

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO. 3723

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 25 NOVEMBER 2011

(INTERNAL QUESTION PAPER NO. 41)

3723. Mrs H N Ndude (Cope) to ask the Minister of Water and Environmental Affairs:

Whether her department has lifted any suspensions of integrated water use licences of any mines since 1 January 2010; if not, what is the position in this regard; if so, (a) in respect of which mining entities and (b) what is the reason for lifting the suspension in each case?

NW4509E

---0000---

REPLY:

(a) Yes, the Department has lifted only three (3) suspensions against integrated water use licences since 1 January 2010. In respect of the following:

- Xstrata South Africa (PTY) LTD, at its Onverdacht Colliery situated at a farm known as Kaalplaats 453 JS in Belfast, Mpumalanga Province;
- Limpopo Coal Company (PTY) LTD in respect of its Vele Colliery situated in Musina, Limpopo Province; and

- Vuna Mining Enterprises (PTY) LTD situated at portion 2 and 5 of a farm known as Zonnebloem 396 JT, Mpumalanga Province.

(b) In lifting the suspension, each case is considered on its merit, in particular, the Department looks at the submissions for and against the lifting of the suspension and if satisfied that the merits of a case justify the lifting of the suspension, the suspension is lifted. This is done after determining the harm that can be caused by refusing to lift the suspension as against any harm that may occur in lifting the suspension. The issues that are taken into account are factors such as the conditions inserted in the integrated water use licence and social and economic factors. It is worth noting that the lifting of the suspension is an interim measure pending the outcome of the appeal lodged with the Water Tribunal.

Below are reasons for lifting the suspension against the three (3) listed in (a):

- Xstrata South Africa (PTY) LTD: Apart from the socio-economic benefit from the mining operation, lifting the suspension would enable Xstrata to comply with the water use licence condition which required it to pump out the polluted water that are collected in the mining pits and thereby avoiding the polluted water from seeping into the groundwater system.

- Limpopo Coal Company (PTY) LTD: In lifting the suspension, considerations of interest of both the licensee and the appellants as against the conditions inserted in the water use licence. If the conditions cover the interest or concerns of the appellants, the suspension was lifted pending the outcome of the appeal before the Water Tribunal. In this appeal case, the water use licence has a condition that obliges the licensee in its operations to establish a forum that will monitor the mine's compliance with all the conditions inserted in the water licence and such a forum must include interested and

affected parties as its members. See **clause 17 of Appendix II** on the licence conditions.

- Vuna Mining Enterprises (PTY) LTD: One of the issues raised by Vuna Mining requesting the lifting of the suspension was that if Vuna were to be forced to stop the water uses, it would have no option but to suspend mining operations entirely. It could not do this without breaching contracts with its suppliers and service providers as well as its customers. Putting more than 300 people out of work and breach of various coal supply agreements. Loss of Vuna's financial support to the local school and surrounding communities. That the suspension of its mining operations could have a detrimental impact on the environment and on water resources in the area. The Department considered the concerns raised by the appellants and felt that those concerns will be addressed by the water use licence conditions. We believe that the Department in lifting the suspension took the correct decision because the Water Tribunal also dismissed the appellant's appeal and ruled that the appellant does not have *locus standi* to appeal against the Department's decision in granting the water use licence.

---0000---