

PROPOSED GREENFIELDS RIETVLEI OPEN CAST COAL MINING OPERATION - PRE-APPLICATION AUTHORITY MEETING MINUTES

Anglo American Thermal Coal Shared Services Offices | 25 November 2013 | 09h00 – 15h00

Attendance:

Stakeholders (Refer to Appendix A for a copy of the **signed** Attendance Register)

Attendees

Toks Panday	Anglo American Thermal Coal
Sipho Mpumlwana	Butsanani Energy Investment Holdings
Musi Twala	Emalangeni (Pty) Ltd
Malaudzi Ronald	Department of Water Affairs
Samuel Maliaga	Department of Water Affairs
Portia Mashau	Department of Water Affairs
Huliseni Tshikondela	Department of Water Affairs
Kama Meso	Department of Water Affairs
Puleng Moche	Department of Water Affairs
Auricious Nkhatshwa	Mpumalanga Department of Economic Development, Environment and Tourism
Lentswana Selape	Mpumalanga Department of Economic Development, Environment and Tourism
Ashlea Strong	WSP Environmental (Pty) Ltd
Brent Holme	WSP Environmental (Pty) Ltd

Item

1. PRE-APPLICATION AUTHORITIES MEETING

- Ashlea Strong (AS) from WSP Environmental (Pty) Ltd (WSP) welcomed everyone to the pre-application authorities meeting and introduced the project team that included Toks Panday (TP) from Anglo American Thermal Coal (Anglo), Sipho Mpumlwana (SM) from Butsanani Energy Investment Holdings (Butsanani) and Musi Twala (MT) from Emalangeni (Pty) Ltd. The attendees were requested to introduce themselves and state which department they were representing (Refer to **Appendix A** for a copy of the signed Attendance Register).
- SM indicated that the proposed project will not be driven by Anglo, but will be represented by a new Junior Miner which will include a 60/40 share between Butsanani and Emalangeni.
- AS presented the agenda and indicated who the core project team from WSP is. The background to the proposed project was presented as well as the relevant authorisation requirements. Relevant specialist studies that had been/will be earmarked for the proposed project were summarised and the integrated authorisation process illustrated as well as key submission dates.
- A site visit to the proposed project location was arranged following the presentation.
- Refer to **Appendix B** for a copy of the presentation.
- AS thanked all attendees for attending and thereafter called the meeting closed.

Comments

QUESTIONS AND COMMENTS RAISED

Portia Mashau (PM):

Do any streams feed the wetland and pans onsite? The Department of Water Affairs (DWA) will require the names for surface water streams.

Samuel Maliaga (SMa):

What is the Present Ecological State (PES) and the Ecological Importance Sensitivity (ESI) of the wetlands and pans onsite?

Response

AS:

This will be assessed as part of the specialist studies and included in the scoping report.

AS:



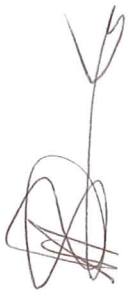
This will be assessed as part of the specialist studies appointed for the proposed project. Results will be included in the environmental and social impact assessment (ESIA) report.

