



DEPARTMENT OF MINERALS AND ENERGY

Private Bag X 9467, Polokwane, 0700.
01 Dorp Street, Polokwane, 0699
Tel no: (015) 287 4700; Fax no: (015) 287 4729

Directorate Minerals Regulations: Limpopo Region

Enquiries: Naum Kekana
E-mail address: Sebitsa.kekana@dme.gov.za
Reference nr: LP 30/5/11/3/2/1/2254 EM
Date: 04/06/2009

REGISTRED MAIL

The Manager:
The Provision- SAHRA Limpopo
P. O. Box 137
Polokwane
0700

Attention: Mr. Donald Lithole/ Victor Netshiavha

CONSULTATION IN TERMS OF SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 2002, (ACT 28 OF 2002) FOR THE ENVIRONMENTAL MANAGEMENT PLAN IN RESPECT OF THE FARM HAAKDOORNFONTEIN 85 JR, SITUATED IN THE MAGISTERIAL DISTRICT OF BELA-BELA, LIMPOPO REGION.

APPLICANT: UMTHOMBO COAL (PTY) LTD

Attached herewith, please find a copy of the Environmental Management Plan report received from the above-mentioned applicant, for your comments.

It would be appreciated if you could forward any comments or requirements your Department may have in the case in hand to this office and to the applicant within 60 days as from **04/06/2009 to 04/08/2009**, failure of which will lead to the assumption that your Department has no objection(s) or comments with regard to this application and this Department will in that instance proceed with the finalisation thereof.

Consultation in this regard has also been initiated with other relevant State Departments. In an attempt to expedite the consultation process please contact **Ms Naum Kekana** of this office to make arrangements for a site inspection or for any other enquiries with regard to this application.

Your co-operation will be appreciated.

Naum Kekana
.....
THE REGIONAL MANAGER
LIMPOPO REGION - POLOKWANE



File number: LP 30/5/1/1/2/2254 PR

DEPARTMENT OF MINERALS AND ENERGY

ENVIRONMENTAL MANAGEMENT PLAN

Submitted in support of application for a prospecting right or mining permit.
 Section 39 and Regulation 52 of the Minerals and Petroleum Resources Development Act, 2002
 (Act 28 of 2002)



Application for a:

Prospecting Right	X
Mining Permit	

Applicant: Umthombo Coal (Pty) Ltd

Farm: Haakdoornfontein 85 JR.

District: Bela Bela

Mineral: Coal and Uranium

Date: June 2009

Table of Contents

A.1	Introduction	Page 3
A.2	Scope	Page 3
A.3	Purpose	Page 3
A.4	Use of the document	Page 4
A.5	Legislation/ Regulations	Page 4
A.6	Other relevant legislation	Page 5
A.7	Word definitions	Page 6-7
Section B:		
B.1	Biographical information about the applicant	Page 8-9
	Application area sketch plan	Page 10
Section C:		
C 1 - 5	Environmental Impact Assessment/ information about the environment	Page 11
C 6	Specific Regulatory requirements	Page 15
	Financial Provision	Page 20
	Public Participation	Page 23
Section D:		
D	Scoring of the EIA	Page 25
Section E:		
E	Undertaking by applicant	Page 26
Section F:		
F	Environmental Management Plan	Page 28
Section G:		
G	Specific additional requirements determined by the Regional Manager and agreed to by the Applicant	Page 48
Section H:		
H	Undertaking	Page 49
Section J:		
J	Approval	Page 49

A.1 INTRODUCTION

This document aims to provide a simplified national standard for applicants for prospecting rights and mining permits to comply with the relevant legislation and environmental regulations as apply to their respective applications in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)(MPRDA).

Applicants in this sector of the mining industry typically disturb smaller surface areas of land, whether drilling boreholes, small trenches, or mining on a small area, less than 1,5 hectares of land, under a mining permit as contemplated in Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)

A.2 SCOPE

This document is intended for use by applicants for mining permits and prospecting rights. Typically, operations in this sector of the mining industry:

- Use little or no chemicals to extract mineral from ore,
- Work on portions of land of 1,5 hectares in size or smaller,
- Disturb the topography of an area somewhat but have no significant impact on the geology

A.3 PURPOSE

This document aims to:

- Provide a national standard for the submission of Environmental Management Plans for the types of applications mentioned above.
- Ensure compliance with Regulation 52 of the MPRDA.
- Assist applicants by providing the information that the Department of Minerals and Energy (DME) requires in a simple language and in a structured, prescribed format, as contemplated in Regulation 52 (2) of the (MPRDA).
- Assist regional offices of the DME to obtain enough information about a proposed prospecting/ reconnaissance or mining permit operation to assess the possible environmental impacts from that operation and to determine corrective action even before such right is granted and the operation commences.

This document aims both to provide the DME regional offices with enough information about applicants for mining permits and applicants with guidance on environmental management matters pertaining to the mitigation of environmental impacts arising from their operations. Given this dual focus and the generic nature of the document, it might not be sufficient for all types of operations under various circumstances.

The document may therefore be altered or added to as the particular circumstances of the application in question may require.

A.4 USE OF THE DOCUMENT:

This document is designed for use by non-professionals and newcomers to the environmental management industry and it incorporates a *very simple* Environmental Impact Assessment (EIA). The EIA is contained in Section C of this document and was designed specifically with the target sectors of the mining industry (described in A.2 above) in mind.

The aim is ultimately to (a) gather information from applicants themselves; (b) to assess the impact of the operation based on that information and then (c) to guide the applicant to mitigate environmental impacts to limit damage to the environment.

Section B of the document gathers demographic information about the applicant. Section C gathers the information that will be used in the Environmental Impact Assessment. The applicant must complete the relevant sections of this document, but the regional office of the DME will do the scoring of these for the impact assessment rating in Section D.

Section F (the Environmental Management Plan) of the document is prescriptive and gives guidance to the miner or prospector on how to limit the damage of the operation on the environment. This part may be added to by the regional manager, who has the prerogative to decide whether this Environmental Management Plan will adequately address the environmental impacts expected from the operation or whether additional requirements for proper environmental management need to be set. Where these additional requirements are set, they will appear in Section G of this document. The Environmental Management Plan (Section F) of the document is legally binding once approved and, in the undertaking contained in Section H, the applicant effectively agrees to implement all the measures outlined in this Environmental Management Plan.

A.5 LEGISLATION/ REGULATIONS

The relevant sections of Mineral and Petroleum Resources Development Act and its supporting Regulations are *summarised below* for the information of applicants. The onus is on the applicant to familiarise him/herself with the provisions of the full version of the Mineral and Petroleum Resources Development Act and its Regulations.

Section of Act	Legislated Activity/ Instruction/ Responsibility or failure to comply	Penalty in terms of Section 99
5(4)	No person may prospect, mine, or undertake reconnaissance operations or any other activity without an approved EMP, right, permit or permission or without notifying land owner	R 100 000 or two years imprisonment or both
19	Holder of a Prospecting right must: lodge right with Mining Titles Office within 30 days; commence with prospecting within 120 days, comply with terms and conditions of prospecting right, continuously and actively conduct prospecting operations; comply with requirements of approved EMP, pay prospecting fees and royalties	R 100 000 or two years imprisonment or both
20(2)	Holder of prospecting right must obtain Minister's permission to remove any mineral or bulk samples	R 100 000 or two years imprisonment or both
Section of Act	Legislated Activity/ Instruction/ Responsibility or failure to comply	Penalty in terms of Section 99
26(3)	A person who intends to beneficiate any mineral mined in SA outside the borders of SA may only do so after notifying the Minister in writing and after consultation with the Minister.	R 500 000 for each day of contravention
28	Holder of a mining right or permit must keep records of operations and financial records AND must submit to the DG: monthly returns, annual financial report and a report detailing compliance with social & labour plan and charter	R 100 000 or two years imprisonment or both
29	Minister may direct owner of land or holder/applicant of permit/right to submit data or information	R 10 000
38(1)(c)	Holder of permission/permit/right MUST manage environmental impacts according to EMP and as ongoing part of the operations	R 500 000 or ten years imprisonment or both.
42(1)	Residue stockpiles must be managed in prescribed manner on a site demarcated in the EMP	A fine or imprisonment of up to six months or both
42(2)	No person may temporarily or permanently deposit residue on any other site than that demarcated and indicated in the EMP	A fine or imprisonment of up to six months or both
44	When any permit/right/permission lapses, the holder may not remove or demolish buildings, which may not be demolished in terms of any other law, which has been identified by the Minister or which is to be retained by agreement with the landowner.	Penalty that may be imposed by Magistrate's Court for similar offence
92	Authorised persons may enter mining sites and require holder of permit to produce documents/ reports/ or any material deemed necessary for inspection	Penalty as may be imposed for perjury
94	No person may obstruct or hinder an authorised person in the performance of their duties or powers under the Act.	Penalty as may be imposed for perjury
95	Holder of a permit/right may not subject employees to occupational	Penalty as may be

	detriment on account of employee disclosing evidence or information to authorised person (official)	imposed for perjury
All sections	Inaccurate, incorrect or misleading information	A fine or imprisonment of up to six months or both
All sections	Failure to comply with any directive, notice, suspension, order, instruction, or condition issued	A fine or imprisonment of up to six months or both

