Recommendation on the Delimitation of Remediation Terms

Long-term task – Permanent task – Perpetual task

Remediation tasks are frequently assessed according to their time perspective and the nature of the obligation. In some cases, the type of financing, the responsibility and the effectiveness of contractual arrangements also depend on this. The Working Group therefore considered it appropriate to address the technical definitions. This recommendation does not delimit the competence and responsibility for fulfilling the obligations associated with these tasks. As a rule, these obligations lie with the last mine operator or its legal successor. When fulfilling the obligations, the Federal Mining Act (Bundesberggesetz) and the state-specific public order authority acts or police ordinances as well as further legal bases are to be taken into account.

Differences between long-term task (or long-range task), permanent task and perpetual task

	Long-term task	Permanent task	Perpetual task
Time perspective	has a defined end point; extends over years or decades	ongoing, but flexible in time; part of normal operations and can be adjusted or terminated	unlimited in duration; requires permanent measures without a clear end point
Nature of the obligation	goal-oriented, with a clear conclusion	regular and routine, part of day-to-day work	permanent and necessary to minimise risk
Flexibility	ends when the objective is achieved	adaptable and potentially terminable, depending on changed conditions or objectives	unchangeable as long as the risk persists

The difference between a perpetual task and a permanent task lies in the perspective and the nature of the obligations they describe. Perpetual tasks are theoretically infinite and have no fixed end point, whereas permanent tasks persist over the long term but not necessarily indefinitely. Perpetual tasks arise from irreversible or extremely long-term risks that require permanent monitoring, whereas permanent tasks represent ongoing obligations within an organisational or operational framework. Permanent tasks may change over time or be terminated, whereas perpetual tasks demand continuous fulfilment with no prospect of termination.

The difference between a long-term task and a perpetual task lies in the duration and the nature of the obligations they describe. Long-term tasks are designed for a long but limited period, whereas perpetual tasks theoretically exist indefinitely. Long-term tasks usually have a clearly defined objective that is to be achieved, whereas perpetual tasks persist indefinitely in order to manage permanent risks or conditions.

Long-term task (long-range task)

Definition

A long-term task is a task or obligation that has to be fulfilled over an extended period (without a fixed time limit), but does not last “indefinitely”. It may extend over years or decades and is often associated with projects or undertakings that require long-term planning, continuous attention and step-by-step implementation. The long-term task has a defined objective or end point and ends once this objective has been achieved.

Characteristics

Long-term tasks have a clear objective and last for years or decades, but they generally end as soon as the objective has been achieved. They are often subdivided into phases or milestones.

Objective

The objective of a long-term task is to achieve a certain result or condition, or to maintain it over an extended period, after which the task is generally completed.

Examples

- Construction, adaptation, maintenance or dismantling of infrastructure facilities;
- Renaturation of former mining areas and spoil heaps as well as sedimentation ponds/industrial settling facilities/settling ponds (tailings ponds);
- Backfilling, flooding and stabilisation of residual open-pit lakes/voids and underground mines;
- Soil remediation and improvement;
- Remediation of contaminated sites;
- Treatment of mine water and seepage or drainage water;
- Water or groundwater monitoring (if carried out for the purpose of demonstrating that hazards no longer exist);
- Monitoring of contaminated sites/suspected contaminated sites until sufficient proof of successful remediation (no further hazards) has been provided;
- Water management (adaptation) measures.

Permanent task

Definition

A permanent task is a (continuing) task that persists over the long term, but not necessarily indefinitely. It is often part of normal operational or organisational processes and requires constant attention and resources. However, there is no specifically defined objective or end, but rather a condition that is to be maintained. As soon as the condition can be maintained without further measures, the permanent task also ceases.

Characteristics

Permanent tasks are designed for the long term and are an integral part of day-to-day operations. However, they can be adapted or terminated if the framework conditions change, for example as a result of technical innovations or legal changes.

Objective

The objective of a permanent task is to maintain certain processes, conditions or functions continuously and permanently. These tasks are aimed at ensuring the stability, efficiency and sustainability of processes that are crucial for the smooth operation of an organisation, a system or an infrastructure.

Examples

- Mine water treatment, where it is foreseeable that direct discharge can be achieved, even if this takes a long time;
- Servicing and maintenance of infrastructure, such as the regular upkeep and repair of roads, bridges and other public facilities;
- Continuous monitoring and management of nature conservation areas or the maintenance of air and water quality standards (only if still under mining supervision or subject to a condition under mining law; otherwise general forestry or agricultural land management by the landowner);
- Fencing off an area;
- Mining-related hydrogeological monitoring.

Perpetual task

Definition

A perpetual task refers to legal obligations that will persist permanently and, in all likelihood, without time limit across generations. These obligations often arise from irreversible interventions in the environment or from the need to maintain certain safety or protective measures or structures forever. According to the current state of science and technology, there are no measures that could change the condition in such a way that the obligation could turn into a task with a clear end.

Characteristics

Perpetual tasks have no defined end point and must be fulfilled permanently and presumably over many generations. The obligation exists as long as the risk or the need exists.

Objective

Perpetual tasks aim to manage permanently the risks caused by irreversible changes or hazard potentials. There is no defined end date, as these obligations theoretically persist indefinitely.

Examples

- (Mine) water management/dewatering in former mining areas or in former mines in order to maintain certain water levels;
- Management of polder areas (e.g. in the Ruhr area);
- Monitoring and maintenance (aftercare) of landfills and, where applicable, spoil heaps/sedimentation ponds;
- Monitoring/surveillance of contaminated sites whose remediation/removal is technically not possible for the foreseeable future;
- Ensuring water quality where water conditions have been profoundly affected and permanently altered (e.g. lignite mining in Lusatia with Tertiary soils within the zone of groundwater influence);
- Permanent groundwater monitoring, where groundwater conditions have been altered by mining to such an extent that monitoring without time limit is required;
- Mine water treatment, where it is foreseeable that direct discharge will not be possible within foreseeable periods.