Comments	Response
<p>SMa: What is the source of the wetlands onsite (hillslope seep)? Will the mine destroy all the wetlands and pans completely?</p>	<p>SM: Smaller wetlands and pans identified onsite will be mined through, however, two larger pans/wetlands have been acknowledged which will not be mined. AS: It is understood that buffer zones will need to be defined, which will be evaluated and calculated by the relevant specialist.</p>
<p>SMa: What is the distance from the proposed surface layout infrastructure and mining activities from the larger wetland? Cognisance of the 500 m buffer zone as regulated in the National Water Act (No. 36 of 1998) (NWA) must be implemented.</p>	<p>TP: Is the 500 m buffer zone regulated? SMa: It is regulated under the NWA, and if any mining activities or infrastructure occur within the buffer zone, a water use license application (WULA) will need to be applied for. SM: The unpaved road running to the east of the proposed site will need to be relocated in close proximity to the existing railway line during the operational phase of the proposed mine. It is not clear at present how or if the road will impact on water resources, however, this will be included in the ESIA.</p>
<p>Lentswana Selape (LS): It was noted that there is an informal settlement (comprising approximately 5 homesteads) associated with the seasonal forestry activities onsite that will need to be relocated, will the relocation of these individuals be included as part of the study?</p>	<p>SM: The land is leased from the Department of Rural Development and Land Affairs, who will be responsible for relocating the communities to the north, outside of the prospecting right boundary. It was noted that Emalangeni has a good relationship with neighbouring land owners.</p>
<p>Mlaunzi Ronald (MR): What alternatives have been considered including alternatives for the destruction of wetlands?</p>	<p>SM: No site alternatives have been identified as the prospecting right is for the proposed site only. Alternatives such as mining tonnages have been evaluated, however, the bulk of the coal resource is underlain by the pans/wetlands onsite. Excluding the two larger pans/wetlands which will not be mined, the proposed mining activities will not be feasible if all wetlands/pans located onsite are not mined. Alternative technology aspects to minimise water use has been considered and will be included in the scoping report.</p>
<p>SM: What options are available for worst case scenarios if the wetlands/pans have to be mined?</p>	<p>SMa: Alternative to change the mine plan and exclude mining through all wetlands/pans.</p>
<p>Brent Holme (BH): Will the Department consider offsetting projects?</p>	<p>SMa: The Department cannot consider offsets without assessing all project alternatives. The PES and EIS will need to be evaluated before decisions are made with regards to mining through the wetlands/pans.</p>
<p>PM: WSP should discuss the assessment of alternatives, avoiding damages of natural resources onsite and surrounding the property.</p>	<p>AS: Comment noted. SM: The project will mine approximately 1,700 hectares of the 2,225 hectare prospecting right with an anticipated life of mine of 20 years. The quality of the coal is not adequate for export, however the coal will be blended and transported to Eskom Power Stations. It is understood that damages to the environment need to be minimised. Communication with surrounding farmers has commenced, and that</p>





Comments	Response
	there have been no significant issues raised by the farmers.
<p>Clarification pertaining to water use licenses was discussed:</p> <ul style="list-style-type: none"> ■ Section 21(b) is not required, unless clean stormwater is to be stored onsite ■ Section 21(d) is not required as this is only applicable to forestry activities ■ Section 21(f) is to be determined, however, this may not be required 	<p>All attendees: Noted</p>
<p>SM: What does the DWA recommend with regards to applying for water use licenses?</p>	<p>Kama Meso (KM): It is recommended that all water uses required be applied for, for the life of the proposed mine. It is recommended that concurrent rehabilitation measures and plans be included as part of the document submission.</p> <p>Maludzi Ronald (MR): Wetland rehabilitation is to be developed as a separate document from the environmental management programme.</p>
<p>AS: WSP proposes to run the Integrated Water Use License Application (IWULA) Process slightly ahead of the EIA phase in order to provide the DWA with more review time. How long will the DWA take after receiving the environmental authorisation to make a decision on the applications?</p>	<p>KM and SMa: No water uses can be granted prior to the receipt of environmental authorisation in terms of the National Environmental Management Act (No. 107 of 1998) (NEMA). The Department can begin reviewing the IWULA documentation, however, will request additional information if required 30 days following receipt of the IWULA.</p>
<p>AS: How many copies of the IWULA will the Department require?</p>	<p>KM and SMa: Five copies of the IWWMP (hard copy) and five electronic copies.</p>
<p>It was noted that SMa will be open to meeting in order to clarify if all information required for the IWULA is included prior to submission. WSP is to arrange a meeting with SMa and the Department following which WSP will finalise the IWULA and submit for decision.</p> <p>SMa indicated that updated checklists required for the IWULA process will be forwarded to WSP. SMa indicated that engineering drawings will need to be submitted with the IWULA for the PCDs. The surface infrastructure plan and layout will also need to be submitted with the IWULA documentation. The IWULA is to include a separate wetland rehabilitation management plan.</p>	<p>AS: Noted.</p>
<p>SM: Timeframes associated with the authorisation process is important for Butsanani and Emalangeni. It was requested that lines of communication remain open and if any information or clarification is required, this should be requested as soon as possible.</p>	<p>All attendees: Noted</p>