A.6 OTHER RELEVANT LEGISLATION

Compliance with the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and its Regulations does not necessarily guarantee that the applicant is in compliance with other Regulations and legislation. Other legislation that may be immediately applicable includes, but are not limited to:

- National Monuments Act, 1969 (Act 28 of 1969).
- National Parks Act, 1976 (Act 57 of 1976)
- Environmental Conservation Act, 1989 (Act 73 of 1989)
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)
- The National Water Act, 1998 (Act 36 of 1998)
- Mine Safety and Health Act, 1996 (Act 29 of 1996)
- The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

A.7 WORD DEFINITIONS

In this document, unless otherwise indicated, the following words will have the meanings as indicated here:

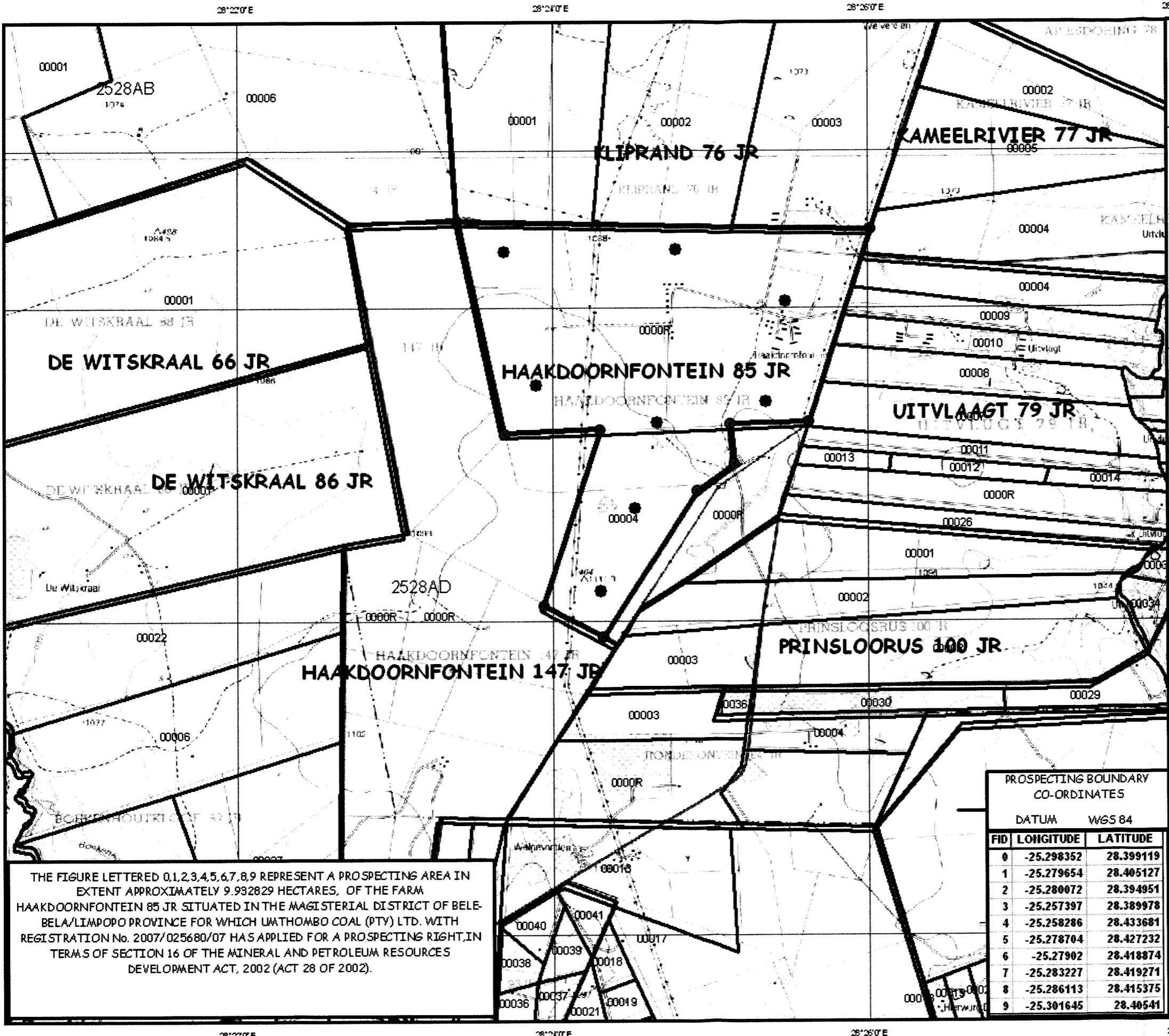
Act (The Act)	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
Borehole	A hole drilled for the purposes of prospecting i.e. extracting a sample of soil or rock chips by pneumatic, reverse air circulation percussion drilling, or any other type of probe entering the surface of the soil.
CARA	The Conservation of Agricultural Resources Act
EIA	An Environmental Impact Assessment as contemplated in Section 38(1) (b) of the Act
EMP	an Environmental Management Plan as contemplated in Section 39 of the Act
Fauna	All living biological creatures, usually capable of motion, including insects and predominantly of protein-based consistency.
Flora	All living plants, grasses, shrubs, trees, etc., usually incapable of easy natural motion and capable of photosynthesis.
Fence	A physical barrier in the form of posts and barbed wire and/or "Silex" or any other concrete construction, ("palisade"- type fencing included), constructed with the purpose of keeping humans and animals within or out of defined boundaries.
House	any residential dwelling of any type, style or description that is used as a residence by any human being
NDA	National Department of Agriculture
NWA	National Water Act, Act 36 of 1998
Pit	Any open excavation

"Porrel"	The term used for the sludge created at alluvial diamond diggings where the alluvial gravels are washed and the diamonds separated in a water-and-sand medium.
Topsoil	The layer of soil covering the earth which- (a) provides a suitable environment for the germination of seed; (b) allows the penetration of water; (c) is a source of micro-organisms, plant nutrients and in some cases seed; and (d) is not of a depth of more than 0,5 metres or such depth as the Minister may prescribe for a specific prospecting or exploration area or mining area.
Trench	A type of excavation usually made by digging in a line towards a mechanical excavator and not pivoting the boom – a large, U-shaped hole in the ground, with vertical sides and about 6 – 8 metres in length. Also a prospecting trench.
Vegetation	Any and all forms of plants, see also Fauna
DWAF	The Department of Water Affairs and Forestry – both national office and their various regional offices, which are divided across the country on the basis of water catchment areas.
MPRDA	the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
EMPlan	An Environmental Management Plan as contemplated in Regulation 52 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) – this document.

B. BIOGRAPHIC DETAILS OF THE APPLICANT:

B 1.1 Full name (and surname) of person or company applying for permit or right	Umthombo Coal (Pty) Ltd
B 1.2 ID number of person or company/ CC registration number	2007/025680/07
B 1.3 Postal address	P.O. Box 2632 Saxonwold 2131
B 1.4 Physical/ residential address	13 Fredman Drive Fredman Towers, 7 th Floor Sandown / Johannesburg
B 1.5 Applicant's telephone number	(011) 783 7996
B 1.6 Applicant's cellular phone number	078 546 9889
B 1.7 Alternative contact's name	Lutendo Mathavha
B 1.8 Alternative contact's telephone/cell phone numbers	Sikhumbuzo Nkosi 011 783 7996
B 2.1 Full name of the property on which mining/ prospecting operations will be conducted	The remaining extent of Haakdoornfontein 85 JR
B 2.2 Name of the subdivision	Listed Portions
B 2.3 Approximate center of mining/prospecting area:	28° 331003 E -25° 281145 S
B 2.4 Magisterial district	Bela-Bela
B 2.5 Name of the registered owner of the property	Multiple owner refer to Section C11.3
B 2.6 His/her Telephone number	Multiple owner refer to Section C11.3
B 2.7 His/ her Postal address	Multiple owner refer to Section C11.3
B 2.8 Current uses of surrounding areas	There is a little portion on the farm De Witskraal which is cultivated. The Pienaar river passes by De Witskraal farm on the western side and this river flows towards southern direction.

