

APPENDIX E: APPLICATION
ACCEPTANCE

MINING RIGHT APPLICATION
ACCEPTANCE - DMR



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X7279, Witbank, 1035, Tel: 013 653 0500, Fax 013 690 3288
Province Building, Cnr Botha Avenue & Paul Kruger Street, Witbank, 1035

From: Directorate: Mineral Regulation: Mpumalanga Region

Enquiries: Mrs J du Plessis **Ref:** MP 30/5/1/1/2/10031 MR

Subdirector: Mineral Laws

Registered Mail

The Directors
Eskom Holdings Soc Limited
P O Box 1091
Sunninghill
JOHANNESBURG
2000

Fax No. 086 585 1314/ 011 800 5555

ACCEPTANCE OF AN APPLICATION FOR A MINING RIGHT IN TERMS OF SECTION 22 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002): PORTIONS 1, 2, 3 AND THE REMAINING EXTENT OF THE FARM ROODEKOPJES 67 HS, MAGISTERIAL DISTRICT OF AMERSFOORT.

1. This is to inform you that your abovementioned application for the mining of Coal in terms of Section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) has been accepted.
2. In terms of Section 22(4) of the MPRDA you are therefore required to:
 - (a) submit six (6) copies of a scoping report on or before 10 **October 2012**,
 - (b) consult with interested and affected parties and submit six (6) copies of the environmental management programme which includes the environmental impact assessment report in terms of section 39 of the Act on or before 10 **March 2013**; which programme must be compiled with the input of the public, and must include a record as to the extent that the public participation informed the baseline environment and the potential impact assessment.

(c) notify in writing and consult with the landowner or lawful occupier, the surrounding community members, any other affected party and submit the result of such consultation to this office on or before 10 October 2012

3. You are further, in terms of Sections 29 and 39(5) of the MPRD Act, directed to compile the Environmental Management Programme in accordance with the standard directive attached hereto as **Annexure A.**

4. You are further requested in terms of section 17(4) of the Act to give effect to the object referred to in section 2(d) of the Act. In this regard you are required to submit by no later than 10 October 2013, the following documents:

- 4.1. duly signed shareholders agreements;
- 4.2. share certificates and shareholder's registers;
- 4.3. articles and memorandum of association of the company;
- 4.4. details relating to funding (all relevant agreements); and
- 4.5. any other agreement or documents relating to the agreement.

5. I have to inform you that this office received only an unsigned / incomplete application form, from you. Therefore you are herewith requested to submit proof that the documents were submitted on line and you have to submit hard copies of the following documents **within 14 days from the date of this letter: -**

- (a) Details of the land or area (the regulation 2.2 plan);
- (b) Two copies of the Mining Work Programme
- (c) Proof of the financial and technical competence;
- (d) Detailed financing plan as contemplated in regulation 11(g);
- (e) Provide a list of existing rights which are held by you
- (f) Two copies of the Social and Labour Plan;
- (g) A certified copy of your valid Prospecting Right;
- (h) A certified copy of the certificate to commence business; and
- (i) A copy of Resolution, if acting in a representative capacity.

6. According to the co-ordinates which you have submitted, you have included Portion 4 on your application. Your application form did not include Portion 4. Kindly confirm whether you are including Portion 4 of the farm Roodekopjes in your application.

Further note that failure to submit the documents as requested and failure to adhere to the timeframes as stipulated above amounts to non-compliance with the provision of the Act and will therefore lead to your application being processed for refusal without further notification to you.

Yours faithfully



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**REGIONAL MANAGER:
MPUMALANGA REGION
DATE: // September 2012**

INTEGRATED APPLICATION FORM ACCEPTANCE - DEA



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001492/2012

Reference: 14/12/16/3/3/61

Enquiries: Mmatlala Rabothata/Pumeza Skepe

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E-mail: mrabothata@environment.gov.za/pskepe@environment.gov.za

Mr Malcom Roods
Royal HaskoningDHV
PO Box 867
GALLO MANOR
2052

Fax: 011 798 6010

Tel: 011 798 6442

PER FACSIMILE / MAIL

Dear Mr Roods

ACKNOWLEDGEMENT OF RECEIPT AND ACCEPTANCE OF NEW APPLICATION FOR ENVIRONMENTAL AUTHORISATION (SCOPING/EIA PROCESS) FOR THE PROPOSED UNDERGROUND COAL GASIFICATION PROJECT AND ASSOCIATED INFRASTRUCTURE IN SUPPORT OF CO-FIRING OF GAS AT THE MAJUBA POWER STATION, AMERSPOORT, MPUMALANGA PROVINCE

The Department confirms having received the Integrated Application Form and the details of EAP and Declaration of Interest; and project schedule on 19 September 2012 for environmental authorisation for the abovementioned project. You have submitted these documents to comply with the Environmental Impact Assessment Regulations, 2010 and Government Notice 718 of 2009. The Application is accepted.