Appendix A: Attendance Register




ATTENDANCE REGISTER

Name	Company Name	Contact Details	Signature
Mulaudzi Ronald	Water Affairs	Tel: 012 336 7952 Fax: 012 336 6608 Mobile: 082 654 6692 Email: mulaudzi@dwai.gov.za	
SAMUEL MALIAGA	WATER AFFAIRS	Tel: 031 932 2061 Fax: 013 932 2071 Mobile: 082 0668258 Email: Malinga@dwai.gov.za	
Ashlea Strong	WSP	Tel: 011 3611392 Fax: Mobile: 08227867819 Email: ashlea.strong@wspgroup.co.za	
		Tel: Fax: Mobile: Email:	


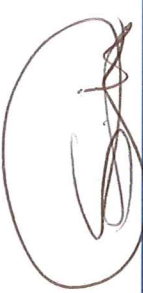

ATTENDANCE REGISTER

Name	Company Name	Contact Details	Signature
PORATA Mashau	DWA	Tel: 013 759 7497 Fax: Mobile: 083 6020 560 Email: mashamp@dwa.gov.za	
Hluiseni Tshikondeca	DWA	Tel: 012 336 7180 Fax: Mobile: Email: Tshikondeca@dwa.gov.za	
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PULENG MOCHE	DWA	Tel: 013 759 7518 Fax: Mobile: 083 7088 3977 Email: moche@dwa.gov.za	

ATTENDANCE REGISTER

Name	Company Name	Contact Details	Signature
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S. Mpu m wana	BUTSANANI	Tel: Fax: Mobile: 0723900834 Email: SPm@BUTSANANIENERGY.CO.ZA	
		Tel: Fax: Mobile: Email:	

ATTENDANCE REGISTER

Name	Company Name	Contact Details	Signature
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Brent Holme	WSP	Tel: 011 361 1389 Fax: 086 532 8685 Mobile: 083 518 2386 Email: brent.holme@wspgroup.co.za	
		Tel: Fax: Mobile: Email:	

Appendix B: Presentation



Environmental Authorisation Requirements for the Proposed Greenfields Rietvlei Open Cast Coal Mining Operation

Date: 25 November 2013
Time: 09:00 – 15:00
Venue: Anglo American Thermal Coal Project Services Offices



2013/09/17

Agenda



- | | |
|-------------------------------|-----|
| ▪ Welcome | WSP |
| ▪ Introductions | All |
| ▪ Background to the Project | WSP |
| ▪ Authorisation Requirements | WSP |
| ▪ Specialist Studies | WSP |
| ▪ Proposed Integrated Process | WSP |
| ▪ Discussion | All |
| ▪ Lunch | All |
| ▪ Site Visit | All |
| ▪ Close | WSP |



Core Project Team



Name	Role	Qualifications
Kim Allan (CEAPSA) WSP	Project Director	<ul style="list-style-type: none"> BSc Honours in Environmental Law and Environmental Management, University of the Witwatersrand, 2002 Registered as Certified Environmental Assessment Practitioner of South Africa with the Interim Certification Board, 2011
Ashlea Strong (CEAPSA) WSP	Project Manager	<ul style="list-style-type: none"> Masters in Environmental Management, University of the Free State, 2006 Registered as Certified Environmental Assessment Practitioner of South Africa with the Interim Certification Board, 2010
Brent Holme WSP	Senior Environmental Consultant	<ul style="list-style-type: none"> BSc Honours in Geography, with Environmental Sciences, University of Johannesburg, 2006 BSc Geography and Environmental Management, University of Johannesburg, 2006