B 2.9 Are there any other, existing land uses that impact on the environment in the proposed mining/ prospecting area?
None
B 2.10 What is the name of the nearest town?
Wambad



UMTHOMBO COAL (PTY) LTD
Reg No. 2007/025680/07
APPLICATION FOR A PROSPECTING RIGHT

PLAN COMPILED IN ACCORDANCE WITH REGULATION 2(2) OF THE MINERAL & PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002)

TOTAL AREA EXTENT APPROXIMATELY 9.932829 HECTARES

GEOGRAPHIC COORDINATE SYSTEM: WGS 84

NATIONAL GRID DEGREE SQUARE 2528 AD & BA

LEGEND

PORTION BOUNDARY	
FARM BOUNDARY	
PROSPECTING AREA	
ROADS	
BOREHOLES	
CONTOURS A.M.S.L	
WATER BODIES	

SCALE 1:40 000

CARTOGRAPHER/GIS: Lutendo Mathava
 TELEPHONE NUMBER: 011 783 7996
 CELL NUMBER: 078 546 9889
 FAX NUMBER: 011 783 0816
 E-MAIL: lutendo@umthombo.co.za

THE FIGURE LETTERED 0,1,2,3,4,5,6,7,8,9 REPRESENT A PROSPECTING AREA IN EXTENT APPROXIMATELY 9.932829 HECTARES, OF THE FARM HAAKDOORNFONTEIN 85 JR SITUATED IN THE MAGISTERIAL DISTRICT OF BELEBELA/LIAMPOPO PROVINCE FOR WHICH UMTHOMBO COAL (PTY) LTD. WITH REGISTRATION No. 2007/025680/07 HAS APPLIED FOR A PROSPECTING RIGHT, IN TERMS OF SECTION 16 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002).

PROSPECTING BOUNDARY CO-ORDINATES

DATUM WGS 84

FID	LONGITUDE	LATITUDE
0	-25.298352	28.399119
1	-25.279654	28.405127
2	-25.280072	28.394951
3	-25.257397	28.389978
4	-25.258286	28.433681
5	-25.278704	28.427232
6	-25.27902	28.418874
7	-25.283227	28.419271
8	-25.286113	28.415375
9	-25.301645	28.40541

C. ENVIRONMENTAL IMPACT ASSESSMENT:

The information provided in this section will enable officials to determine how serious the impact of the prospecting/mining operation will be.

DESCRIBE THE ENVIRONMENT THAT WILL BE AFFECTED BY THE PROPOSED PROSPECTING/MINING OPERATIONS UNDER THE FOLLOWING HEADINGS:

C.1 DESCRIPTION OF THE ENVIRONMENT LIKELY TO BE AFFECTED BY PROPOSED PROSPECTING/MINING OPERATIONS: (REGULATION 52(2)(a))			
ENVIRONMENTAL ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 1.1 What does the landscape surrounding the proposed operation look like? (Open veldt/ valley/ flowing landscape/ steep slopes)			
The application area consists of various scattered trees and bushes around the farm. The contour line around the application area lies between 1060 amsl and 1080 amsl with a deep slope towards south western side direction of the application area. The vegetation of South Africa, Lesotho and Swaziland by Ladislav Mucina and Michael C. Rutherford describe the landscape features surrounding the area as gently to moderately sloping upper pediment to large shrubs often dominated by <i>Parinari curatellifolia</i> and <i>Bauhinia galpinii</i> with <i>hyperthia dissolute</i> and <i>Panicum maximum</i> in the under growth.			
C 1.2 Describe the type of soil found on the surface of the site			
The vegetation of South Africa, Lesotho and Swaziland by Ladislav Mucina and Michael C. Rutherford describe the geology and soil as mostly dominated by gneiss and migmatite of the Nelspruit Suite, but the southern part occurs on the potassium poor rocks of the Kaap Valley Tonalite. The Archaean granite plains with granite inselbergs and large granite boulders also occur. Soils are of Mispah, Glenrosa and Hutton forms, they are swallow deep, sandy and well drained. Diabase intrusions are common, giving rise to Hutton soils. Land types mainly are Ae and Fa and Ab.	VALUE	TICK	OFFICE USE
C 1.3 How deep is the topsoil?	0 – 300mm	x	8
	300 – 600mm		4
	600mm +		2
C 1.4 What <i>plants, trees and grasses</i> grow naturally in the area around the site?			
<i>Thermerda triandra</i> is the most dominant vegetation feature. The <i>T.triandra</i> low cover is associated with increase in the <i>Elionurus muticus</i> . During the site visit conducted on the there were no species of conservation value identified on site which might be disturbed by prospecting activities.			
C 1.5 What <i>animals</i> naturally occur in the area?			
During reconnaissance survey no animals were identified.			

	VALUE	TICK	OFFICE USE
C 1.6 Are there any <i>protected areas</i> (game parks/nature reserves, monuments, etc) close to the proposed operation?	Yes		4
	No	<input checked="" type="checkbox"/>	0
C 1.7 What mineral are you going to prospect or mine for?	Coal and Uranium		
C 1.8 Describe the type of equipment that will be used:	The drilling Equipment to be used during the early stages of prospecting will include Pickups or LDV's to transport the geologist to and around the site. Second will include the use of mobile diamond drill rigs. There will be no bulk sampling or trenching		
C.2 HOW WILL THE PROPOSED OPERATION IMPACT ON THE NATURAL ENVIRONMENT? (REGULATION 52(2)(b))			
ENVIRONMENTAL ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 2.1 What will the ultimate depth of the proposed prospecting/mining operations be?	0 - 5m		2
	6 - 10m		4
	10 - 25m		8
	25m +	<input checked="" type="checkbox"/>	10
C 2.2 How large will the <i>total</i> area of all excavations be?	There will be no excavations at this point only drilling will be conducted.		ha
C 2.3 How large will each excavation be before it is filled up?	<10 X 10m		2
	<20 X 20m		4
	>20 X 20m		8
C 2.4 How many <i>prospecting</i> boreholes or trenches will there be?	8 boreholes are planned		
	VALUE	TICK	OFFICE USE
C 2.5 Will employees prepare food on the site and collect firewood?	Yes		4
	No	<input checked="" type="checkbox"/>	0
C 2.6 Will water be extracted from a river, stream, dam or pan for use by the proposed operation?	Yes		4
No water will be extracted. All water needed for the prospecting operation will be bought and brought to site.	No	<input checked="" type="checkbox"/>	2
C 2.7 If so, what is the name of this water body?	Not Applicable		

C 2.8 If water will not be extracted from an open surface source, where will it be obtained?	Not Applicable		
	VALUE	TICK	OFFICE USE
C 2.9 How much water per day will the <i>mineral processing</i> operation require?	1000 – 10 000 Liters	x	2
No mineral processing will take place. No water will be extracted from any water resources. All water needed for the prospecting activities will be bought and brought to site. Diamond drilling is a dry drilling technique and therefore does not require any water.	20 000 – 40 000 L		3
	40 000 – 60 000 L		5
	60 000 – 100 000L		8
	More		10
C 2.10 How far is the proposed operation from open water (dam, river, pan, lake)?	0 – 15m		8
	16 – 30m		6
	31 – 60m		4
	More than 60 metres	x	2
C 2.11 What is the estimate depth of the water table/ borehole?	150m		Metres
C 2.12 How much water per day will the proposed operation utilize <i>for employees</i> ?	50		Liters
C 2.13 What toilet facilities will be made available to workers?			8
	Pit latrine (long drop)		4
	Chemical toilet	x	2
C 2.14 Would it be necessary to construct roads to access the proposed operations?	Yes		4
Any stripping and uprooting of trees will be avoided and drilling will be sited such that there is minimal damage to surrounding trees.	No	x	0
	VALUE	TICK	OFFICE USE
C 2.15 How long will these access road(s) be (from a public road to the proposed operations)	0 – 0,5 km		4
	0,6 – 1,5 km	x	2
	1,6 – 3 km		4
C 2.16 Will trees be uprooted to construct these access road(s)?	Yes		4
	No	x	0

Any stripping and uprooting of trees will be avoided and drilling will be sited such that there is minimal damage to surrounding trees. No other routes will be used by vehicles or personnel for the purpose of gaining access to the site. Existing farmer's access roads will be utilized.			
C 2.17 Will any foreign material, like crushed stone, limestone, or any material other than the naturally occurring topsoil be placed on the road surface?	Yes		4
	No	x	0
C.3 TIME FACTOR			
C 3.1 For what time period will prospecting/mining operations be conducted on this particular site?	0 – 6 months		2
	6 – 12 months		4
	12 – 18 months		6
	18 – 24 months		8
	>24 months	x	10
C.4 HOW WILL THE PROPOSED OPERATION IMPACT ON THE SOCIO-ECONOMIC ENVIRONMENT? (REGULATION 52(2)(b))			
ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 4.1 How many people will be employed?	• 6		
C 4.2 How many men?	• 4		
C 4.3 How many women?	• 2		
C 4.4 Where will employees be obtained? (Own or employed from local communities?)	Own		2
	Local	x	4
C 4.5 How many hours per day will employees work?	Sunrise → Sunset		4
	Less	x	2
	More		8
	VALUE	TICK	OFFICE USE
C 4.6 Will operations be conducted within 1 kilometer from a residential area	Yes		6
	No	x	1
C 4.7 How far will the proposed operation be from the nearest fence/windmill/house/dam/built structure?	0 – 50 metres		8
	51 – 100 metres		4
	150 or more metres	x	2

C.8.2 Please describe how the adequacy of this programme will be assessed and how any inadequacies will be addressed. (Regulations 55(1) and 52(2)(e))

Example: I will, on a bi-monthly basis, check every aspect of my operation against the prescriptions given in Section F of this document and, if I find that certain aspects are not addressed or impacts on the environment are not mitigated properly, I will rectify the identified inadequacies immediately.

