

The Rosia Jiu Coal Mine in Romania

EIA

Case Study

Justice and Environment 2011

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- I. **Title: EIA CASE STUDY – Removal of 50,89 ha from the forestry circuit including deforestation**
- II. **Description of the developer: who is the developer, relevant experience in the same type of projects, financial capabilities, known attitude towards environmental protection, etc.**

The developer is a state commercial company, named The National Society of Lignite Oltenia. This society is functioning since communist era, with more than 30 years experience. The same company is extracting coal in the project area. The developer has an authorization to exploit the coal since 1979, for the mine situated in the same area, called Roşia Jiu. Since 2001 the developer has an exploitation license given by the National Agency for Mineral Resources (the license, as all licenses in Romania, is classified as secret of service). The exploitation license appears however, to have been approved through Governmental Decision no 1293 since 2007. The National Agency for Environmental Protection Gorj (Agency), that issued the environmental permit for this project, claims that an environmental impact assessment was done in 1999, in the process of obtaining the exploitation license. The EIA process done in 1999 (when EIA Directive hadn't been transposed) is secret of service as it is everything related to the exploitation licenses. The so called EIA process was obviously done without public participation.

For the same project, the Agency claims the SEA process took place in 2006, and an environmental permit was issued by the Regional Agency for Environmental Protection Craiova. The SEA documentation and permit was not presented during the EIA Procedure.

- III. **Subject of the case: description of the project, if it is national, local, transboundary, etc.**

The case is local as importance, the environmental permit being issued by the county environmental protection agency (for the national projects as importance the environmental projects are issued by higher authority, as The National Environmental Protection Agency or even The Minister of Environment). The request for environmental permit was done in February 2011. The permit was issued in July 2011.

The projects aims to extend a coal mine in a nearby area situated at north and east to the working mine named Rosia Jiu. The environmental permit was issued only for the deforestation. The environmental permit states that for the actual extension of the mine, an environmental impact assessment procedure will be done separately.

The project has no transboundary effects, so that an EIA transboundary procedure was not needed.

IV. Location of the project and geographical area: if it is urban, if it is a natural protected area, and if so, what kind (Nature 2000, national park, natural reservation, etc.)

The project is not located in a natural protected area.

V. Interested public involved

During the EIA Procedure the public did not participate to the procedure. The public announcements were posted only in local area and in local newspapers in small villages and cities where NGOs do not exist. The documentation and announcement were posted on the Agency's website, but in such a way that is almost impossible to follow and take notice in due time about interesting projects:

- the web page is disorganized. Announcements and documentation are posted chaotically, all together.
- the documentation was not posted entirely on the website: the link to environmental impact assessment study was leading to the technical presentation of the project
- interested NGOs or interested public was not invited to the procedure individually

Center for Legal Resources and Greenpeace Romania found out about the project after the environmental permit was issued and posted on the website.

VI. Estimated environmental impact of the project

The project over all (including the exploitation of the coal mine) would have significant negative impact on all environmental factors: air quality, surface and ground water, biodiversity, soil, landscape. Such a project would produce large quantities of waste, toxic or non toxic, dust, etc.

VII. Analysis of the national/European legislation

The project is subject to EIA directive 85/337/CE transposed in Romania through Governmental Decision no 445/2009. The Agency established in the screening decision that the project fits in Annex 1 point 22 combined with Annex 2 point 1 letter d "(...) deforestation for changing land destination". However, in the environmental permit the Agency found a slight different evaluation of the project: Annex 2 point 1 letter d combined with Annex 2 point 13 letter a "any modifications or extensions of projects other than the one regulated by annex 1 point 22 of the projects regulated by annex one or by this annex, already authorized or executed or in process of being executed, if they can have significant effect on the environment.

VIII. Description of the EIA procedure emphasizing the illegalities/shortcomings

The project should have been framed in Annex 1 point 19 (surface mining, over 25 ha).

The environmental impact assessment recognizes that the deforestation alone will produce significant and wide negative impact. The declared purpose of the study is to assess and find solutions to diminish the negative impact, and not to make an objective analysis of the project to see if the mine can be extended in safe environmental conditions or not.

The EIA Procedure analyzed only the deforestation and not the extension of the coal mine – salami slicing. The environmental permit states that the EIA procedure for the mining activity will take place later, and a separate environmental permit will be issued.

No compensation measures for loss of forest were analyzed. The environmental permit only states that the disposition of the Forest Code will be respected and that for afforestation an EIA procedure will take place and an environmental permit will be issued later, probably after the depletion of mining. The ecological reconstruction works were not part of the EIA procedure. According to the environmental permit, they will be assessed later, but not under EIA legislative frame.

IX. Actions of the public during the procedure

No public participated in the procedure due to the failure of the Agency to identify interested and affected public and send proper invitations to the public. Center for Legal Resources and Greenpeace Romania attacked the environmental impact assessment in court, asking also for an injunctive relief.

X. Decision of the environmental authority

The Environmental authority issued the environmental permit. After our administrative complaint the authority refused to cancel the environmental permit, considering that it was legally issued.

XI. Current status of the case

The case is under judicial revision in court. No decision was made by the court yet.

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