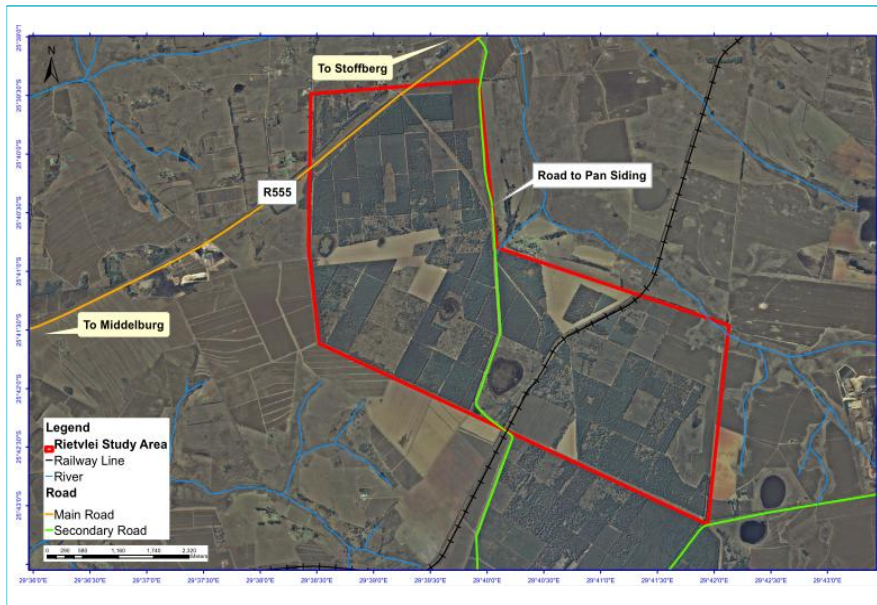


Background to the Project

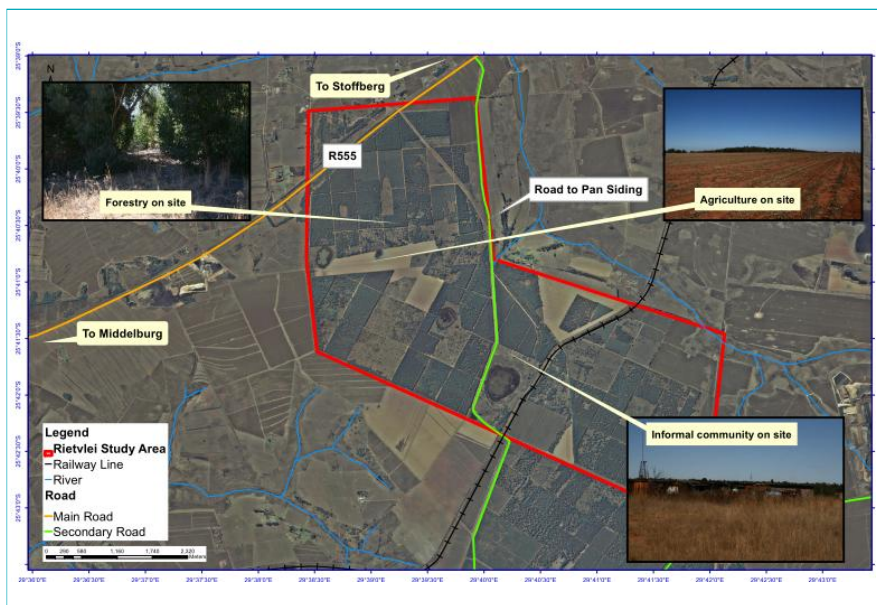


- Butsanani Energy Investment Holdings propose to develop the Greenfields Rietvlei Open Cast Coal Mining Operation in the Mpumalanga Province
- The study area is located on the R555 provincial road from Middelburg to Stoffberg, approximately 23km northeast of Middelburg
- A coal Prospecting Right MP30/5/1/1/2/57 was received on 18 November 2006
- The Prospecting Right expired on 17 November 2011
- An application for renewal was lodged in July 2011 with the Department of Mineral Resources (DMR) and is still pending
- WSP Environmental (Pty) Ltd (WSP) has been appointed to undertake the required environmental studies





