

Environment ministry's draft fly ash notification is an attempt to justify pollution

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In the midst of the deadly second wave of COVID-19, the Ministry of Environment, Forests and Climate Change sought public comments on its draft Fly Ash Notification 2021.

Today, June 21, marks the last day on which people may submit their comments on the draft. And as such, it is one of the most regressive policies that the ministry has sought to introduce to deal with India's fly ash problem.

Issued under the provisions of the Environment (Protection) Act, 1986, the latest amendment is the sixth attempt by policymakers to address the "mismanagement" of fly ash from India's ever-expanding coal-fired thermal power sector.

According to estimates provided by the Central Electricity Authority, the fly ash produced at Indian coal power sector increased from 69 million tonnes a year in 1996 to 226 million tonnes a year in 2019. This is a large quantity – almost three times the amount of municipal solid waste generated in the country. In addition, nearly 1.6 billion tonnes of legacy ash – i.e. ash accumulated over time – is lying around in illegal ash ponds across the country.

The conventional disposal of ash, in the form of slurry, currently occupies nearly 40,000 hectares of land and requires about 1,040 million cubic metres of water every year annually.

The improper disposal of fly ash has been wreaking havoc on communities and the ecology. A recent compendium of coal ash disasters across India found reports of at least 17 major disasters in 2020 and 2021 alone, in Madhya Pradesh, Tamil Nadu, Odisha, Chhattisgarh, Jharkhand, West Bengal and Maharashtra. A similar report released last year documented 76 incidents, including large ash pond breaches, ash slurry pipe leaks and illegal disposal incidents, between 2010 and 2020.

Even 22 years on, the Indian thermal power sector remains ecologically destructive and far removed from the ambition of 100% utilisation of fly ash, as the Fly Ash Notification 1999 envisaged.

Before dwelling further in the ecological and health costs of fly ash mismanagement, it is important to analyse the legal merits – or the lack thereof – of the environment ministry's new draft notification.

The first is procedural. The ministry came under heavy criticism last year when it announced the draft Environmental Impact Assessment Notification 2020, seeking public comments while a devastating national lockdown was underway. The 60-day public comment period on the draft Fly Ash Notification began on April 22, a few days after India's states began announcing lockdowns in response to the second wave. It would seem the environment ministry wishes to abandon the spirit of public participation, reducing it to a ritual.

Source: <https://science.thewire.in/environment/environment-ministry-draft-fly-ash-notification-2021-illegal-smokescreen-toxic-accidents/>