.

9. There was unanimity among all the members of the Task Force that the TSDF, being created by the Government of M.P. at Indore, be used for the disposal of the toxic wastes. Joint Secretary (C&PC) pointed out that in its order dated 13th May, 2005, the High Court of M.P. had directed that the activities at Sl. Nos. 1 and 2 of the Phase-I may be started immediately by the MPPCB without any tendering process, in consultation with the AG's Office, so that they could be completed before the onset of monsoon. The actual work of removal/ disposal may be done by the agency finalised by MPPCB.

10. Joint Secretary (C&PC) brought to the notice of the Principal Secretary, Environment, M.P., Secretary Gas Relief, M.P. and Chairman MPPCB that a representative of the International Campaign for Justice in Bhopal had telephoned that morning and complained that some labourers had been sent inside the factory for clean-up work without protective clothing. These needed to be looked into by the MPPCB. The opposition of this organisation to any clean-up work by the Government was also brought to the notice of the Task Force.

**In situ remediation of contaminated soil and remediation of ground/sub-soil water**

11. On the issue of contaminated soil, the MPPCB wanted an agency to measure and quantify the contaminated soil. Secretary (C&PC) directed NEERI to undertake this work and to also advise MPPCB on pre-treatment of the toxic wastes. For this task, NEERI may take samples and carry out the requisite tests. The actual work of remediation of contaminated soil may be done by the agency finalised by MPPCB out of the three agencies already identified by it, viz., GE, PIL, Surat (Gujarat); Ramkey, Hyderabad (A.P.) and Bharich Enviro (Gujarat), or any other expert agency executing such works.

12. For assessing the level of contamination of ground/sub-soil water in the adjoining areas, CPCB suggested that the National Geophysical Research Institute (NGRI) may be engaged. Secretary (C&PC) asked the Government of M.P. to write to NGRI in this regard, so that the overall estimates for the entire project could be worked out.

**Methodology to be adopted for Phase-III of the action plan pertaining to dismantling and decommissioning of the UCIL Plant at Bhopal**

13. The EIL had earlier been asked to coordinate the procurement of drawings/plans of the plants from the court of CJM, Bhopal and CBI. The EIL representative was again directed to expedite the procurement of these drawings/plans. Secretary (C&PC) enquired as to what could be the course of action in the eventuality of the plans/drawings not being available and whether an Action Plan for dismantling could be drawn on the basis of fresh survey. The Expert from the IICT informed that this was indeed possible and that IICT could prepare an Action Plan on the basis of their own survey, as they had experience in commissioning Chemical Plants. He was also of the opinion that Indian contractors were technically capable of dismantling the plant and that there was no necessity to engage a foreign agency for this purpose. The Expert from CPCB also suggested that the Institute of Pesticides Formulation Technology (IPFT) can also give competent advice to EIL regarding dismantling the plant. It was decided that while EIL may procure the drawings/plans from the Court of CJM, Bhopal and CBI, the IICT may simultaneously survey the plant site and suggest fresh Action Plan for dismantling of the plant to the Government of Madhya Pradesh. The Department of Chemicals & Petrochemicals will also ask IPFT to advise EIL in this connection.

14. Principal Secretary, Environment, Govt. of M.P. informed the Task Force that Secretary, Department of Bhopal Gas Tragedy Relief and Rehabilitation will act as the Project Coordinator for the activity of dismantling/decommissioning of the plant. Based on the inputs received from EIL, IPFT & IICT, Department of Bhopal Gas Tragedy Relief and Rehabilitation will decide on the Executive Agency to carry out the task in the same way that MPPCB is doing for the activity of removal/disposal of toxic wastes.

**Status of the proposal of the Government of M.P., for submission to the Planning Commission, for funding the entire project of removal/ remediation of toxic wastes and decommissioning and dismantling of the UCIL Plant**

15. Secretary (C&PC) asked the State Government of M.P. to expedite the detailed project proposal in EFC format, including the estimates for dismantling the plant and for soil and ground water decontamination so that the Planning Commission could be approached for funds. He explained that the Department of Chemicals & Petrochemicals did not get any funds for this purpose and, therefore, approaching the Planning Commission was the only appropriate method. This issue was also brought to the notice of the Chief Minister of M.P. in the last meeting of the Group of Ministers (GoM) held on 11th May, 2005.

