



Administration of Mine Closure Plans

The Department of Mines and Petroleum (DMP) and the Environmental Protection Authority (EPA) jointly released the Guidelines for Preparing Mine Closure Plans (the Guidelines) in 2011. A review of the Guidelines has been completed and a new version was published in May 2015. The guideline review addressed feedback received during 2013–14 on the previous version of the Guidelines, whilst also meeting regulatory requirements. The department has prepared this information sheet to provide additional information on the Guidelines and their review.

1. When do companies have to start using the revised guidelines?

The new guidelines should be used from 2015 onwards. DMP and the EPA recognise, however, that some operations are required as per tenement conditions to submit the next iteration of their Mine Closure Plans in early 2015. For those companies that are required to submit a Mine Closure Plan in the first half of the 2015 calendar year, and that have already started to prepare the plan, DMP advises that the 2011 Guidelines can be used until September 2015.

2. If a company is preparing a revised Mine Closure Plan, as per tenement conditions, do they have to submit a full Mine Closure Plan or just updated information?

A full Mine Closure Plan is still required to be submitted as per tenement conditions. DMP expects the changes between the latest and the previous Mine Closure Plan to be summarised in the Mine Closure Plan checklist (Appendix D) to assist in making the assessment process as efficient as possible.

3. What has changed in the 2015 version of the Guidelines?

The review was conducted to improve the efficiency of the Guidelines for both industry and government. The new guidelines aim to assist industry to put together Mine Closure Plans that will lead to good environmental outcomes. The major changes are:

- Table 1 (indication of required level of closure detail) has been expanded to include more detail on the level of information required at the different stages of a mine's life (exploration through to post-closure monitoring and maintenance);
- The Mine Closure Plan checklist (Appendix D) has been modified to include a new column for proponents to add information on the changes from the previous Mine Closure Plan to the latest version to assist in efficient assessments; and
- Change in the structure of the Guidelines, as outlined in section 4, to assist companies to compile Mine Closure Plan information in a sequential order that is easier to use and more efficient for DMP to assess.

4. What level of information is required in a Mine Closure Plan?

The level of information required at the project approval stage varies depending on the life span of a mine (e.g. a short term, medium term or long term project) and the level of risk associated with key closure issues. The detail should increase with time (approaching closure) and the level of risk. Table 1 in section 3 of the Guidelines provides a general overview of the level of information required for different stages of a mine's life.

For short term projects (up to 10 years), due to the relatively short time before closure, DMP and the EPA expect that the Mine Closure Plan submitted at the project approval stage will provide a more detailed level of information on final closure, including specific information on final landforms and rehabilitation, plant and infrastructure decommissioning, and closure monitoring and maintenance. For longer term projects (more than 10 years), less detailed information on the final closure may be required at the project approval stage (e.g. indicative targets or closure outcomes). However more detailed information may be required for longer term projects where there is a high level of environmental risk.

5. Does every Mining Proposal need a Mine Closure Plan?

All Mining Proposals for new projects submitted on or after 1 July 2011 will need to be accompanied by a separate Mine Closure Plan.

Mining Proposals associated with existing mine sites can vary significantly in the scale of works proposed, and therefore the level of information on the rehabilitation and closure will also vary. Any substantial change to a mining project regulated under the *Mining Act 1978* will require a new Mining Proposal to be submitted to DMP for approval. Proposals for major changes to the approved mining operations and/or changes to post-mining land use(s) and closure objective(s) will need to include a separate Mine Closure Plan. The Mining Proposal will be subject to the same approval requirements as those for a new mining operation or project. If the new Mining Proposal constitutes changes to a proposal approved under Part IV of the *Environmental Protection Act 1986*, the changes must also be approved in accordance with processes and procedures under that Act.

Minor changes to an approved mining operation that do not result in any significant increase in the overall environmental impacts of the approved mining operation or significant changes to post-mining land use(s) and closure objective(s), as determined by the department, need to include details on rehabilitation and closure and also reference the changes to be included in the next review of the site's Mine Closure Plan. If the proponent is unsure whether the proposed changes are of a major or minor nature they should contact the relevant DMP Environmental Officer or Manager for the relevant mineral field for advice.

For small mining operations, a Mine Closure Plan pro forma has been developed, and the forms are made available to operators where relevant. Operators of small mining operations should contact the relevant DMP Environmental Officer for their region for more guidance.

6. Do Mining Proposals for existing sites require a Mine Closure Plan for the proposed change or for the entire existing operation?

A Mine Closure Plan submitted to DMP as part of a Mining Proposal application must relate to that particular Mining Proposal or, where practicable, can be prepared for the whole site.

A Mine Closure Plan submitted to DMP as per tenement conditions must be prepared for the whole site.

