



ROYAL NORWEGIAN MINISTRY OF
CLIMATE AND ENVIRONMENT

EFTA Surveillance Authority
Rue Belliard 35
1040 Brussels
Belgium

Your ref

Our ref

Date

17/2763

16 October 2017

**Response to request for information - Complaint against Norway
concerning Directive 2006/21/EC on the management of waste from
extractive industries**

Dear Madam/Sir,

Reference is made to the EFTA Surveillance Authority's letter 25 September 2017 requesting information concerning Directive 2006/21/EC on the management of waste from extractive industries. The Norwegian government's response to the questions follows below.

1) Were waste management plans produced and included in the permit applications to carry out mining activities in Førde fjord, Reppar fjord and Ran fjord?

The first permit for deposition of mine tailings in the Ran fjord (Rana Gruber) was granted in 1975, and waste management plans in accordance with the directive on the management of waste from extractive industries were therefore not included in the original permit applications.

The permit applications pursuant to the Pollution Control Act to carry out mining activities in Førde fjord (Nordic Rutile) and Reppar fjord (Nussir) included considerable information concerning waste management. Most of the elements the applicant needs to supply in the waste management plan was provided by the applicants in the application process, although a waste management plan was not produced at this stage. A final approved waste management plan has to be in place before the mining activities can start, see below.

2) Were waste management plans in place when the permits were granted?

Rana Gruber has been in operation since 1965 and got their current permit in December 2012, later amended in June 2015. Rana Gruber finalised their waste management plan in 2013. The plan was revised in November 2016 and a revised waste management plan for Rana Gruber was approved 21 January 2017.

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The permits granted to Nordic Rutile and to Nussir pursuant to the Pollution Control Act lay down conditions obligating the operators to draw up waste management plans. The waste management plans have to be in accordance with the regulation of 1 June 2004 no. 930 concerning waste section 17-7 and needs to be approved by the Environment Agency, before the operators are permitted to start depositing mineral waste. Therefore, Nordic Rutile and Nussir must have approved waste management plans in place before they can start their mining activity.

3) If so, please explain what consideration was given to the prevention or reduction of waste production in each plan (Article 5 (2) of the Mining Waste Directive)

Rana Gruber has two methods of disposal; land filling site for waste rock, and a sea tailings disposal (STD) site in the Ranfjord. The tailings from the concentration plant is deposited in the STD site. The amount of tailings is relative to quantity of ore taken out and content of iron oxides. The production process is optimized to maximize the marketable product and minimize the tailings. The company has put much effort into identifying alternative use of tailings, e.g. land reclamation. Further, the tailings have the potential to be used as capping material. Alternative use of tailings in concrete and finishing mortar has also been explored. Such use has however proved to be limited. Other alternative environmental friendly and economic viable uses will be explored. A small portion of the generated waste rock is utilized in the mining operation in road construction, levelling etc. Other commercial use has been limited due to the poor mechanic properties of the waste rock.

Conditions in the permit granted to Nordic Rutile (Førde fjord, not in operation) stipulate that the operator is obliged to backfill tailings and waste rock to the extent possible, and continuously strive for a reduction of tailings and waste rock for deposition through identifying alternative uses. As mentioned above, Nordic Rutile has provided information concerning waste management during the application process for a permit, which will be part of their final waste management plan. Nordic Rutile describe their tailings as products that do not have an established market. Such a market must be created through testing of the tailings for different applications, e.g. capping material, soil improvement, dyke reinforcement and additive in concrete. The company has already established dialogue with different possible costumers. Backfilling is an option after the open cast mining period (after approximately 15 years). During the underground mining, space will be available for backfilling to some extent. However, backfilling can only be done when it does not constitute a risk for existing operations, or prevent future access to exploitable resources.

The permit granted to Nussir (Reppar fjord, not in operation) has similar conditions as the permit granted to Nordic Rutile. Nussir also provided information concerning waste management through the application process for a permit, which will be part of their final waste management plan. Nussir has evaluated the options for reducing the need for disposal of tailings and waste rock through backfilling and alternative uses. Backfilling is not considered a viable option, with the exception of minor amounts of waste rock, due to safety reasons and because of the limited space for backfilling in the mine. Nussir has identified several options for alternative use of tailings, e.g. fillings, concrete and bricks. However, in tonnage it will be of minor importance. Generated waste rock can be utilized as gravel, and the bulk is expected sold. There is nevertheless a need for a temporary disposal site for the waste rock.

4) If such plans are in place, please explain how the obligation to review the plans every 5 years, as foreseen by Article 5(4) of the Mining Waste Directive, is to be met.

The waste management plan for Rana Gruber was updated in 2016, and will be revised before 2022. When approving waste management plans for Nordic Rutile and Nussir, the Environment Agency will ensure that the plans will be reviewed every five years.

5) In addition, the Norwegian Government is invited to provide information explaining how Article 5 of the Mining Waste Directive has been implemented in Norway and how this legislation interacts with other environmental legislation (e.g. Directive 2000/60 establishing a framework for Community action in the field of water policy).

The Directive on the management of waste from extractive industries is implemented in the Norwegian regulation of 1 June 2004 no. 930 concerning waste (waste regulation), chapter 17. Article 5 is reflected in particular in Section 17-7, which stipulates that the operator shall draw up a waste management plan for the minimisation, treatment, recovery and disposal of extractive waste, taking into account the principle of sustainable development. Further, the regulation stipulates that the waste management plan shall provide sufficient information to enable the competent authority to evaluate the operator's ability to meet the objectives of the waste management plan and lists elements that the applicant needs to supply in the waste management plan.

The relevant sections of the waste regulation, as well as the regulation of 15 December 2006 no. 1446 on a framework for water management and other relevant environmental legislation, are considered in the process of handling an application for a permit under the Pollution Control Act. All permits granted pursuant to the Pollution Control Act have to be in line with other environmental legislation.

Yours sincerely

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Deputy Director General

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Adviser

This document is signed electronically and has therefore no handwritten signature

