



# **MATLOSANA COMMUNITY**

## **Economic Rights and Development**

### **NPC**

Reg: 2019/183466/08

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Reference: GCS Ref. No: 17- 0026

DMR Reference:

To: Anelle Lotter

GCS Water & Environment Consultants

#### **SUBJECT: COMMENTS & QUESTIONS**

Dear **Anelle Lotter**, Matlosana Community Economic Rights and Development **NPC** are interested parties anticipating to participate in rehabilitation projects, and Mining Operation conducted by Mine Waste Solution (MWS), also known as Chemwes (Pty) (Ltd).

Matlosana Community Economic Rights and Development is acting at the behest of the community of Matlosana in terms **Chapter 5 and section 24(4) (a) (v)** and of **s. 1 of Act 62/2005**, and is one of interested and affected party.

**MATLOSANA COMMUNITY NON PROFIT COMPANY** is interested to participate in this projects so to benefit the community economically trough social labour plan, community ownership, **BBBEE** or shareholding, Procurement , **SMME** Development , Community social fund, joint venture or community trust, shareholdings made by Chemwes (Pty) (Ltd) in the expansion of the kareerand TSF, activity 12, 16, 24, 28, 46, 48 to collect and reprocesses mine tailing that were previously deposited on tailings storage facilities (TSFs) in order for **(MWS) CHEMWES (Pty) Ltd** to extract gold and uranium.

Matlosana Community Economic Rights Development **NPC** will participate through Email and telephonically, including personal delegation to the public participation meetings and Matlosana NPC is acting in the interests of community of Dr. Kenneth Kaunda district.

Section **(24)** of the constitution of the Republic of South Africa, **1996** everyone has the right to an environment that is not harmful to the health or well-being; and to have the environment protected, for the benefit of present and future generations. Through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and also use of natural resources while promoting justifiable economic and social development.

The Constitution guarantees every person the right to an environment that is not harmful to our health and well-being. It also says that government must act reasonably in order to protect the environment by preventing pollution, promoting conservation and sustainable development, while building the economy and society.

South African legislation requires that mine residue deposits (MRDs, tailings storage facilities, tailings deposits, or slime dams) be managed over their entire lifecycle by appropriately qualified persons, often Professional Engineers, so that they do not pose unreasonable risk to the public and the environment.

**COMMENTS:** in terms of **Sections 10 of MPRDA, 2002(Act No 28 of 2002)** environmental impact assessment regulations before a mining company of **(MWS) CHEMWES (Pty) Ltd** can commence with its mining operations it must tell the **DMR** what impact mining will have on the environmental and on affected communities and interested parties.

The Constitution gives everyone the right to just administrative action. This means that when decisions are made by the government, those decisions must be fair and properly taken. One of the ways to try and ensure that decisions are fair is to give everyone with an interest in the decision an opportunity to have their say and to have their concerns about the decision heard and taken into consideration. Both government and mining companies must consult with communities and individuals affected by any decision to allow mining. However, people cannot be properly consulted without having enough information about the mining, how it will happen, and what its impacts will be.

The mining company **(MWS) CHEMWES (Pty) Ltd** must first look at what the environment looked like before this mine tailing damp expansions starts and describe how the environment will change once mine expansions operation begins, **(MWS) CHEMWES (Pty) Ltd** must also look at how it can protect the environment and reduce impact on his mining operation. It must be done through an Environmental Impact Assessment (**EIA**), because air pollution is the contamination of the air by harmful gasses and particulates (dust) at concentrations that are higher than natural background levels. Different groups of individuals are affected by air pollution in different ways depending on our level of sensitivity. Continual exposure to air pollution affects the lungs of growing children and may aggravate or complicate medical conditions in the elderly.

The environment extends from our everyday surroundings to our whole beautiful country. South Africa's rivers and wetlands, its mountains and plains, its estuaries and oceans, its magnificent coastline and landscapes all contain an exceptionally rich and varied array of life forms. In fact, our country ranks as the third most biologically diverse country in the world and is the only country to have an entire plant kingdom within its national boundaries.

In terms of the number of mammal, bird, reptile and amphibian species which occur only in this country, South Africa is the 24th richest country in the world, and the 5th richest in Africa. Being bordered by three water masses (the cold Benguela current, the warm Agulhas current and oceanic water) makes our seas some of the most diverse in the world.

We request **GCS Water & Environment Consultants/ (MWS) CHEMWES (Pty) Ltd** to provide the following information via Email or postal address provided.

- A copy of the prospecting right or mining right application
- A copy of the water use license application
- A copy of the environmental authorization application
- Any social impact assessment
- A Copy of social labour plan
- A Copy of community ownership
- A copy of **BBBEE** or shareholding
- A copy of Procurement plan
- A copy of **SMME** Development plan
- A copy Community social fund
- A copy of joint venture or community trust
- A copy of shareholdings made by Chemwes (Pty) (Ltd)
- All scientific reports that the **(MWS) CHEMWES (Pty) Ltd** may have that show what the impacts of mining will be.

**(EIA): EIAs** are required in terms of the national environmental managements **Act 107 of 1998 (NEMA)** for certain activities listed in the **Act**, **EIAs** must evaluate the possible environmental impact of proposed project, taking into account inter-related socio-economic, cultural and human-health impact, and as required in terms **section 10 (1) (b), 22 (4) (b), 27 (5) (b)** and 39 of the mineral and petroleum resources development act **(28 of 2002)** to consult with the affected and interested parties continuously.

**COMMENTS:** Environmental Authorization, certain projects, depending on the scope, requires environmental authorization in terms of **NEMA** (Environmental Assessments in terms of the national heritage resources **Act 25 of 1999**), If this project will impact on cultural and heritage site an environmental assessment in terms of the National Heritage Resources **Act 25 of 1999, (NHRA s38)** is required.

Water use license **(WUL)** or authorization; it is required in terms of the **National Water Act 36 of 1998 (NWA s39-40)**, this mining company must have a **WUL** from the department of Water Affairs and Sanitation in order to regulate and minimize the detrimental impact of this mine activities on the water resources.

**COMMENT:** In terms of **Chapter 5** of the National Environmental Management **Act, 1998 (NEMA)** it is our interests as local community and important that this mining company “**MUST**” comply with **Regulation 73 of MPRDA** dust management of stockpiles residue and residue deposits from a prospecting, mining, exploration, **sections 10(1) (b), 16(4) (b), 22(4) (b), 27(5) (b) and 39** of the **MPRDA 28 of 2002** requires government and the mining company must facilitate on going broader public participation or consultations with the affected and interested communities in terms section **24(4) (a) (9v)**.

**YOURS IN COMMUNITY DEVELOPMENT**

**COMMUNITY -REP: MR. V M MOTLOUNG**

**DIRECTOR: Mr. MONNAHELA**

**DIRECTOR: Mr. Z A MAQWACA**

**DIRECTOR: Mr. Mr. M MATSEPE**