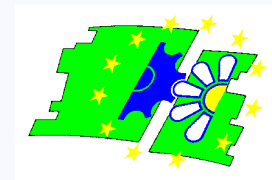




*Sustainable post-industrial
land management*



4-5 November 2004, Krakow

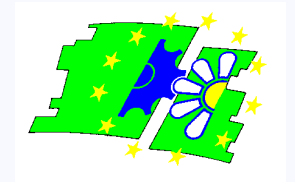
**Proposal for a Directive on the
Management of Waste from the
Extractive Industries**

State after 1st Reading in EP
and Council Political Agreement

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Why a Directive



• Environmental impact

- Leachate/Acid Drainage to surface/groundwaters
- Suspended solids/smothering, dust
- Land-take, habitat & soil loss, landscape alteration
- Large volumes involved, standards and controls of varying efficacy in the MSs

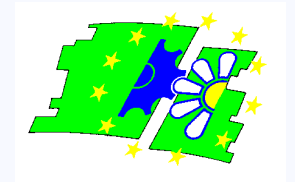
• Inadequacy of existing legal framework

- Waste Framework Directive contains only general requirements
- Landfill Dir. not enough/suitable

• Commission commitments after accidents



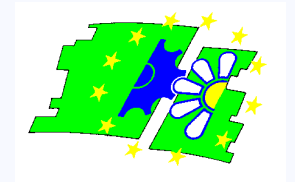
Nature



-
- Stand-alone directive ('other legislation' under Art. 2(1)b(ii) of WFD 75/442/EEC)
 - Once this directive in force, WFD and Landfill dir. 99/31/EC will not apply
 - Aspects outside its scope still subject to WFD/Landfill regime



Objectives



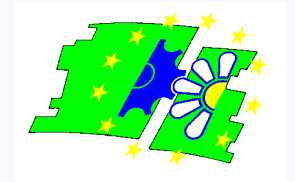
-
- **Prevent or reduce effects from management of waste facilities throughout their life-cycle**
 - planning, licensing and eventual closure **of waste facilities**
 - Emphasis on **stability** and prevention of **water** and **soil** pollution

 - **Prevent major accidents or minimise their consequences**

... through measures based on **BAT**



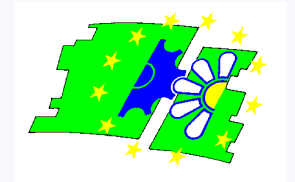
Scope



-
- **Covers** waste from *prospecting*, extraction and processing of mineral resources, such as overburden and topsoil, waste rock, tailings
 - **Excludes** non mining-originating waste, waste from off-shore extraction
 - Contains limited requirements for **inert waste**, unpolluted soil, waste from peat
 - *Certain requirements for non-hazardous non-inert waste may be reduced*
-



General requirements



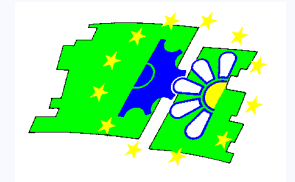
-
- *MSs ensure that extractive waste is managed without endangering human health and without using processes or methods which could harm the environment, and in particular*

Measures to prohibit uncontrolled depositing of extractive waste. [Art. 4 dir. 75/442/EEC]

- The operator takes all measures necessary to prevent or reduce as far as possible any adverse effects on the environment and human health, including the management of any waste facility, also after its closure, and the prevention or mitigation of major accidents



Waste management plan



- **Drawn up by the operator** in order to:

- prevent or reduce waste production (esp. by backfilling)
- promote recovery of waste
- *Ensure short/long term safe disposal*

- **Minimum content**

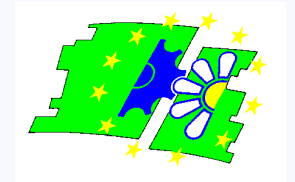
- *(where applicable) document on major-accidents*
- waste characterisation / quantities
- waste-generating operations
- environmental effects, mitigation measures
- water status deterioration & soil pollution
- monitoring
- closure & after-care

- **Reviewed** every 5 years

- ***Approved by the competent authority***



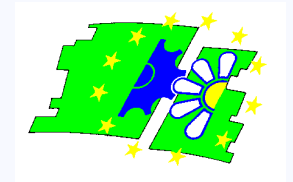
Permits to facilities



-
- **Minimum elements**
 - operator, location
 - waste management plan
 - financial guarantee
 - *EIA*
 - **Public participation** in permitting procedure
 - Information to be provided to the public
 - Results of consultations to be taken into account for decision
 - Information about decision
 - *Procedure for updating*
 - May be **combined with other permits**
-



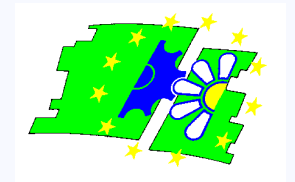
Major accidents prevention



-
- For high risk facilities (Category A)
 - Complementary to revised Seveso II Dir.
 - **Major-accident prevention policy**
incl. safety manager and safety management system for implementation
 - **Emergency plans** (internal/external)
incl. minimisation of effects and clean-up and rehabilitation after a major accident
 - Notification mechanism in case of major accident
 - Public participation



Construction & management of facilities

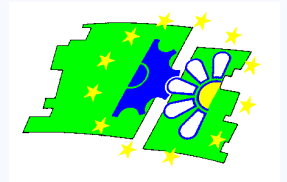


- Under a competent person
- Technical development and training of staff

- **Requirements on**
 - Suitable location and design
 - Stability and water-soil pollution prevention
 - Monitoring and follow-up action
 - Rehabilitation, closure and after-care
 - Notification of adverse events and corrective measures
 - Reporting of monitoring results