Where a Mining Proposal is subject to assessment by the EPA, the Mine Closure Plan should cover the whole footprint of the proposal. Where a proposal is an extension to an existing approved mine project, it is preferable that the closure plan covers the whole site where practicable.

7. Can one Mine Closure Plan be prepared for EPA and DMP?

Yes. An up-to-date Mine Closure Plan prepared in accordance with the Guidelines will meet both DMP and the EPA requirements. At the approval stage, if there is a project delay, such as more than a year has elapsed between approval of the Environmental Impact Assessment (EIA) document and submission of a Mining Proposal to the department, or if there is a change to the document assessed by the EPA, then DMP will expect that the Mine Closure Plan submitted as part of the Mining Proposal is updated to ensure currency of information/data.

8. What do the Guidelines mean for those sites not administered under the *Mining Act 1978*?

New mining projects not subject to the *Mining Act 1978* (such as Pre-1899 title or minerals-to-owner tenure, Hampton locations or certain State Agreement Act projects), usually undergo formal assessment by the EPA under Part IV of the *Environmental Protection Act 1986*, and the EPA is expected to require a Mine Closure Plan to be prepared in accordance with the Guidelines, as part of the Environmental Impact Assessment (EIA) documentation.

For existing operations that are not administered under the *Mining Act 1978* and mine closure is not regulated under the *Environmental Protection Act 1986*, operators are expected to liaise with the appropriate regulator(s) about requirements for mine closure planning, and are encouraged to have in place mine closure planning and implementation consistent with these guidelines.

9. How often do Mine Closure Plans get re-submitted?

The default position is for Mine Closure Plans to be submitted every three years. A recommendation for an alternative submission date will result in a specific condition being placed on the relevant tenements specifying the date by which the revised Mine Closure Plan must be submitted to the department.

Alternative review periods (a longer or shorter review period) may be recommended:

- When there is a change in the operational status of the site (e.g. enters care and maintenance);
- When the mine site has a very long or very short mine life;
- In response to performance of the tenement holder in mine closure or progressive rehabilitation;
- Depending on the certainty related to the proposed rehabilitation methods; and/or
- There are relevant implementation conditions already imposed under Part IV of *Environmental Protection Act 1986*.

10. What is the difference between financial provisioning for closure (section 4.14) in the Guidelines and calculating costs for the Mining Rehabilitation Fund (MRF)?

Cost estimates conducted for the purpose of demonstrating financial provisioning for Mine Closure Plans are not intended to be applied in the calculation of the MRF. The financial provisioning requirements in Mine Closure Plans are for tenement holders to demonstrate they are aware of the costs associated with closing a mine (for example the costs of ongoing post-closure monitoring and maintenance) and have funds available in the future to address their financial obligations for mine rehabilitation. Costing for the MRF is based on a disturbance type and area.

When completing MRF reporting, 'rehabilitated land' means land on which all rehabilitation has been completed in accordance with the approved Mine Closure Plan (completion criteria in an approved Mine Closure Plan and/or closure obligations in a Mining Proposal).

Once the closure obligations section of your Mining Proposal and/or the completion criteria as per your Mine Closure Plan has been signed off as completed by a DMP officer, the respective activity reverts back to 'undisturbed land' and therefore does not need to be reported for the MRF.

Land that has been rehabilitated and where the completion criteria has been met, but has not been signed off by DMP, will need to be recorded as "and under rehabilitation" until such time as a DMP officer signs off on it.

DMP recognises that there is a range of post-mining, end land uses. While there will be consistent requirements regarding the creation of safe and stable landforms, the broader closure obligations will be specific to the agreed end land use stated in the closure obligations section of your Mining Proposal and/or Mine Closure Plan.

11. How long should post-closure monitoring last?

Post-closure performance monitoring refers to the monitoring of a landform (such as a waste landform or a tailings storage facility) or a disturbed area after it has been rehabilitated and closed (no longer needed for any mining operational requirement). This monitoring is necessary to demonstrate to regulators that the completion criteria for each of these features (land forms or disturbed areas) have been met. It is required to provide a high level of certainty to the regulators that the stability and/or revegetation of each constructed landform and disturbed area located on a tenement will continue to meet the completion criteria after the tenement is relinquished.

During this period, if monitoring shows that the completion criteria associated with a feature or domain are unlikely to be met, companies will usually be required to carry out remediation action until further monitoring demonstrates that the completion criteria for each of these features (land forms or disturbed areas) have been met. Once progressive rehabilitation has been successful with stabilisation and revegetation meeting the completion criteria, the post-closure monitoring period may be less than 10 years in duration but is unlikely to be less than five years for a rehabilitated feature or domain. If a feature is considered a high risk (such as those associated with acid mine drainage or hazardous materials), the post closure monitoring period may be much longer than 10 years. As a general rule, if progressive rehabilitation can be successfully implemented, the post-closure monitoring period required before tenement relinquishment may be able to be shortened.

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