Umthombo Coal Pty Ltd will conduct an environmental awareness with the employees to educate them about the possible environmental impacts and the mitigation measures to be done if it happens. Ongoing monitoring will be conducted to the site. The site will always be monitored by a site environmental officer who will always be on site and document information.

C.9 Closure and Environmental objectives: (Regulation 52(2)(f))

Clearly state the intended end use for the area prospected/mined after closing of operations

The area will be rehabilitated back to its natural environmental state.

C.9.1 Describe, in brief terms, what the environment will look like after a closure certificate has been obtained.

Umthombo Coal Pty Ltd mission is to add substantial value to shareholders through acquisition, exploration, development and commercialization of mining projects in South Africa. In light of this, Umthombo Coal Pty Ltd is undertaking prospecting with the intension to commercialize the deposit under investigation, and given favourable results, to complete a feasibility study prior to the end of the requested prospecting period.

As per the DME guidelines, in view of this mission, Umthombo Coal Pty Ltd needs to ensure that if an area is found to be none feasible for mining related economic activity that area can be returned at minimum to the current land use over the area requested. Of importance to note is that whilst conducting the prospecting activities Umthombo Coal Pty Ltd will not impact on the current economic land use of the area, with the nature of drilling activities being isolated in area, and thus not preventing pastoral and agricultural activities from continuing outside of these sites. The disturbed area will be rehabilitated to facilitate revegetation.

Note: The proposed end-state of your area must be consulted with interested and affected parties in terms of Regulation 52(2)(g). Details of the acceptability of the end-state must appear in the section below.

C 10 CLOSURE

Regulations 56 to 62 outline the entire process of mine closure, and these are copied in Section F of this document, both as a guide to applicants on the process to be followed for mine closure, and also to address the legal responsibility of the applicant with regard to the proper closure of his operation. In terms of Section 37 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), the holder of a permit is liable for any and all environmental damage or degradation emanating from his/her operation, until a closure certificate is issued in terms of Section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).

C.11 Public Participation: (Regulation 52(2) (g))

In terms of the above regulation consultation with interested and affected person or persons must take place prior to the approval of the environmental management plan. This regulation is quoted below for ease of reference.

"a record of the public participation undertaken and the results thereof"

C 11.1 Any comments lodged by an interested and affected person or persons in terms of section 10(1)(b) of the Act, must be in writing and addressed to the relevant Regional Manager.

C 11.2 Any objections lodged by an interested and affected person or persons against the application for a right or permit in terms of the Act, must set out clearly and concisely the facts upon which it is based and must be addressed to the relevant Regional Manager in writing.

C 11.3 The Regional Manager must make known by way of publication in a local newspaper or at the office of the Regional Manager, that an application for a right or permit in terms of the Act has been received.

In the table below, please list the names of people or organisations likely to be influenced by the proposed operations (these might include neighbours, other water users, etc.) Kindly indicate how these people were consulted (eg. By letter or by phone) *and provide proof* of that consultation. What were the main concerns/ objections raised by the interested and affected parties to the proposed operation?

Name of Interested/ affected party	Contact details: Address & telephone number	How did consultation take place?	What were his /her main concerns about the operation?
Mr Matome Sebelebele	Municipal Office Chris Hani Drive Bela-Bela 0480 Tell: 014 736 8000 Fax: 014 736 3288	Telephonic and through fax	No comments has been sent to update
Mr. Tumi Sibuka	Department of Land Affairs Private Bag X 183 Pretoria 0001 Fax :(012) 324 5812	Fax was sent	No comments has been sent to update

Mr. Mashile Mokono	Regional Land Claims Commissioner Private Bag X 9552 Polokwane 0700 Fax : (015) 297 8570	Fax was sent	No comments has been sent to update
Mr. J Gondo	NOPAFU P O Box 229 Koringpunt 0632 Cell; 082 672 2484 Fax: 015 642 3449	Fax was sent	No comments has been sent to update

D SCORING OF EIA– FOR OFFICIAL USE ONLY

Instructions for officials:

In this table, complete the totals of each section indicated below and do the calculation. **Remember to first add all the values of sections C 1,2,4 and 5 and then to multiply it by the time factor in Section C 3**

Note that the value for the time factor element of the impact rating appears in Section C3. This is the total amount of time that the operation is expected to impact on the environment and all other factors are MULTIPLIED by this value. Compare the score (Impact rating) with the table below to help you make a decision on the total impact of the operation and also on the sufficiency of this programme to address all expected impacts from the operation on the environment.

D 1.1 CALCULATION TABLE

Section C 1 Total	+	Section C 2 Total	+	Section C 4 Total	+	Section C 5 Total	=	<u>Subtotal</u>	X	Time Factor Section C 3	=	Score (Impact rating)
	+		+		+		=		X		=	

D 1.2 IMPACT RATING SCALE

SCORE ATTAINED	IMPACT RATING	REMARKS
46 – 300	Low	No additional objectives needed – this programme is sufficient
301 - 800	Medium	Some specific additional objectives to address focal areas of concern may be set.
801 - 1160	High	Major revision of Environmental Management Plan for adequacy and full revision of objectives.

Additional Objectives:

Based on the information provided by the applicant and the regional office's assessment thereof, combined with the interpretation of the scoring and impact rating attained for the particular operation above, the Regional Manager of the regional office of the DME may now determine additional objectives /requirements for the mine owner/manager to comply with. *These measures will be specific and will address specific issues of concern that are not adequately covered in the standard version of this document.* These requirements are not listed here, but are specified under Section G of this document, so as to form part of the legally binding part of this Environmental Management Plan.

REPORT

CONSULTATION WITH LANDOWNERS

AND

INTERESTED AND AFFECTED PARTIES

(I&APs)

IN RESPECT OF A

**PROSPECTING RIGHT APPLICATION BY UMTHOMBO COAL
PTY LTD**

DME REF NO:

LP 30/5/1/1/2/2254 PR

May 2009

K1015/1969S	-	-	-	Not available
K1216/1986S	-	-	1986 0594 0308	Yes
K1266/1978RM	TRANSVAAL MINING & FINANCE CO LTD	-	1990 0697 3287	Yes
K1505/1984S	-	-	1986 0594 0300	Yes
K1543/1989S	-	-	1989 1182 0964	Yes
K3342/1990RM	-	-	1996 0556 1599	Yes
K381/1939S	-	-	-	Not available
JR,85	-	-	1987 0903 2133	Yes

History:

Document	Holder	Amount	Microfilm reference	Document copy?
K2782/1996RM	GENCOR LTD	-	1999 0022 0403	Yes
K5148/1998RM	-	-	2004 0195 2693	Yes
B4620/1982	-	-	20060621 19:13:35	Yes
B32268/1990	EERSTE NASIONALE BANK	R100000.00	2001 0201 3217	Yes
T29587/1967	HAAKDORINGFONTEIN ESTATES PTY LTD	-	20060621 19:13:52	Yes

[Back to top of page](#)

Requested by **A0026299** with user reference **None** on: Thursday, 14 May 2009 10:50

DeedsWeb Version 4.0.1

Copyright © 2001-2009, Chief Registrar of Deeds.

1. Introduction

Umthombo Coal Pty Ltd (Company) has applied for a prospecting right in terms of Section 16 of the MPRDA (Act 28 of 2002). The prospecting right application is for Coal and Uranium on the farm Haakdoornfontein 85 JR, within the Magisterial District of Bela-Bela Limpopo Province:

2. Aim of the consultation

The primary aim of the consultation process is to:

- inform the land owner and interested and affected parties (I&AP) about the Company's application for a prospecting right to the DME;
- inform the land owner and interested and affected parties (I&AP) about the Company's proposed prospecting operations;
- Gather issues and concerns regarding the proposed prospecting operations.

3. Methodology

The consultation process undertaken for the project was done telephonically and by written correspondence, the consulted people were given until the 15 of June 2009 to give their feedback. In all the correspondence sent a brief background description of the proposed project was provided and letters were sent to identified interested and affected parties.

4. Consultation summary

The results of the consultation are summarized in Table 1 below.

5. Conclusion

No objections have been received from all interested and affected parties (I&AP) as who we consulted. The company therefore assume that there are no objections to the proposed project.

