

BACKGROUND INFORMATION DOCUMENT

OCTOBER 2013

MDEDET REF NUMBER: 17/2/3N-301

PURPOSE OF THIS DOCUMENT

This document serves to provide Interested and Affected Parties (I&APs) with the information on the application for an environmental authorisation and an authorisation to use water for the construction and operation of a clean water pipeline from the Middelburg Water Reclamation Plant to the Middelburg Colliery Reservoir. This document further explains how members of the public can become involved in the project, receive information as the Basic Assessment (BA) process progresses, and raise comments and/or concerns regarding potential impacts of the project on the environment.

The Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET) is legislated to assess the Basic Assessment in accordance with the National Environmental Management Act, (Act No. 107 of 1998) as amended, (NEMA). The Department of Water Affairs (DWA) will be responsible for the approval of the authorisation to use water.

Jones & Wagener (J&W) has been appointed as the independent Environmental Assessment Practitioner (EAP) to conduct the BA, Water Use Licence and the associated public participation process.

Registration as an I&AP

As an I&AP, you will be included in the stakeholder database and receive further documents for comment. Your comments will ensure that all relevant issues are incorporated. Please complete and submit the enclosed registration/comment sheet, write a letter, call or email J&W if you wish to raise any concerns regarding the proposed project. All documents will be available on the internet at www.jaws.co.za.

Public participation enquiries:

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PROJECT OVERVIEW

BHP Billiton Energy Coal South Africa (Pty) Limited (BECSA) is currently in the process of constructing a water reclamation plant, the Middelburg Water Reclamation Project (MWRP), which will treat excess mine water at the Middelburg Colliery in the Mpumalanga province. The water will be treated to a suitable standard for release to the Spookspruit catchment. However, approximately 4 Mega litres (Mℓ) per day of clean treated water needs to be pumped to the Middelburg Colliery for internal use. In order to supply 4 Mℓ/per day to the Middelburg Colliery, BECSA proposes to construct a clean water pipeline from the MWRP to the Middelburg Colliery Reservoir. BECSA proposes to construct a pipeline with an approximate length of 5 kilometres (km) and a nominal diameter of 315 mm which will convey 4 Mℓ/per day of clean water from the MWRP to the reservoir. A number of pipeline routes will be evaluated depending on a number of factors, such as the location of other infrastructure and sensitive areas, such as wetlands.

The pipeline route will be located on the farm Hartebeesfontein 339 JS (remaining extent of portion 8 and 10 and portion 9) within the municipal area of Steve Tshwete Local Municipality, Mpumalanga Province. Refer to the map on page 4 for an indication of the proposed pipeline route.

LEGAL REQUIREMENTS

The construction of the proposed pipeline is within the regulatory perimeter that requires a Basic Assessment (BA) to be undertaken. An application for an environmental authorisation has been submitted to Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET). In terms of the Environmental Impact Assessment (EIA) Regulations (2010) published in the Government Notices R544 and R546 of NEMA the proposed pipeline triggers several activities under NEMA, refer to Table 1 below for applicable activities.

Table 1: Applicable listed activities

NEMA GN. Regulation	Activity Number	Description
GN R544 of 18 June 2010	Listing Notice 1, Activity 11 (xi)	The pipeline may be closer than 32 metres from a watercourse, which in this case may be wetlands.
	Listing Notice 1, Activity 18 (i)	The proposed pipeline may cross a wetland which is part of a watercourse, and during construction more than 5m ³ of soil may be excavated in the wetland.
	Listing Notice 1, Activity 22	The construction road, which will be located adjacent to the proposed pipeline route, will be wider than 8 metres.
GNR 546 of 18 June 2010	Listing Notice 3, Activity 4	A road is required alongside the pipeline route for construction purposes. The road is anticipated to be wider than 4 meters (in the order of 30 metres), with a reserve less than 13.5 metres, and may be located in a critical biodiversity area as identified in the Mpumalanga Biodiversity Conservation Plan.

BECSA will also apply for an authorisation to use water, either a General Authorisation or a Water Use Licence, in terms of the provisions of the National Water Act (Act No. 36 of 1998), as amended (NWA), as the pipeline may impede or divert the flow of water in a watercourse and/or impact on the characteristics of a watercourse. The decision to apply for a Water Use Licence will be undertaken once the wetland delineations have been concluded. All registered

Interested and Affected Parties (I&APs) will be notified of the specific water uses that will be applied for under Section 21 of the NWA.

BASIC ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

The purpose of a BA process is to provide MDEDET and DWA with sufficient information on which to base their decision on whether to grant or refuse an environmental authorisation or a water use authorisation and, if granted, to define conditions for the development. The contributions made by stakeholders from all sectors of society will ensure an informed decision-making process.

During a BA process, potential impacts associated with the construction of the proposed pipeline will be identified and assessed. Specialist studies (heritage, biodiversity and wetlands) will be conducted as part of the BA process to assess potential impacts thoroughly. The BA process that will be undertaken comprises of the technical and a public participation process - refer to Figure 1 for an illustration of the processes/activities that will be undertaken as part of the BA process.

