

Jones & Wagener

Consulting Civil Engineers

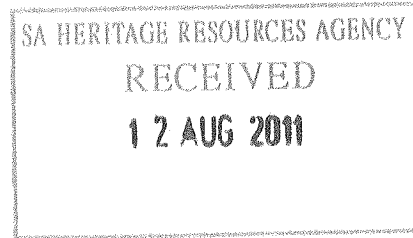
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South African Heritage Resource Agency
28 Murray Street
Nelspruit
1201

26 July, 2011

Our Ref: **B478**
b478_aor_sahra

Attention: Benjamin Moduka



ACKNOWLEDGEMENT OF RECEIPT

I herewith acknowledge receipt of **one (1) copy** of the report entitled **Middelburg Water Reclamation Project Environmental Impact Assessment – Environmental Impact Report**. Included as an appendix to this report is a copy of the Waste Management Facility License Application Report and the Integrated Water Use License Application Report.

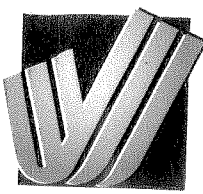
(MDEDET REF NUMBER: 17/2/3/N28; DEA REF NUMBER: 12/9/11/L492/6; MINING LICENSE: 9/99 issued under DMR REF: OT/5/3/2/49; Conversion under DMR REF NUMBER MP30/5/1/2/2/379MR. Jones and Wagener Report number JW45/11/B478-Rev C).

Name	Signature	Date
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JONES & WAGENER (PTY) LTD REG NO. 1993/02655/07 VAT No. 4410136685

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27 July, 2011

Our Ref: **B478**
b478_mwrp_letter_commenting_authorities_review_of_deir_26072011_jh_sahra

Attention: South African Heritage Resources Agency

Dear Mr Benjamin Moduka

KEY COMMENTING AUTHORITY REVIEW OF THE DRAFT EIR AND EMPR: PROPOSED Middelburg Water Reclamation Plant Project (MDEDET 17/2/3/N28; DEA 12/9/11/L492/6, MINING LICENSE 9/99 ISSUED UNDER DMR REF: OT/5/3/2/49 CONVERSION UNDER DMR REF NUMBER MP30/5/1/2/2/379MR)

As you will recall, Jones and Wagener (Pty) Ltd has been appointed by BHP Billiton Coal South Africa (BECSA) to undertake an Environmental Impact Assessment (EIA), Environmental Management Program Report (EMPR) amendment, Integrated Water Use License Application (IWULA), Waste Management Facility License and Integrated Waste and Water Management Plan (IWWMP) for the proposed Middelburg Water Reclamation Project (MWRP) (near the town of Middelburg, Mpumalanga).

We have received approval to proceed with the Impact Assessment Phase of the project from the Department of Environmental Affairs (DEA) and the Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET) and the Draft Environmental Impact Assessment Report (EIR) and Draft Environmental Management Program (EMPR) are now available for public comment.

A combined process is being undertaken for the range of legislative requirements. The table below provides a summary of the various components required for the project, the legislative requirements and the authorising competent authorities.

APPLICABLE LEGISLATION	PROCESS REQUIRED	COMPETENT AUTHORITY
National Environmental Management Act (NEMA)	EIA	Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET)
Minerals and Petroleum Resources Development Act (MPRDA)	EMPR amendment	Department of Mineral Resources (DMR)
National Water Act (NWA)	IWWMP & IWULA	Department of Water Affairs (DWA)
National Environmental Management Waste Act (NEMWA)	Waste Management Facility License Application	Department of Environmental Affairs (DEA)

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CONSULTANTS: W Ellis PrEng CEng MStructE **FINANCIAL MANAGER:** HC Neveling BCom MBL

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As per Government Notice No. 33306 of June 2010, Chapter 2, (6), the Minister, MEC or competent authority (in this case the MDEDET for NEMA and DEA for the Waste License) must consult with every state department that administers a law relating to a matter affecting the environment relevant to that application for an environmental authorisation, when he or she considers an application. A state department consulted must submit its comments within 40 days from the date on which the Minister, MEC or competent authority requests such state department, in writing, to submit comments.

In terms of the aforementioned Jones & Wagener previously distributed the Draft Scoping Report (March 2011) and the Final Scoping Report (May 2011) to your department, a commenting authority, for comment. We are currently in the process of distributing the Draft EIR and EMPr for the proposed project to the relevant state departments for comment. The relevant state departments that have received a copy of the Draft EIR and EMPr reports are as follows:

- Mpumalanga Department of Economic Development, Environmental and Tourism;
- Department of Water Affairs;
- Department of Environmental Affairs;
- Department of Mineral Resources;
- South African Heritage Resource Agency;
- Mpumalanga Parks and Tourism;
- Nkangala District Municipality; and
- Steve Tshwete Local Municipality.

The project is of strategic importance and as such requires to be prioritised. Jones & Wagener in an aim to minimise delays, has distributed the draft EIR and EMPr reports to the aforementioned state departments with the objective of facilitating comments to assist the MDEDET and DEA in making an informed decision to approve the Impact Assessment Phase of the project without unforeseen delays.

Please submit your comments on this report to Jones & Wagener and the MDEDET by the latest **9 September 2011**. You can submit your comments by fax or email as follows (please remember to quote the reference number (MDEDET REF NO: 17/2/3/N28, DEA Ref number: 12/9/11/L492/6 on your comments):

- Jones & Wagener: Fax: (011) 519 0201
 Email: jacqui@jaws.co.za
- MDEDET: Name: Hlamarisa Mavodze
 Tel: 013 653 5300
 Fax: 013 690 3704
 Email: himavodze@wit.mpu.gov.za / dtswai@mpg.gov.za

Yours faithfully



Marius van Zyl
for Jones & Wagener

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