Actions of the Inspection of Environmental Protection as regards control of activities related to shale gas prospection and exploration

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Science for Industry: Nesessity is the mother of invention”,
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The tasks of the Inspection are performed by the **Chief Inspector for Environmental Protection** (CIEP) as a central authority of government administration supervised by the Minister of Environment and **voivodship inspectors for environmental protection** (16) as heads of voivodship inspectorates.

**Main tasks of IEP:**

1. controlling compliance with environmental protection regulations;
2. examining the state of the environment under the programme of the National Environmental Monitoring;
3. preventing major accidents.
Projects that may have a significant impact on the environment

I group

projects which can always have a significant impact on the environment – the EIA is obligatory

II group

projects with a potentially significant impact on the environment – the EIA is optional (screening – on decision of the leading authority).

Decision on environmental conditions is always required prior to obtaining, among others, a building permit, concession for prospecting/exploration and production of minerals or a water permit for constructing water facilities.
IEP activities – shale gas

EIA obligatory (I group)

• *production* and *processing* of natural gas and crude oil including its natural derivatives, in amounts exceeding 500,000 cubic meters per day for natural gas or 500 tonnes per day for petroleum and its derivatives; and production of crude oil including its natural derivatives;

• production or processing of crude oil, it’s derivatives and natural gas in the maritime territory of Poland;

EIA optional (II group) – *prospecting* or *exploration* of mineral deposits:

• (a) in the maritime territory of the Republic of Poland,

• (b) conducted underground,

• (c) performed by drill-hole method at a depth greater than 1000 m:
  ✓ at a distance less than 500 meters from residential areas,
  ✓ in water intake protection zones,
  ✓ in preservation areas of inland water reservoirs,
  ✓ in the areas under nature protection.

• (d) performed by drill-hole method at a depth greater than 5000 m in the areas not listed in the point (c)
Investment stage
Exploration/prospecting of minerals from deposits, which are classified as projects that may have a significant impact on the environment, subject to investment control of Voivodship Inspectorate for Environmental Protection (if EIA is required).
In accordance with the Environmental Protection Framework Act, the investor is obliged to inform VIEP of the planned date of putting into operation a newly built or modernised establishment, group of establishments or installations classified as above, 30 days in advance. If the requirements are not met, VIEP issues a decision on prohibition of bringing into use.

Operation stage
VIEP also monitors the operation stage (compliance with decisions and permits), such as water permits, waste management permits, decisions on noise levels (if applicable) etc. Depending on the type of infringements, VIEP may apply various sanctions:
I) penalty of a fine;
II) application to the prosecution – in case of violation of Penal Code Act;
III) the closure of installation if important incompliance is identified;
IV) other measures.

In case of a major accident (involving dangerous substances) VIEP may issue a decision requiring from the offender adequate inquiry into the causes, course and effects of the accident and impose bans or restrictions on the use of the environment.
as of 1 May 2014 – 63 exploration wells;

IEP inspected 31 concessionaires and operators associated;

taking into account the distribution of potential shale gas deposits, inspections were carried out by: VIEP in Gdansk (11) VIEP in Lublin (7), VIEP in Warsaw (5), VIEP in Olsztyn (5), VIEP in Bydgoszcz (1 entity twice), VIEP in Poznan (2);
Most of the inspections displayed no violations of environmental provisions. Sporadic cases of irregularities concerned incomplete legal status and were not always directly related to the mining activities.

Examples of deficiencies:

- non-selective collection of plastic and wood waste produced in the drilling area and storage of hazardous waste in violation of the permit (VIEP issued appropriate orders requiring the company to remove the irregularities);

- groundwater intake from a deep well without the required water permit (permit obtained after the completion of works, hence the operator lodged to the Marshal a higher charge);

- misclassification of waste from recycling of mining waste;

- collection of waste from shale gas exploration without the required permit.
on the 11th of March 2014, the government adopted a draft law amending the **Geological and Mining Law and other acts**, including the Freedom of Economic Activity Act (legal procedures are under way);

the purpose is to create a new system favorable for wide-range exploration and production of shale gas while respecting the environment so as to **speed up investment in Poland’s shale gas exploration programme**;

it was abandoned with the establishment of the new state body, the National Energy Minerals Operator (NOKE) in favor of **enhancement of IEP and mining supervision authorities**;

amended provisions will enter into force after 3 months from the date of publication in the Official Journal.
changes in art. 84 aa Act of the Freedom of Economic Activity, entitles authorities to do as follows (as regards prospecting, exploration or extraction of minerals, including shale gas):
- launch inspection **without prior notice**;
- carry out inspection **outside** the premises of the company and the drilling rig;
- carry out inspection **after working hours**;
- carry out a few inspections on the same time (ability to conduct „**joint inspections**”)
- carry out inspection with **no time limits**.

due to the fact that the areas under control of IEP and mining supervision authorities partly overlap (waste-water treatment, waste management, noise emissions, accidents prevention, compliance with permits etc.) it was decided to enhance cooperation – **the AGREEMENT on COOPERATION between CIEP and Acting President of the State Mining Authority.**

the cooperation will be based on joint, comprehensive inspections, (including environmental aspects occurring on and underground) and information exchange.
on 22 January 2014 the European Commission adopted a **Recommendation** aiming to ensure that proper environmental and climate safeguards are in place for "fracking" – the high-volume hydraulic fracturing technique used notably in shale gas operations;

the Recommendation should help all Member States wishing to use this practice address health and environmental risks and improve transparency for citizens. It also lays the ground for a **level playing field for industry and establishes a clearer framework for investors**;

**EU Member States are invited to apply the principles within six months from December 2014 onwards.**

**in our opinion Polish legislation guarantees compliance with the Recommendations**, especially taking into account the new wording of the Geological and Mining Law.
CIEP supervises the system of local inspections connected with shale gas activities (regular inspections carried out according to the Annual Inspections Plan & unplanned inspections);

**guidelines** for carrying out inspections in this field where elaborated;

local inspectors intervene in case of complains (taking samples on site etc.) – as of today, any significant emergencies, major accidents and complaints of the public concerned took place;

there were 31 inspections of concessionaires, to date; Most of the controls displayed no significant violations.

the enhancement of IEP and mining authorities, as well as strengthening cooperation will provide better control over entrepreneurs seeking shale gas.

I thank you for your attention.

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