Locality Map



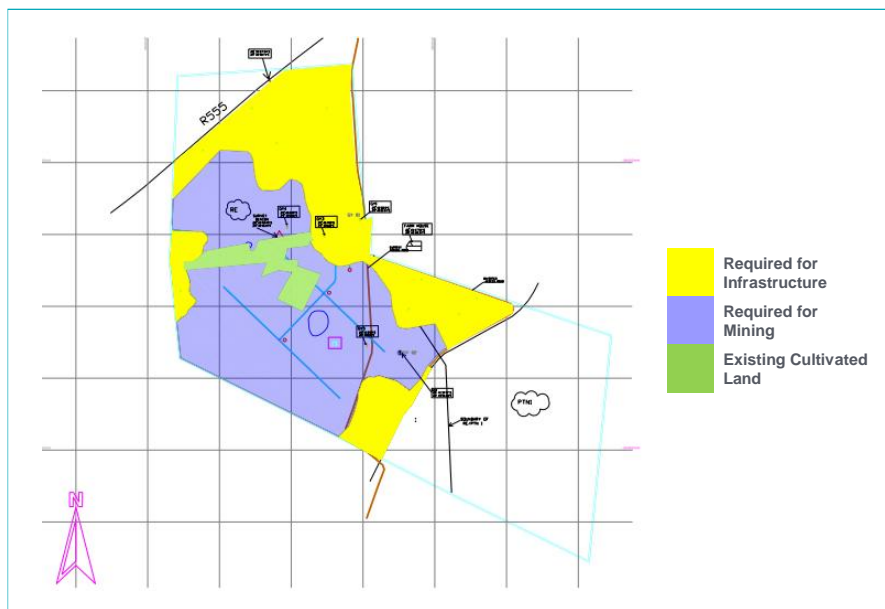
Land Use Map



Background to the Project



- Opencast operation
- Conventional truck and shovel mining methods
- Mining will progress from North to South only
- The following facilities/activities are applicable:
 - Power supply
 - Water supply
 - Road infrastructure (including the Pan Siding road diversion)
 - Offices and associated buildings (including a clinic)
 - Warehouse and workshop (including a vehicle washing area)
 - Tailing and effluent dams
 - Sewage plant
 - Storage and handling of hazardous waste



Proposed Layout Plan



Authorisation Requirements - MPRDA



- Application in terms of section 22 of the Minerals and Petroleum Resources Development Act (No. 28 of 2002) (MPRDA):
 - Mining Right Application
 - Social and Labour Plan (Tony Barbour)
 - Mine Works Programme (Mindset)
 - Financial Provision (Mindset)
 - Environmental Impact Assessment (EIA)
 - Environmental Management Programme Report (EMPR)
 - Notify and consult landowner
- Address the process requirements in terms of Government Notice Regulation (GNR) 527 (23 April 2004)
- Competent Authority:
 - DMR



Authorisation Requirements - NEMA



- Application in terms of section 24(2) of the National Environmental Management Act (No. 107 of 1998) (NEMA)
- Address the process requirements in terms of GNR 543 (18 June 2010)
- Potentially applicable listed activities:
 - GNR 544 (18 June 2010)
 - GNR 545 (18 June 2010)
- Competent Authority:
 - Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET)



Authorisation Requirements – GNR 544

Listed Activity Description	Applicability
<p>Activity 9: The construction of facilities or infrastructure exceeding 1 000m in length for the bulk transportation of water, sewage or stormwater: (i) with an internal diameter of 0.36m or more; or (ii) with a peak throughput of 120 litres per second or more</p>	Construction of pipelines within the study area
<p>Activity 10: The construction of facilities or infrastructure for the transmission and distribution of electricity - (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more</p>	Construction of electricity infrastructure such as powerlines and substations where this infrastructure requires a capacity of less than 275kV
<p>Activity 11: The construction of: (ii) channels (iii) bridges (iv) dams (vi) bulk storm water outlet structures (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line</p>	Construction within 32m of a watercourse