Table 1

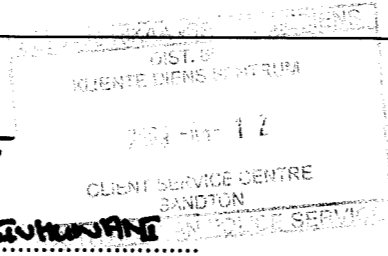
Landowner (I&AP) details	Interest	How did consultation take place?
<p>Mr Matome Sebelebele Municipal Office Chris Hani Drive Bela-Bela 0480</p> <p>Tell: 014 736 8000 Fax: 014 736 3288</p>	<p>Bela-Bela Local Municipality</p>	<p>Telephonic and through fax</p>
<p>Mr. Tumi Sibuka Department of Land Affairs Private Bag X 183 Pretoria 0001</p> <p>Fax :(012) 324 5812</p>	<p>Department of Land Affairs</p>	<p>Fax</p>
<p>Mr. J Gondo NOPAFU P O Box 229 Koringpunt 0632</p> <p>Cell; 082 672 2484 Fax: 015 642 3449</p>	<p>Northern Province African Farmers Union</p>	<p>Fax</p>
<p>Mr. Mashile Mokono Regional Land Claims Commissioner Private Bag X 9552 Polokwane 0700</p> <p>Fax :(015) 297 8570</p>	<p>Regional Land Claims Commissioner</p>	<p>Fax</p>

UMTHOMBO COAL (PTY) LTD

Reg No: 2007/025680/07

Deponent: *Mdat*

MATSHINSE LUKHUVANE



I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which he/she has signed and shown to before me at *Sandton* on this *12 May* day of *2009*, the Regulations contained in GN R2477 dated 16 November 1984, as amended, having been complied with.

Commissioner of Oaths

MATSHINSE LUKHUVANE

Name: *Moses Matshinse*

Capacity: *Stant Pore office*

Date: *2009-05-12*



7th Floor, Fredman Towers, 13 Fredman Drive, Sandown, 2196, Sandton/Johannesburg
Tel: (+27) 011 783 7996 Fax: (+27) 011 783 0816

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 6	12:34PM	Fax Sent	0123245812	2:04	6	OK

Note:

Image on Fax Send Report is set to On

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 6	11:48AM	Fax Sent	0147363288	2:04	6	OK

Note:

Image on Fax Send Report is set to On

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 6	12:24PM	Fax Sent	0156423449	2:04	6	OK

Note:

Image on Fax Send Report is set to On

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

E UNDERTAKING:

I, **Lutendo Mathavha** the applicant for a prospecting permit/ right hereby declare that the above information is true, complete and correct. I undertake to implement the measures as described in Sections F and G hereof. I understand that this undertaking is legally binding and that failure to give effect hereto will render me liable for prosecution in terms of Section 98 (b) and 99 (1)(g) of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). I am also aware that the Regional Manager may, at any time but after consultation with me, make such changes to this plan as he/she may deem necessary.

Signed on this 13 day of June 2009 at Sandown City Place Johannesburg)



.....
Signature of applicant

F 2.4.4 Rehabilitation of vehicle maintenance yard and secured storages areas

- On completion of mining/prospecting operations, the above areas shall be cleared of any contaminated soil, which must be dumped as referred to in section F 2.4.3 above.
- All buildings, structures or objects on the vehicle maintenance yard and secured storage areas shall be dealt with in accordance with section 44 of the Mineral and Petroleum Resources Development Act, 2002.
- The surface shall then be ripped or ploughed to a depth of at least 300mm and the topsoil previously stored adjacent the site, shall be spread evenly to its original depth over the whole area. The area shall then be fertilised if necessary (based on a soil analysis).
- The site shall be seeded with a vegetation seed mix adapted to reflect the local indigenous flora.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/prospecting operation be corrected and the area be seeded with a seed mix to his or her specification.

F 3 OPERATING PROCEDURES IN THE MINING AREA

F 3.1 Limitations on mining/prospecting

- The mining of or prospecting for precious stones shall take place only within the approved demarcated mining or prospecting area.
- Mining/ prospecting may be limited to the areas indicated by the Regional Manager on assessment of the application.
- The holder of the mining permit/ prospecting right shall ensure that operations take place only in the demarcated areas as described in section F 1.1.2 above.
- Operations will not be conducted closer than one and a half times the height of the bank from the edge of the river channel and in such manner that the stability of the bank of the river is effected.
- Precautions shall also be taken to ensure that the bank of the river is adequately protected from scouring or erosion. Damage to the bank of the river caused by the operations, shall be rehabilitated to a condition acceptable to the Regional Manager at the expense of the holder.
- Restrictions on the disturbance of riverine vegetation in the form of reeds or wetland vegetation must be adhered to. The presence of these areas must be entered in Part of the programme and indicated on the layout plan.

F 3.2 Mining/ prospecting operations within the riverine environment

NOTE: The Department of Water Affairs and Forestry may impose additional conditions which must be attached to this EMP. In this regard, please see the Best Practice Guideline for small scale mining developed by DWAF (BPG 2.1)

(available from <http://www.dwaf.gov.za>)

- The mining of or prospecting for precious stones in the river or the banks of the river will be undertaken only after the Regional Manager has consulted with the Department of Water Affairs and Forestry.
- The canalisation of a river will not be undertaken unless the necessary permission has been obtained from the Department of Water Affairs and Forestry. Over and above the conditions imposed by the said Department, which conditions shall form part of this EMPlan, the following will also apply:
 - ❖ The canalisation of the flow of the river over different parts of the river bed shall be constructed in such a manner that the following are adhered to at all times:
 - ◆ The flow of the river may not be impeded in any way and damming upstream may not occur.
 - ◆ The canalisation of the flow may not result in scouring or erosion of the river-bank.
 - ◆ Well points or extraction pumps in use by other riparian users may not be interfered with and canalisation may not impede the extraction of water at these points.
- Access to the riverbed for the purpose of conducting excavations in the river-bed, shall be through the use of only one access at a time. The location of the access to the river channel across the river-bank shall be at a point of the river-bank where the least excavation and damage to vegetation will occur and shall not be wider than is reasonably required. The position of the river access together with all planned future access points, must be indicated on the layout plan.

F 3.2.1 Rehabilitation of access to river-bed

- When rehabilitating the access point, the original profile of the river-bank will be re-established by backfilling the access point with the original material excavated or other suitable material.
- The topsoil shall then be returned over the whole area to its original depth and if necessary fertilised and the vegetation allowed to grow.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/prospecting operation be corrected and the area be seeded with a seed mix to his or her specification.

- In the event of damage from an occurrence where high flood waters scour and erode access points in the process of rehabilitation over the river-bank or an access point currently in use, repair of such damage shall be the sole responsibility of the holder of the mining permit or prospecting right.
- Repair to the river-bank to reinstate its original profile to the satisfaction of the Regional Manager must take place immediately after such event has occurred and the river has subsided to a point where repairs can be undertaken.
- Final acceptance of rehabilitated river access points will be awarded only after the vegetation has re-established to a point where the Regional Manager is satisfied that the river-bank is stable and that the measures installed are of durable nature and able to withstand high river-flow conditions.

F 3.2.2 Rehabilitation of mining/prospecting area in the bed of the river

- The goal of rehabilitation with respect to the area where mining/prospecting has taken place in the river-bed is to leave the area level and even, and in a natural state containing no foreign debris or other materials and to ensure the hydrological integrity of the river by not attenuating or diverting any of the natural flow.
- All scrap and other foreign materials will be removed from the bed of the river and disposed of as in the case of other refuse (see section F 2.3.2 above), whether these accrue directly from the mining/prospecting operation or are washed on to the site from upstream.
- Removal of these materials shall be done on a continuous basis and not only at the start of rehabilitation.
- Where reeds or other riverine vegetation have been removed from areas, these shall be re-established systematically in the approximate areas where they occurred before mining/prospecting.
- An effective control programme for the eradication of invader species and other exotic plants, shall be instituted on a regular basis over the entire mining/prospecting area under the control of the holder of the mining permit/prospecting right, both during mining/prospecting and at the stage of final rehabilitation.

2. THE WATER USE LICENCE

The National Water Act, (Act 36 of 1998), is based on the principles of sustainability, efficiency and equity, meaning that the protection of water resources must be balanced with their development and use.

In addition to being issued with a prospecting right or mining permit a small-scale miner may also need to get a **water use licence** for the proposed water uses that will take place, except in certain cases.

NOTE: The Department of Water Affairs and Forestry (DWAF) developed specific Best Practice Guideline for small scale mining that relates to stormwater management, erosion and sediment control and waste management. Copies of these guidelines can be obtained from the regional office of DME or DWAF.