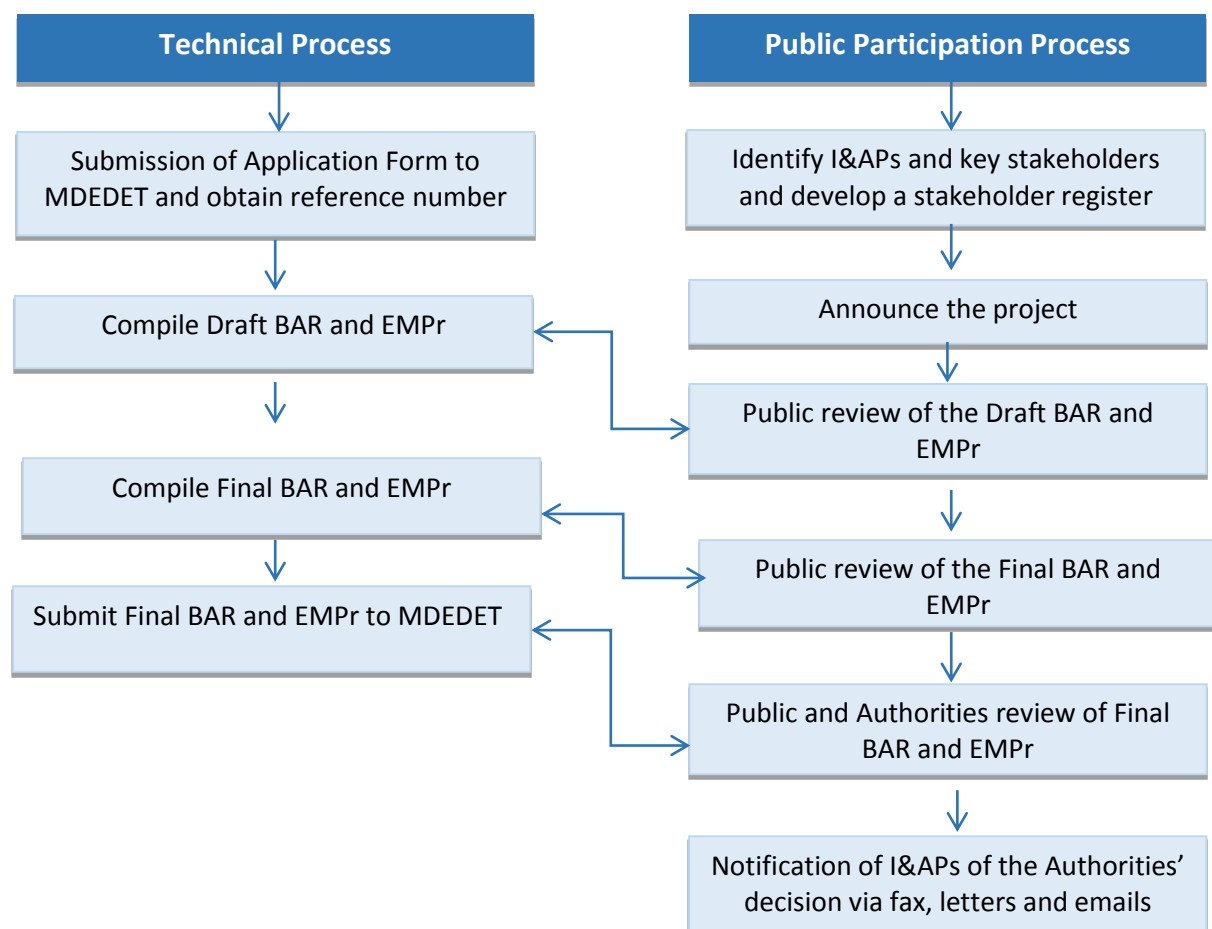


Figure 1: Steps to be undertaken as part of the BA process

Your comments and registration as an I&AP are important

You are invited to participate freely and to submit any comments or information you feel may be useful to this BA process. Registered I&APs are entitled to comment, in writing, on all written submissions to MDEDET and DWA and to bring to their attention any issues which the party believes may be of significance to the consideration of the application. You have to register as an I&AP to receive further details of public review of reports produced as part of the BA process. To register as an I&AP please complete the enclosed registration sheet.

AVAILABILITY OF THE DRAFT BASIC ASSESSMENT REPORT

The Draft Basic Assessment Report (BAR) and the Environmental Management Programme (EMPr) will be compiled and will be made available for public review. The Draft BAR and EMPr will contain information regarding the potential impacts that the proposed pipeline will have on the environment and the proposed mitigation measures to reduce the potential impacts. The Draft BAR and EMPr will be made available for public review for a period of 40 days and as an I&AP you will be requested to make comments on the report.

Once updated, based on the information obtained from the public, the Final BAR and EMPr will also be made available for public review and comment. The Final BAR and EMPr will then be submitted to the MDEDET for decision making.

Figure 2: Map of the proposed pipeline route

