Background

The Mining Waste Directive (MWD) was passed into European law in May 2006, with a requirement that it should be adopted into Member States’ law within two years.

The QPA (before the merger to form MPA) fought long and hard through the European Aggregates Association, UEPG, to ensure that the original Directive introduced no more burdens on minerals operators than were absolutely necessary to reduce the possibility of repeats of the social and environmental disasters at Aberfan in the ’60s and at Baie Mare in Romania and Aznal Colar in Spain more recently. For aggregates producers, in volume and site terms by far the biggest within the minerals family, this should have meant no change from current planning consent processes and conditions. It is worth noting in this context that the Quarry Regulations were introduced in the UK to ensure that rules and processes were in place, from a safety point of view, to avoid a repetition of the Aberfan disaster.

The MPA argued strongly for the “competent authority” to be the Minerals Planning Authorities, not least because they were familiar with the Quarry Regulations and the planning system. However, the then Government chose the Environment Agency rather than Planning Officers as the “Competent Authority”.

The CBI Minerals Group, representing all the industries affected, has taken the lead as correspondent with Government and its agencies, with strong input from MPA and members.

Key points

- The main issues at this juncture was the definitions of what is extractive waste and what falls under the “non-extractive waste” status. In general it is now assumed that topsoil and overburden that are destined to be put back into the void or used as restoration materials are not extractive waste under the Directive and do not require permitting.
- There were concerns about the ability of the EA to fully understand the industry modus operandi and its existing permitting status, at least in the early years.
MPA position

The MPA position on this was clear:

- We support the concept of the MWD, so long as it does not introduce extra and unnecessary burdens on operators
- Most aggregates quarries and pits should be exempt from the Directive’s provisions, as the topsoil and overburden are no longer seen as “extractive wastes”, if they are definitely earmarked to be used for subsequent restoration

Summary

Three environmental or safety disasters stemming from minerals operations are quoted as being the genesis of the Mining Waste Directive. Its objective is to differentiate itself from the more general Waste Framework Directive (see separate Policy Briefing on this subject), while abiding by the general principles and definitions of waste and waste recovery, and essentially to define what operators must do to avoid such disasters in the future. This includes such things as disaster emergency planning, processes for ensuring that there financial guarantees for recovery, communications with the general public, etc.

In the process of transposing the Directive into UK law there have been many hurdles to overcome, not least the definition of what is, or is not extractive waste. Much of the problem to date has been the lack of experience in this discipline within the selected “Competent Authority”. However, the EA has strived to work with MPA and industry throughout the implementation process. It is now felt that the regulation of the Directive is working well.

Further information

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