Applications for a water use licence must be made in good time, such that approval can be granted before a water use activity can begin. The appropriate licence forms for each kind of expected water use should be completed together with supporting documentation. The main supporting document required is a technical report. To make the technical report easier, you can refer to sections in this EMPlan, as most of what the technical report requires has already been done in the EMPlan. If you refer to the EMPlan it must be attached to the technical report.

F 3.3 EXCAVATIONS

F 3.3.1 Establishing the excavation areas

- Whenever any excavation is undertaken for the purpose of locating and/or extracting ore bodies of all types of minerals, including precious stone-bearing gravels, the following operating procedures shall be adhered to:
 - ❖ Topsoil shall, in all cases (except when excavations are made in the river-bed), be handled as described in F 2.1 above.
 - ❖ Excavations shall take place only within the approved demarcated mining/prospecting area.
 - ❖ Overburden rocks and coarse material shall be placed concurrently in the excavations or stored adjacent to the excavation, if practicable, to be used as backfill material once the ore or gravel has been excavated.
 - ❖ Trenches shall be backfilled immediately if no ore or precious stone-bearing gravel can be located.

F 3.3.2 Rehabilitation of excavation areas

The following operating procedures shall be adhered to:

- The excavated area must serve as a final depositing area for the placement of tailings during processing.
- Rocks and coarse material removed from the excavation must be dumped into the excavation simultaneously with the tailings.
- Waste, as described in paragraph F 2.3.2 above, will not be permitted to be deposited in the excavations.
- Once excavations have been refilled with overburden, rocks and coarse natural materials and profiled with acceptable contours and erosion control measures, the topsoil previously stored, shall be returned to its original depth over the area.
- The area shall be fertilised if necessary to allow vegetation to establish rapidly. The site shall be seeded with a local or adapted indigenous seed mix in order to propagate the locally or regionally occurring flora.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from

the mining/ prospecting operation, be corrected and the area be seeded with a vegetation seed mix to his or her specification.

F 3.4 PROCESSING AREAS AND WASTE PILES (DUMPS)

F 3.4.1 Establishing processing areas and waste piles

- Processing areas and waste piles shall not be established within 100 metres of the edge of any river channel or other water bodies.
- Processing areas should be established, as far as practicable, near the edge of excavations to allow the waste, gravel and coarse material to be processed therein.
- The areas chosen for this purpose shall be the minimum reasonably required and involve the least disturbance to vegetation.
- Prior to development of these areas, the topsoil shall be removed and stored as described in paragraph F 2.1 above.
- The location and dimensions of the areas are to be indicated on the layout plan and once established, the processing of ore containing precious stones shall be confined to these areas and no stockpiling or processing will be permitted on areas not correctly prepared.
- Tailings from the extraction process must be so treated and/or deposited that it will in no way prevent or delay the rehabilitation process.

F 3.4.2 Rehabilitation of processing areas

- Coarse natural material used for the construction of ramps must be removed and dumped into the excavations.
- On completion of mining/prospecting operations, the surface of the processing areas especially if compacted due to hauling and dumping operations, shall be scarified to a depth of at least 300mm and graded to an even surface condition and the previously stored topsoil will be returned to its original depth over the area.
- Prior to replacing the topsoil the material that was removed from the processing area will be replaced in the same order as it originally occurred.
- The area shall then be fertilised if necessary to allow vegetation to establish rapidly. The site shall be seeded with a local, adapted indigenous seed mix.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/prospecting operation be corrected and the area be seeded with a seed mix to his or her specification.

F 3.5 TAILINGS DAM(S) (SLIMES DAM)

The permission of the Regional Manager must be obtained should a tailings dam be constructed for the purpose of handling the tailings of the mining/prospecting operations.

The construction, care and maintenance of tailings dams have been regulated and the relevant regulation is copied herewith, both for your information and as a guideline to the commissioning, management, operation, closing and aftercare of a tailings deposition facility.

Regulation 73 promulgated under the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) requires the following:

Management of residue stockpiles and deposits

56. (1) *The assessment of impacts relating to the management of residue stockpiles and deposits, where appropriate, must form part of the environmental impact assessment report and environmental management programme or the environmental management plan.*
- (2) *Residue characterisation*
- (a) *Mine residue must be characterised to identify any potentially significant health and safety hazard and environmental impact that may be associated with the residue when stockpiled or deposited at the site(s) under consideration.*
- (b) *Residue stockpiles and deposits must be characterised in terms of its –*
- (i) *physical characteristics, which may include –*
- (aa) *the size distribution of the principal constituents;*
 (bb) *the permeability of the compacted material;*
 (cc) *void ratios of the compacted material;*
 (dd) *the consolidation or settling characteristics of the material under its own weight and that of any overburden;*
 (ee) *the strength of compacted material;*
 (ff) *the specific gravity of the solid constituents; and*
 (gg) *the water content of the material at the time of deposition, after compaction, and at other phases in the life of the deposit.*
- (ii) *chemical characteristics, which may include –*
- (aa) *the toxicity;*
 (bb) *the propensity to oxidize and /or decompose;*
 (cc) *the propensity to undergo spontaneous combustion;*
 (dd) *the pH and chemical composition of the water separated from the solids;*
 (ee) *stability and reactivity and the rate thereof; and*
 (ff) *neutralising potential.*
- (iii) *mineral content, which include the specific gravity of the residue particles and its impact on particle segregation and consolidation;*
- (3) *Classification of residue stockpiles and deposits*
- (a) *All residue stockpiles and deposits must be classified into one or a combination of the following categories –*
- (i) *the safety classification to differentiate between residue stockpiles and deposits of high, medium and low hazard on the basis of their potential to cause harm to life or property; and*
- (ii) *the environmental classification to differentiate between residue stockpiles and deposits with –*
- (aa) *a potentially significant impact on the environment due to its spatial extent, duration and intensity of potential impacts; or*
 (bb) *no potentially significant impact on the environment.*
- (b) *All mine residue stockpiles and deposits must be classified by a suitably qualified person(s).*

- (c) *The classification of residue stockpiles and deposits shall determine the –*
- (i) *level of investigation and assessment required;*
 - (ii) *requirements for design, construction, operation, decommissioning, closure and post closure maintenance; and*
 - (iii) *qualifications and expertise required of persons undertaking the investigations, assessments, design, construction thereof.*
- (d) *The safety classification of residue stockpiles and deposits shall be based on the following criteria –*

<i>Number of residents in zone of influence</i>	<i>Number of workers in zone of influence</i>	<i>Value of third party property in zone of influence</i>	<i>Depth to underground mine workings</i>	<i>Classification</i>
<i>0</i>	<i>< 10</i>	<i>0 – R2 m</i>	<i>> 200m</i>	<i>Low hazard</i>
<i>1 – 10</i>	<i>11 – 100</i>	<i>R 2 m – R20 m</i>	<i>50 m – 200 m</i>	<i>Medium hazard</i>
<i>> 10</i>	<i>> 100</i>	<i>> R20 m</i>	<i>< 50 m</i>	<i>High hazard</i>

- (e) *A risk analysis must be carried out and documented on all high hazard residue stockpiles and deposits.*
- (f) *The environmental classification of residue stockpiles and deposits must be undertaken on the basis of –*
- (i) *the characteristics of the residue;*
 - (ii) *the location and dimensions of the deposit (height, surface area);*
 - (iii) *the importance and vulnerability of the environmental components that are at risk; and*
 - (iv) *the spatial extent, duration and intensity of potential impacts.*
- (g) *An assessment of the environmental impacts shall be done on all environmental components which are significantly affected.*
- (h) *The assessment of impacts and analyses of risks shall form part of the environmental assessment and management programme.*
- (4) *Site selection and investigation:*
- (a) *The process of investigation and selection of a site must entail -*
- (i) *the identification of a sufficient number of possible candidate sites to ensure adequate consideration of alternative sites;*
 - (ii) *qualitative evaluation and ranking of all alternative sites;*
 - (iii) *qualitative investigation of the top ranking sites to review the ranking done in (ii);*
 - (iv) *a feasibility study to be carried out on the highest ranking site(s), involving -*
 - (aa) *a preliminary safety classification;*
 - (bb) *an environmental classification;*
 - (cc) *geotechnical investigations; and*
 - (dd) *groundwater investigations.*
- (b) *The geotechnical investigations may include-*
- (i) *the characterization of the soil profile over the entire area to be covered by the residue facility and associated infrastructure to define the spatial extent and depth of the different soil horizons;*
 - (ii) *the characterization of the relevant engineering properties of foundations soils and the assessment of strength and drainage characteristics.*