Authorisation Requirements – GNR 544

Listed Activity Description	Applicability
<p>Activity 13: The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres</p>	Construction of bulk fuel storage facilities in the event that the storage facilities have a capacity of less than 500m ³
<p>Activity 18: The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, grit, pebbles or rock from (i) a watercourse</p>	Construction within a watercourse
<p>Activity 22: The construction of a road, outside urban areas: (i) with a reserve wider than 13,5 meters or (ii) where no reserve exists where the road is wider than 8 metres, or (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010</p>	Construction of new roads Re-routing of the existing district road to the Pan Siding, due to the fact that it currently traverses the opencast mine
<p>Activity 23: The transformation of undeveloped, vacant or derelict land to - (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares</p>	Surface infrastructure will result in the transformation of land
<p>Activity 47: The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre – (i) where the existing reserve is wider than 13,5 metres; or (ii) where no reserve exists, where the existing road is wider than 8 metres</p>	Widening or lengthening of existing roads traversing the study area



Authorisation Requirements – GNR 545

Listed Activity Description	Applicability
Activity 3: The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres	Construction of bulk fuel storage facilities in the event that the storage facilities have a capacity of more than 500m ³
Activity 5: The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No. 544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply	A Water Use License for pollution control dams is required in terms of the National Water Act (No. 36 of 1998)
Activity 8: The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex	Construction of electricity infrastructure such as powerlines and substations where this infrastructure requires a capacity greater than 275kV
Activity 15: Physical alteration of undeveloped, vacant or derelict land for residential retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more	Mining activities will result in the transformation of land
Activity 3: The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres	Construction of bulk fuel storage facilities in the event that the storage facilities have a capacity of more than 500m ³



Authorisation Requirements - NEMWA



- Application in terms of section 20 of the National Environmental Management Waste Act (No. 59 of 2008) (NEMWA)
- Address the process requirements in terms of GNR 543
- Potentially applicable listed activities:
 - GNR 718 (3 July 2009) Category A
 - GNR 718 Category B
- Competent Authority:
 - Hazardous Waste – Department of Environmental Affairs (DEA)
 - General Waste – MDEDET



Authorisation Requirements – GNR 718

Regulation Number	Listed Activity Description	Applicability
GNR 718 Category A	Activity 2: The storage, including the temporary storage, of hazardous waste at a facility that has the capacity to store in excess of 35m ³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons	Hazardous waste will be stored within the study area
	Activity 18: The construction of facilities for activities listed in Category A of GNR 718	
GNR 718 Category B	Activity 7: The treatment of effluent, waste water or sewage with an annual throughput capacity of 15 000m ³ or more	A sewage plant with the design capacity to process 96.8m ³ of fluid per day, with a total volume flow of 15 kilo litres and a capacity of 80 persons, has been included in the project description and will be situated within the study area
	Activity 11: The construction of facilities for activities listed in Category B of GNR 718	



Authorisation Requirements - NWA



- Application in terms of section 41 of the National Water Act (No. 36 of 1998) (NWA)
- Address the process requirements detailed in the guideline documents:
 - Department of Water Affairs and Forestry (2007), External Guideline: Generic Water Use Authorisation Application Process
 - Department of Water Affairs and Forestry (2007), External Guideline: Section 21 (c) and (i) Water Use Authorisation Application Process (Impeding or Diverting the Flow of Water in a Watercourse, and/or Altering the Bed, Banks, Course or Characteristics of a Watercourse)
- Address the process requirements detailed in GNR 704 (4 June 1999)
- Competent Authority
 - Department of Water Affairs (DWA)



Authorisation Requirements - NWA



- Potential water uses:
 - **Section 21(a):** Taking of water from a water resource
 - **Section 21(b):** Storing water
 - **Section 21(c):** Impeding or diverting the flow of water in a water course
 - **Section 21(d):** Engaging in a stream flow reduction activity contemplated in section 36 of the NWA
 - **Section 21(e):** Engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1)
 - **Section 21(f):** Discharging waste or water containing waste into a water resource through pipe, canal, sewer, sea outfall or other conduit
 - **Section 21(g):** Disposing of water in a manner which may detrimentally impact on a water resource
 - **Section 21(i):** Altering the bed, bank, course or characteristics of a watercourse
 - **Section 21(j):** Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people

