



Chapter 8

Description of Difficulties



Process complexity

The elaboration of an Environmental Impact Assessment (EIA) study is a complex process in any national context, and it becomes more complex in a transboundary context.

There hasn't recently been a more complex **project** than Roşia Montană in Romania. As a result of this fact, complexity is the main characteristic of the EIA study for the Roşia Montană Project (RMP)'s which encompasses not only environmental, but also economic, social and cultural dimensions, as well as the strategies for preventing and/or mitigating the impacts.

Relevant legislation

The complexity of the study has been amplified by the lack of a precedent in Romania concerning the development of a mining exploitation in line with the new European legislation (Mine Waste Directive 2006/21/EC), the relevant reference document concerning the Best Available Techniques specific for mining waste (BREF-MTWR), as well as with the requirements of the international financial institutions (IFI) and with the Equator Principles. However, this didn't represent a difficulty in elaborating the EIA study – on the contrary. The competent authorities required the RMP to comply with the stipulations of the recently promoted EU legislation ever since defining the scope of the EIA. The approval of the directive 2006/21/EC during the study's elaboration established the standards required for the Project's mine waste management. Further, the IFI's guidelines allowed the identification of the Best Practices when neither the national legislation nor the European one provided specific and concrete guidance (e.g. population relocation and resettlement of population).

Approach

As part of the elaboration of the EIA study, RMGC identified the required areas of professional expertise for the evaluation and recruited the most reputable Romanian and international independent experts for each identified area. The technical project and the detailed studies documenting the initial environmental, economic, social and cultural conditions lasted approximately seven years, and had been undertaken before the evaluation was started. These documents enabled the launch of the EIA study, which has been a dynamic process, and one based on the continuous cooperation with the project designers. This has led to the completion of a well grounded and well documented EIA, and has resulted in the improvement and completion of the project design by identifying solutions aimed at mitigating the potential impacts. The structure of the EIA team and the way the activities were organised led to a stimulating working environment, in which the difficulties were not felt, even though the work was challenging.

Project perception and public consultation

There are, however, difficulties associated with the EIA procedure resulting from the public's perception of the RMP, a perception influenced by the impact of present and past mining activities in Roşia Montană and by the accidents that have occurred in the precious metals extraction industry. Moreover, the public from outside the area, who are unaware of, and have not seen, the realities of Roşia Montană and the consequences of unsustainable mining exploitation, perceives the project as a potentially irreversible destruction of a traditional rural area, positioned in a fairytale landscape. In reality, not even grazing can occur on barren rocks that generate acid water. Moreover, development of any other activities in the area is not

recommended, given the instability of the land due to underground mining activities that have riddled it for 2000 years.

Another category of deformed perceptions of the project is linked with the suspicion that the RMP's titleholder will not fulfil its commitments, or that the result of the impact evaluation, and especially the risk, is not correct (e.g. the accident of a breach in the tailings management facility is considered as improbable). Even if such an extreme accident situation were to occur, there are solutions for mitigating the impact of such an event, such as retaining the tailings with a physical barrier, organized as part of an external emergency intervention plan. Concerns about cyanide pollution linked to a dam failure are not justified and distract attention from the real impact of the project on the population and the landscape. Unfortunately, at least partially, real impacts such as these cannot be avoided, even if other alternatives to the project were to be pursued for the area's development, because they would also require the realisation of land stabilization and reclamation procedures.

Conclusion

The evaluating experts who participated in the elaboration of the EIA unanimously agreed on the need for a stabilization and reclamation solution for the area affected by present and past mining exploitation in Roşia Montană. Open-pit mining, excavating the existing galleries resulting from previous underground mining works, and followed by the refilling of the quarries with compacted waste rock, ensures ground stability and the closing of the galleries that generate acid water through draining precipitation. In the absence of the open-pit mining solution, the same results could be achieved through expensive works that would also involve controlled collapses of the galleries – an action not without risk. Only after these conditions are satisfied, land reclamation and development projects for the area can be started, projects that would always be limited by the land quality. The area's reclamation would be expensive and lengthy and would require a cost-benefit analysis of the alternative options, in the context of the three pillars of sustainable development: ENVIRONMENT – ECONOMIC – SOCIAL. Only an option presenting feasible economic development could support the environmental and social costs. This is the reason why the experts support the solution to revitalize the area by developing a modern open-pit mining exploitation based on Best Available Techniques. It is up to the authorities to decide WHO is going to do it.