- (c) *The groundwater investigations may include-*
- (i) *the potential rate of seepage from the residue facility;*
 - (ii) *the quality of such seepage;*
 - (iii) *the geohydrological properties of the strata within the zone that could potentially be affected by the quality of seepage;*
 - (iv) *the vulnerability and existing potential use of the groundwater resource within the zone that could potentially be affected by the residue facility.*
- (d) *From these investigations, a preferred site must be identified.*
- (e) *Further investigation on the preferred site, shall include –*
- (i) *land use;*
 - (ii) *topography and surface drainage;*
 - (iii) *infrastructure and man-made features;*
 - (iv) *climate;*
 - (v) *flora and fauna;*
 - (vi) *soils;*
 - (vii) *ground water morphology, flow, quality and usage; and*
 - (viii) *surface water.*
- (f) *The investigations, laboratory test work, interpretation of data and recommendations for the identification and selection of the most appropriate and suitable site for the disposal of all residue that have the potential to generate leachate that could have a significant impact on the environment and groundwater must be carried out by a suitably qualified person.*
- (5) *Design of residue stockpile and deposit*
- (a) *The design of the residue stockpile and deposit shall be undertaken by a suitably qualified person.*
- (b) *An assessment of the typical soil profile on the site is required for residue stockpiles and deposits which -*
- (i) *have a low hazard potential; and*
 - (ii) *have no significant impact on the environment.*
- (c) *The design of the residue stockpile and deposit must take into account all phases of the life cycle of the stockpile and deposit, from construction through to closure and must include –*
- (i) *the characteristics of the mine residue;*
 - (ii) *the characteristics of the site and the receiving environment;*
 - (iii) *the general layout of the stockpile or deposit, whether it is a natural valley, ring dyke, impoundment or a combination thereof and its 3-dimensional geometry at appropriate intervals throughout the planned incremental growth of the stockpile or deposit;*
 - (iv) *the type of deposition method used; and*
 - (v) *the rate of rise of the stockpile or deposit.*
- (d) *Other design considerations, as appropriate to the particular type of stockpile and deposit must be incorporated –*
- (i) *the control of storm water on and around the residue stockpile or deposit by making provision for the maximum precipitation to be expected over a period of 24 hours with a frequency of once in a 100 years, in accordance with the regulations made under section 8 of the National Water Act, 1998;*

- (ii) *the provision, throughout the system, of a freeboard of at least 0.5 m above the expected maximum water level, in accordance with regulations made under the National Water Act, 1998, to prevent overtopping;*
- (iii) *keeping the pool away from the walls; where there are valid technical reasons for deviating from this, adequate motivation must be provided and the design must be reviewed by a qualified person as required in terms of sections 9(6) or 9(7) of the Mine Health and Safety Act, 1996;*
- (iv) *the control of decanting of excess water under normal and storm conditions;*
 - (aa) *the retention of polluted water in terms of polluted water in terms of GN R991(9), where measures may be required to prevent water from the residue deposit from leaving the residue management system unless it meets prescribed requirements;*
 - (bb) *the design of the penstock, outfall pipe, under-drainage system and return water dams;*
 - (cc) *the height of the phreatic surface, slope angles and method of construction of the outer walls and their effects on shear stability;*
 - (dd) *the erosion of slopes by wind and water, and its control by (ee) vegetation, berms or catchment paddocks; and*
 - (ee) *the potential for pollution.*
- (e) *A design report and operating manual shall be drawn up for all residue stockpiles and deposits which –*
 - (i) *have a medium to high hazard; and*
 - (ii) *have a potentially significant impact on the environment.*
- (f) *Relevant information must be included in the draft environmental management programme or environmental management plan.*

(6) *Construction and operation of residue deposits:*

- (a) *The holder of any right or permit in terms of the Act, must ensure that-*
 - (i) *the residue deposits, including any surrounding catchment paddocks, is constructed and operated in accordance with the approved environmental management programme or environmental management plan;*
 - (ii) *the design of the residue deposit is followed implicitly throughout the construction thereof, and that any deviations from the design be approved by the Regional Manager and the environmental manage programme and environmental management plan be amended accordingly;*
 - (iii) *as part of the monitoring system, measurements of all residues transported to the site and of all surplus water removed from the site are recorded;*
 - (iv) *the provision for appropriate security measures be implemented to limit unauthorised access to the site and intrusion into the residue deposit;*
 - (v) *specific action be taken in respect of any sign of pollution;*
 - (vi) *adequate measures be implemented to control dust pollution and erosion of the slopes; and*
 - (vii) *details of rehabilitation of the residue deposit be provided in the draft environmental management programme or environmental management plan.*
- (b) *A system of routine maintenance and repair in respect of the residue deposit must be implemented to ensure the ongoing control of pollution, the integrity of rehabilitation and health and safety matters at the site.*

(7) *Monitoring of residue stockpiles and deposits:*

- (a) *A monitoring system for residue stockpiles and deposits with respect to potentially significant impacts as identified in the environmental assessment must be included in the environmental management programme or environmental management plan.*
- (b) *In the design of a monitoring system for a residue stockpile or deposit, consideration must be given to –*
- (i) *baseline and background conditions with regard to air, surface and groundwater quality ;*
 - (ii) *the air, surface and groundwater quality objectives;*
 - (iii) *residue characteristics;*
 - (iv) *the degree and nature of residue containment;*
 - (v) *the receiving environment and specifically the climatic, local geological, hydrogeological and geochemical conditions;*
 - (vi) *potential migration pathways;*
 - (vii) *potential impacts of leachate;*
 - (viii) *the location of monitoring points and the prescribed monitoring protocols; and*
 - (ix) *the reporting frequency and procedures.*
- (8) *Decommissioning, closure and after care:*
- (a) *The decommissioning, closure and post closure management of residue deposits must be addressed in the closure plan, which must contain the following -*
- (i) *the environmental classification, including assumptions on which the classification were based;*
 - (ii) *the closure objectives, final land use or capability;*
 - (iii) *conceptual description and details for closure and post closure management;*
 - (iv) *cost estimates and financial provision for closure and post-closure management; and*
 - (v) *residual impacts, monitoring and requirements to obtain mine closure in terms of the Act.*

F 3.6 FINAL REHABILITATION

- All infrastructure, equipment, plant, temporary housing and other items used during the mining period will be removed from the site (section 44 of the MPRDA)
- Waste material of any description, including receptacles, scrap, rubble and tyres, will be removed entirely from the mining area and disposed of at a recognised landfill facility. It will not be permitted to be buried or burned on the site.
- Final rehabilitation shall be completed within a period specified by the Regional Manager.

F 4 MONITORING AND REPORTING

F 4.1 Inspections and monitoring

- Regular monitoring of all the environmental management measures and components shall be carried out by the holder of the prospecting right, mining permit or reconnaissance permission in order to ensure that the provisions of this programme are adhered to.
- Ongoing and regular reporting of the progress of implementation of this programme will be done.

- Various points of compliance will be identified with regard to the various impacts that the operations will have on the environment.
- Inspections and monitoring shall be carried out on both the implementation of the programme and the impact on plant and animal life.
- Visual inspections on erosion and physical pollution shall be carried out on a regular basis.

Regulation 55 promulgated in terms of the MPRDA requires the following:

Monitoring and performance assessments of environmental management programme or plan

- (1) *As part of the general terms and conditions for a prospecting right, mining right or mining permit and in order to ensure compliance with the approved environmental management programme or plan and to assess the continued appropriateness and adequacy of the environmental management programme or plan, the holder of such right must-*
 - (a) *conduct monitoring on a continuous basis;*
 - (b) *conduct performance assessments of the environmental management programme or plan as required; and*
 - (c) *compile and submit a performance assessment report to the Minister to demonstrate adherence to sub-regulation (b).*
- (2) *The frequency of performance assessment reporting shall be-*
 - (a) *in accordance with the period specified in the approved environmental management programme or plan, or, if not so specified;*
 - (b) *as agreed to in writing by the Minister; or*
 - (c) *biennially (every two years).*
- (3) *The performance assessment report, shall be in the format provided in guidelines that will from time to time be published by the Department and shall as a minimum contain-*
 - (a) *information regarding the period that applies to the performance assessment;*
 - (b) *the scope of the assessment;*
 - (c) *the procedure used for the assessment;*
 - (d) *the interpreted information gained from monitoring the approved environmental management programme or plan;*
 - (e) *the evaluation criteria used during the assessment;*
 - (f) *the results of the assessment; and*
 - (g) *recommendations on how and when deficiencies that are identified and/or aspects of non-compliance will be rectified.*
- (4) *The holder of a prospecting right, mining right or mining permit may appoint an independent qualified person(s) to conduct the performance assessment and compile the performance assessment report provided that no such appointment shall relieve the holder of the responsibilities in terms of these regulations.*
- (5) *Subject to section 30(2) of the Act, the performance assessment report submitted by the holder shall be made available by the Minister to any person on request.*
- (6) *If upon consideration by the Minister, the performance assessment executed by the holder is not satisfactory or the report submitted by the holder is found to be unacceptable, the holder must-*
 - (a) *repeat the whole or relevant parts of the performance assessment and revise and resubmit the report; and/or*
 - (b) *submit relevant supporting information; and/or*
 - (c) *appoint an independent competent person(s) to conduct the whole or part of the performance assessment and to compile the report.*
- (7) *If a reasonable assessment indicates that the performance assessment cannot be executed satisfactorily by the holder or a competent person(s) appointed by the holder,*

the Minister may appoint an independent performance assessment person(s) to conduct such performance assessment. Such appointment and execution shall be for the cost of the holder.