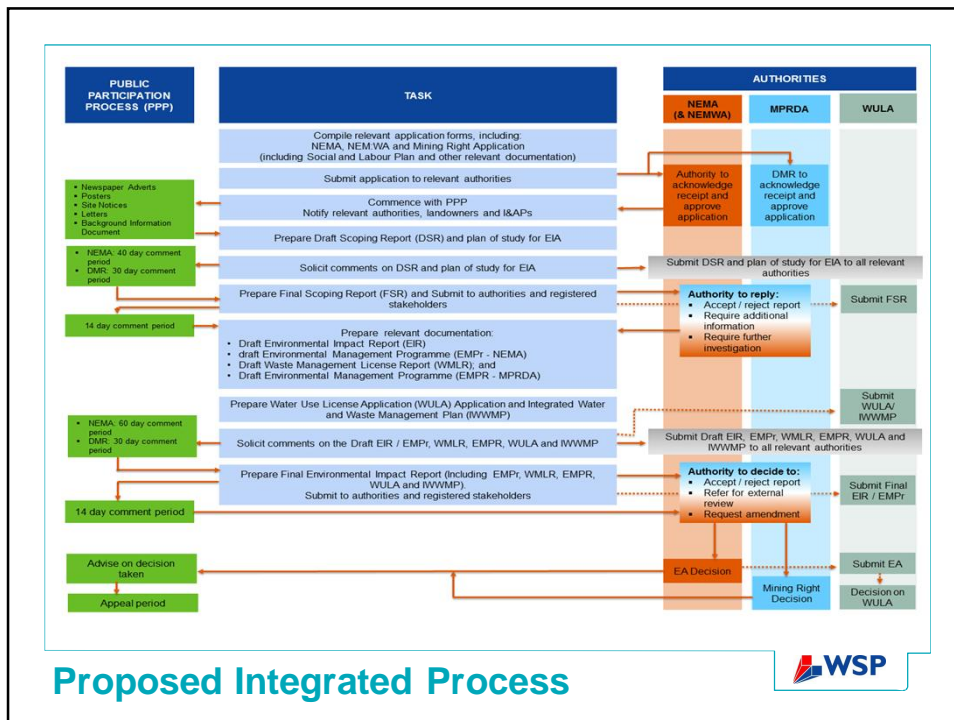


Specialist Studies



- Air quality assessment
- Aquatic ecology assessment
- Fauna assessment
- Flora assessment
- Geotechnical assessment
- Groundwater assessment
- Heritage assessment
- Noise assessment
- Visual assessment
- Land capability and soils assessment
- Surface water assessment
- Wetland assessment
- Traffic assessment
- Blasting and vibration assessment
- Rezoning application





Key Submission Dates

Phase	Milestone	Date
Pre-Application	Pre-Application Meeting (DMR and MDEDET)	26 November 2013
Application	Submit NEMA Application to MDEDET	6 December 2013
	Submit NEMWA Application MDEDET & DEA	6 December 2013
Scoping	Make Draft Scoping Report Available for Public Review	13 February 2014
	Submit Draft Scoping Report to DMR and MDEDET for Review	13 February 2014
	Submit Mining Right Application	7 April 2014
	Submit Final Scoping Report to MDEDET	6 May 2014
EIA/EMPR	Submit Final Scoping Report to DMR	14 May 2014
	Make Draft EIA/EMPR Report Available for Public Review	21 August 2014
	Submit Draft EIA/EMPR Report to DMR and MDEDET for Review	21 August 2014
WUL	Submit final EIA/EMPR Report to DMR and MDEDET for Review	5 November 2014
	Submit Water Use Licence Application (WULA) to DWA	15 August 2014
Rezoning	Submission of Final Rezoning Documentation (including EA)	3 April 2015

Discussion



2013/09/17