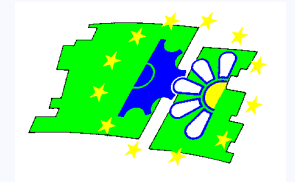
Prevention of *water status deterioration, air & soil pollution*



- Evaluate and prevent leachate generation
 - Collect and treat contaminated water
 - Disposal into water bodies subject to Water Framework Directive
 - *Prevent dust and gas emissions*
-
- **Cyanide concentrations in tailings ponds:**
 - Reduce WAD CN to lowest possible level, and at least
 - < 50 ppm by transposition date
 - < 25 ppm 5 years thereafter
 - < 10 ppm 10 years thereafter or *by transposition date for new facilities*



Closure & after-care



- **Conditions for starting closure procedure - Controls by competent authority**

in particular re. site rehabilitation

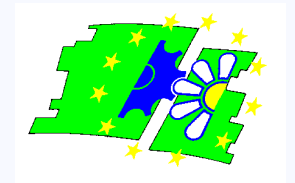
[‘rehabilitation’ means the treatment of the land affected by a waste facility in such a way as to restore the land to a satisfactory state, with particular regard to soil quality, wild life, natural habitats, freshwater systems, landscape and appropriate beneficial uses; - *art. 3(18)*]

- **Responsibility of operator for after-care**

- monitoring
- stability, effects on surface and groundwater
- Notification of adverse events & corrective measures
- Reporting of monitoring results



Financial security

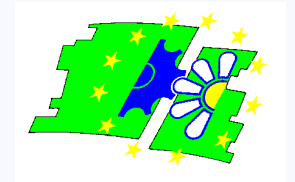


-
- System of **financial guarantee *or equivalent***
 - Established by the operator to cover in particular **site rehabilitation** costs if walk-away
 - **Available** on commencement of operations
 - **Independently** calculated and periodically adjusted

 - **Environmental Liability** applies to the *management of extractive waste*



Derogations



- **Inert waste, unpolluted soil, waste from peat**

Not subject to:

- Permits
- Closure, after-care
- Financial guarantees

(if in a Category A facility all provisions apply)

- **Non-hazardous non-inert waste**

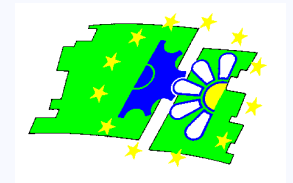
MSs may reduce/waive requirements on:

- *Notification of destabilising events during operation or after-closure*
- *Financial guarantees*

(if in a Category A facility all provisions apply)



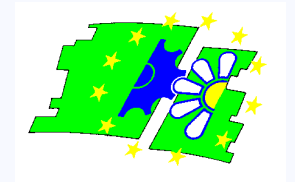
Backfilling



-
- **Waste placed back into excavation voids *for rehabilitation or construction purposes* is subject to requirements on:**
 - **Stability**
 - **Water/soil pollution prevention**
 - **Monitoring after closure**



Other provisions



- **Transboundary effects**

- Information transmission in case of accident
- Consultation between MSs for permitting high risk facilities, incl. public participation

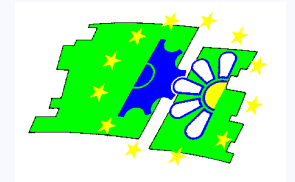
- **Inspections by competent authority**

- **Transitional period**

- Facilities already permitted or in operation on date of transposition: 4 years (6 for fin. guarantee)
- *Requirements for facilities under closure on date of transposition (by end 2010)*



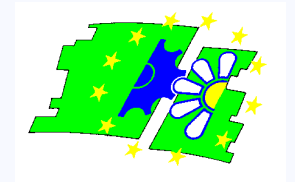
Closed/abandoned facilities - Inventories



- *MSs to **draw up inventories** of closed/abandoned waste facilities causing or likely to cause serious negative effects on environment or human health*
 - ***Within 4 years** from date of transposition, taking into account methodologies in Art. 19 if available*
 - *Periodically **updated**, made available to the **public***
-



Closed/abandoned facilities - Methodologies

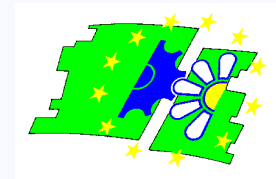


- **Exchange of information on methodologies for**
 - Drawing up **inventories** of most polluting facilities
 - **Rehabilitation** of facilities
 - risk assessment procedures
 - Remedial actions
on the basis of geological/hydrogeological/climatological conditions,
to satisfy Art. 4 [General requirements]
 - **Commitology procedure**
-



Proposed directive

State of play - Next steps



Other related initiatives

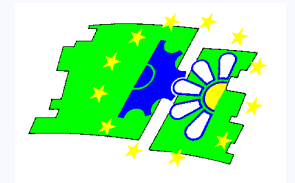
- Amendment to Seveso II dir.: adopted 16/12/2003
- BAT Reference Document : finalised 7/2004

Co-decision process

- Political Agreement in Council 14/10/04
- Council Common Position expected 3/05
- 2nd Reading in EP expected before summer 2005
- Conciliation?
- ...



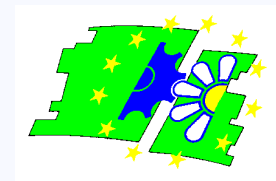
Implementing measures ("Commitology")



To be adopted by the Commission within 2 years from entry into force, with the assistance of the Committee of national representatives :

- **Waste characterisation**
- **Definition of inert waste**
- **Classification of waste facilities in Category A**

- **Transmission of information to competent authorities**
- **Cyanide measurement**
- **Financial guarantee**
- **Inspections**
- **Sampling / analysis methods**



Thank you for your attention!

Further information

<http://europa.eu.int/comm/environment/waste/mining.htm>