- (8) *When the holder of a prospecting right, mining right or mining permit intends closing such operation, a final performance assessment shall be conducted and a report submitted to the Minister to ensure that -*
- (a) *the requirements of the relevant legislation have been complied with;*
 - (b) *the closure objectives as described in the environmental management programme or plan have been met; and*
 - (c) *all residual environmental impacts resulting from the holder's operations have been identified and the risks of latent impacts which may occur have been identified, quantified and arrangements for the management thereof have been assessed.*
- (9) *The final performance assessment report shall either precede or accompany the application for a closure certificate in terms of the Act.*

F 4.2 Compliance reporting / submission of information

- Layout plans will be updated on a regular basis and updated copies will be submitted on a biennial basis to the Regional Manager
- Reports confirming compliance with various points identified in the environmental management programme will be submitted to the Regional Manager on a regular basis and as decided by the said manager.
- Any emergency or unforeseen impact will be reported as soon as possible.
- An assessment of environmental impacts that were not properly addressed or were unknown when the programme was compiled shall be carried out and added as a corrective action.

F 5 CLOSURE

When the holder of a prospecting right, mining permit or reconnaissance permission intends closing down his/her operations, an environmental risk report shall accompany the application for closure. The requirements of such a risk report is contained in Regulation 60 of the Regulations promulgated in terms of the Act and is quoted below :

F 5.1 ENVIRONMENTAL RISK REPORT

"An application for a closure certificate must be accompanied by an environmental risk report which must include-

- (a) *the undertaking of a screening level environmental risk assessment where-*
 - (i) *all possible environmental risks are identified, including those which appear to be insignificant;*
 - (ii) *the process is based on the input from existing data;*
 - (iii) *the issues that are considered are qualitatively ranked as –*
 - (aa) *a potential significant risk; and/or*
 - (bb) *a uncertain risk; and/or*
 - (cc) *an insignificant risk.*
- (b) *the undertaking of a second level risk assessment on issues classified as potential significant risks where-*
 - (i) *appropriate sampling, data collection and monitoring be carried out;*
 - (ii) *more realistic assumptions and actual measurements be made; and*
 - (iii) *a more quantitative risk assessment is undertaken, again classifying issues as posing a potential significant risk or insignificant risk.*

- (c) *assessing whether issues classified as posing potential significant risks are acceptable without further mitigation;*
- (d) *issues classified as uncertain risks be re-evaluated and re-classified as either posing potential significant risks or insignificant risks;*
- (e) *documenting the status of insignificant risks and agree with interested and affected persons;*
- (f) *identifying alternative risk prevention or management strategies for potential significant risks which have been identified, quantified and qualified in the second level risk assessment;*
- (g) *agreeing on management measures to be implemented for the potential significant risks which must include-*
 - (i) *a description of the management measures to be applied;*
 - (ii) *a predicted long-term result of the applied management measures;*
 - (iii) *the residual and latent impact after successful implementation of the management measures;*
 - (iv) *time frames and schedule for the implementation of the management measures;*
 - (v) *responsibilities for implementation and long-term maintenance of the management measures;*
 - (vi) *financial provision for long-term maintenance; and*
 - (vii) *monitoring programmes to be implemented."*

F 5.2 CLOSURE OBJECTIVES

Closure objectives form part of this EMPlan and must-

- (a) identify the key objectives for mine closure to guide the project design, development and management of environmental objectives;
- (b) provide broad future land use objective(s) for the site; and
- (c) provide proposed closure cost

F 5.3 CONTENTS OF CLOSURE PLAN

A closure plan forms part of the EMP and must include the following:

- (a) a description of the closure objectives and how these relate to the prospecting or mine operation and its environmental and social setting;
- (b) a plan contemplated in Regulation 2(2), coordinated according to generally accepted standards, showing the land or area under closure;
- (c) a summary of the regulatory requirements and conditions for closure negotiated and documented in the environmental management programme or plan;
- (d) a summary of the results of the environmental risk report and details of identified residual and latent impacts;
- (e) a summary of the results of progressive rehabilitation undertaken;
- (f) a description of the methods to decommission each prospecting or mining component and the mitigation or management strategy proposed to avoid, minimize and manage residual or latent impacts;
- (g) details of any long-term management and maintenance expected;
- (h) details of financial provision for monitoring, maintenance and post closure management, if required;
- (i) a plan or sketch at an appropriate scale describing the final land use proposal and arrangements for the site;
- (j) a record of interested and affected persons consulted; and
- (k) technical appendices, if any.

F 5.4 TRANSFER OF ENVIRONMENTAL LIABILITIES TO A COMPETENT PERSON

Should the holder of a prospecting right, mining permit or reconnaissance permission wish to transfer any environmental liabilities and responsibilities to another person or persons, the following will pertain:

- (1) An application to transfer environmental liabilities to a competent person in terms of section 48) of the Act, must be completed on Form O as set out in Annexure 1 to the Regulations and be lodged to the Minister for consideration.
- (2) The holder of a prospecting right, mining right or mining permit may transfer liabilities and responsibilities as identified in the environmental management plan and the required closure plan to a competent person as contemplated in Regulation 58.
- (3) When considering the transfer of environmental liabilities and responsibilities in terms of section 48) of the Act, the Minister must consult with any State department which administers any law relating to matters affecting the environment.
- (4) No transfer of environmental liabilities and responsibilities to a competent person may be made unless the Chief Inspector of Mines and the Department of Water Affairs and Forestry have confirmed in writing that the person to whom the liabilities and responsibilities is transferred to, have the necessary qualifications pertaining to health and safety and management of potential pollution of water resources.

F 5.5 NOTES ON LEGAL PROVISIONS

NOTE: The holder of a prospecting right, mining permit or reconnaissance permission must also take cognisance of the provisions of other legislation dealing with matters relating to conservation, and which include, *inter alia*, the following:

- * National Monuments Act, 1969 (Act 28 of 1969).
- * National Parks Act, 1976 (Act 57 of 1976)
- * Environmental Conservation Act, 1989 (Act 73 of 1989)
- * National Environmental Management Act, 1998 (Act No. 107 of 1998)
- * Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)
- * The National Water Act, 1998 (Act 36 of 1998)
- * Mine Safety and Health Act, 1996 (Act 29 of 1996)
- * The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

G. SPECIFIC ADDITIONAL REQUIREMENTS DETERMINED BY THE REGIONAL MANAGER.

Officials in regional offices may use the following matrix to determine the necessity for additional objectives to be included in this Section of the document:

POTENTIAL ENVIRONMENTAL IMPACTS OF MINING										
Activity	Disturbance					Pollution				Visual
	Landform	Soil	Flora	Fauna	Heritage	Land	Water	Air	Noise	
Mining										
Access										
Topsoil removal										
Overburden removal										
Mineral Extraction										
Tailings disposal										
Water Abstraction										
Pipeline route										
Transport										
Accommodation										
Waste Disposal										
Electricity										
Hydrocarbon storage										
Workforce										

Please indicate VL, L, M, H, and VH for Very Low, Low, Medium, high and Very High in each column to determine the main area and severity of impact.

G. This section outlines the specific additional requirements that may be set for the operation by the Regional Manager. Additional requirements will only have been set if the Regional Manager is of the opinion that there are specific impacts on the environment which will not be adequately mitigated by the provisions set within the standard version of the Environmental Management Plan. These requirements form part of the Environmental Management Plan and all elements and instructions contained herein must be complied with by the applicant.

H. UNDERTAKING

I. **Lutendo Mathavha** the undersigned and duly authorised thereto by Umthombo Coal (Pty) Ltd have studied and understand the contents of this document in it's entirety and hereby duly undertake to adhere to the conditions as set out therein including the amendment(s) agreed to by the Regional Manager in Section G and approved on

Signed at Sandton this 13 day of June 2009



.....
Signature of applicant

Agency declaration: This document was completed byon behalf of.....

J. APPROVAL

Approved in terms of Section 39(4) of the Mineral and Petroleum Resources Development Act, 2002 (Act 29 of 2002)

Signed at.....this.....day of.....20.....

.....
REGIONAL MANAGER

REGION:.....

This document has been compiled by the Directorate: Mine Environmental Management of the Department of Minerals and Energy at their Head Office in Pretoria. Any comments, suggestions or inputs will be sincerely appreciated. If you have any comments or suggestions regarding this document or its application, please forward your contribution to:

The Director: Mine Environmental Management Tel: 012 317 9288
Private Bag X 59 Fax: 012 320 6786
PRETORIA E-mail: dorothy@mepta.pwv.gov.za