Please include both reference numbers (NEAS Reference and DEA Reference), as listed above, on all documents and correspondence submitted to the Department.

In addition, please consider the following during compilation of reports for this application for environmental authorisation:

- All applicable Departmental Guidelines must be considered throughout the application process. These can be downloaded from the Department's website: www.environment.gov.za, Environmental Impact Management button, listed under "EIA Administration": Integrated Environmental Management Information Series link. These include, but are not limited to, the following topics: Scoping, Environmental Impact Reporting, Stakeholder Engagement, Specialist Studies, Impact Significance, Cumulative Effects Assessments, Alternatives in EIA and Environmental Management Plans.
- Please be advised that in terms of the EIA Regulations and NEMA the investigation of alternatives is mandatory. Alternatives must therefore be identified, investigated to

- determine if they are feasible and reasonable. It is also mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option).
- Should water, solid waste removal, effluent discharge, stormwater management and electricity services be provided by the municipality, you are requested to provide this office with written proof that the municipality has sufficient capacity to provide the necessary services to the proposed development. Confirmation of the availability of services from the service providers must be provided together with the reports to be submitted.
 - In the reports to be submitted it must clearly be demonstrated in which way the proposed development will meet the requirements of sustainable development. You must also consider energy efficient technologies and water saving devices and technologies for the proposed development. This could include measures such as the recycling of waste, the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, the use of dual flush toilets and low-flow shower heads and taps, the management of storm water, the capture and use of rainwater from gutters and roofs, the use of locally indigenous vegetation during landscaping and the training of staff to implement good housekeeping techniques.
 - A detailed and complete EMPr must be submitted with the EIR. This EMPr must not provide recommendations but must indicate actual remediation activities which will be binding on the applicant. Without this EMPr the documents will be regarded as not meeting the requirements and will be returned to the applicant for correction.
 - The applicant/EAP is required to inform this Department in writing upon submission of any draft report, of the contact details of the relevant State Departments (that administer laws relating to a matter affecting the environment) to whom copies of the draft report were submitted for comment. Upon receipt of this confirmation, this Department will in accordance with Section 24O(2) & (3) of the National Environmental Management Act, 1998 (Act 107 of 1998) inform the relevant State Departments of the commencement date of the 40 day commenting period, or 60 days in the case of the Department of Water Affairs for waste management activities which also require a licence in terms of the National Water Act, 1998 (Act 36 of 1998).
 - Should it be necessary to apply for a permit in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999), please submit the necessary application to SAHRA or the relevant provincial heritage agency and submit proof thereof with the Basic Assessment Report/Environmental Impact Assessment Report. The relevant heritage agency should also be involved during the public participation process and have the opportunity to comment on all the reports to be submitted to this Department.

You are required to submit the final site layout plan together with the Final EIR to the Department. All available biodiversity information must be used in the finalisation of the layout plan.

The Environmental Management Programme (EMPr) submitted as part of the application for environmental authorisation must include the following:

- All recommendations and mitigation measures to be recorded in the Final EIR.
- A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
- An open space management plan to be implemented during the construction and operation of the facility.

- A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility including timeframes for restoration which must indicate rehabilitation within the shortest possible time after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
- A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
- An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- An erosion management plan for monitoring and rehabilitating erosion events associated with the facility. Appropriate erosion mitigation must form part of this plan to prevent and reduce the risk of any potential erosion.
- A traffic management plan for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan must include measures to minimize impacts on local commuters e.g. limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time and avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
- An environmental sensitivity map indicating environmental sensitive areas and features identified during the EIA process.
- Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.


You are requested to submit two (2) electronic copies (the main report must be separated from the Appendices (each appendix saved separately) (CD/DVD) and two (2) hard copies of both the Draft and Final Report to the Department. The hard copies must be double-sided printed; double-punched and must be bound using a lever arch file (two or four holes).

The EAP must, in order to give effect to regulation 56 (2), before submitting the final EIR to the Department give registered interested and affected parties access to, and an opportunity to comment on the report in writing within 21 days.

In terms of regulation 67 of the EIA Regulations, 2010 this application will lapse if the applicant (or the EAP on behalf of the applicant) fails to comply with a requirement in terms of the Regulations for a period of six months after having submitted the application, unless the reasons for failure have been communicated to and accepted by this Department.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Mark Gordon

**Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs**

Letter signed by: Ms Mmatlala Rabothata

Designation: Environmental Officer: Integrated Environmental Authorisations

Date: 05/10/12

CC:	Mr Mark van der Riet	Eskom Holdings	Tel: 011 629 5155	Fax: 011 629 5542
	Bhekinkosi Mndawe	Pixley Ka Seme Local Municipality	Tel: 034 331 3041	Fax: N/A