16. The Secretary, Bhopal Gas Tragedy Relief & Rehabilitation Department, Government of M.P., agreed to expedite the submission of the project report.

**Decisions taken in the meeting**

17. The following decisions were taken:

**For removal of stored toxic wastes**

- (i) The MPPCB to be the project coordinator for Phases I and II and to go ahead with the implementation of the road map.
- (ii) NEERI would undertake the study on pre-treatment and advise MPPCB on this issue.
- (iii) The pre-treatment work and disposal of all stored toxic wastes, except Tarry residuals, would be carried out by one of the agencies to be finalised by MPPCB.
- (iv) Post-treatment, all stored toxic wastes, except Tarry residuals, to be disposed of in the TSDF being created by the Government of M.P. at Indore.
- (v) For Tarry residuals, the Ministry of Environment & Forests to ask the Government of Gujarat to allow transportation of these toxic wastes to Gujarat and to incinerate them in their incinerators.

**For removal of contaminated soil and remediation of ground/ sub-soil water**

- (vi) NEERI to conduct studies of (a) samples for stabilization and immobilization; & (b) soil samples for ascertaining the extent of soil contamination. The remediation

work would be carried out by one of the agencies to be finalised by MPPCB out of the expert agencies executing such works.

- (vii) The Government of M.P. to engage NGRI, to assess the level of contamination of ground water and sub-soil in the adjoining areas of the plant site, and to suggest remedial measures.

**For implementation of Phase III (dismantling and decommissioning of the plant)**

- (viii) EIL would procure copies of the drawings/ plans from the CJM Bhopal's Court and the CBI's office at Bhopal.
- (ix) IICT to simultaneously carry out a survey and give a report to the Government of M.P. (Bhopal Gas Tragedy Relief & Rehabilitation Department).
- (x) IPFT also to be asked to study the plant site and give their suggestions.
- (xi) The Government of M.P., Bhopal Gas Tragedy Relief & Rehabilitation Department to act as project coordinator and based on the inputs received from EIL, IICT and IPFT decide on the executing agency to carry out the task.

**For financing of the project**

- (xii) As decided earlier, in order to make adequate provision of funds for carrying out the tasks included in the entire project, the Government of M.P. would prepare a detailed project report in EFC format and thereafter the Department of C&PC and the State Government would approach the Planning Commission.
- (xiii) The observations of the High Court of M.P. regarding provision of equal funding by the Central Government and State Government to be communicated to the Planning Commission.

18. The next meeting will be held in the first week of July, 2005.

19. The meeting ended with a vote of thanks to the Chair.

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**Annexure-1**

**List of officials of the Government of India, Government of M.P. and other organisations attended the meeting of the Task Force held on 31st May, 2005 at 12.00 noon in Room No. 501, Shastri Bhawan, New Delhi**

**Government of India (Department of Chemicals & Petrochemicals) :**

- (i) Shri Pratyush Sinha, Secretary.
- (ii) Shri Mukesh Kacker, Joint Secretary.
- (iii) Shri Yashvir Singh, Deputy Secretary.

**Government of M.P. :**

- (iv) Shri Satya Prakash, Principal Secretary, Department of Environment.
- (v) Shri M.M. Upadhyay, Secretary, Bhopal Gas Tragedy Relief & Rehabilitation Department.

**Madhya Pradesh Pollution Control Board:**

- (vi) Dr. P.S. Dubey, Chairman.

**National Environmental Engineering Research Institute:**

- (vii) Dr. S.D. Deshpande, Senior Assistant Director.

**Central Pollution Control Board:**

- (viii) Shri N.K. Verma, Additional Director.

**Indian Institute of Chemical Technology:**

- (ix) Shri A. Krishna Reddy, Head, P.P. Complex, Moula-Ali.

**Confederation of Indian Industry:**

- (x) Dr. K.P. Nyati, Head, Environment Management Division.

**Engineers India Limited:**

- (xi) Shri R.B. Singh, Deputy Manager - Environment.