



**water & sanitation**  
Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

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**ATTENTION: MR M MURUSAMY**

**RE: YZERMYN UNDERGROUND COAL MINE PROJECT WATER USE LICENCE APPLICATION**

Reference is made to the Water Use Licence Application (WULA) received by this Department on the 19<sup>th</sup> March 2015. The following information is either incomplete or missing in your application:

**1. Integrated Water and Waste Management Plan (IWWMP):**

- 1.1 Page 33: A Bio-Mite Wastewater Treatment Plant has been planned for the proposed project. On page 33, this has not been included in the water use table. Please note that the Wastewater Treatment Plant is a Section 21(g) water use as per the National Water Act, 1998, Act 36 of 1998 (NWA).
- 1.2 Page 33: It is evident that the wetlands will be impacted upon for the construction of the Pollution Control Dam, adit and platform. The first water uses triggered for Section 21(c) and (i) of the NWA are as a result of destruction of the wetland(s). The second set of Section 21(c) and (i) are as a result of the mining operation being within 500m of the wetland(s). This being said, the Applicant is required to identify a 500m radius around the mining operation, including the discharge point, and then identify if any wetlands fall within that radius. This will help determine other Section 21(c) and (i) water uses in that zone. Also, it is unclear if any pipelines cross any watercourses. If that is the case, then those will also trigger Section 21(c) and (i) water uses.

Finally, rehabilitation of disturbed watercourses will also trigger Section 21(c) and (i) as well.

- 1.3 The wetland study is regarded as incomplete (details provided in *Yzermyn Baseline & Impact Assessment*, page 185). It has been noted that the assessment was conducted in July (not representative of summer conditions) and that no detailed assessment was undertaken in the greater area to be impacted upon by the underground mining and associated activities. This Department requires a FULL assessment of all wetlands on site and all wetlands within a 500m radius of the site, including the source of water for the wetlands. This includes delineation, functional assessment, rehabilitation plan, offsets, etc. A letter from *Scientific aquatic Services* dated 9<sup>th</sup> December 2014 is not signed, and no proof exists to verify the 'opinion' being proposed by the author. The letter is therefore being disregarded as it does not fulfil the requirements of this Department.
- 1.4 Page 33: Overburden stockpiles have not been included in the water uses table. Kindly note that such stockpiles constitute a Section 21(g) water use.
- 1.5 Page 33: Section 21(j) water use is being applied for. This water use is usually associated with other water uses. Basically, once dewatering takes place, the water that has been removed is either used on site, which will be a Section 21(a) water use, or the water is discharged as per Section 21(f). Please indicate which use will be applicable, and indicate if this has been covered in the water balance.
- 1.6 Page 34: The caption for Figure 3-1 is deceptive, as it indicates that the water uses are currently 'existing lawful' uses. Please clarify.
- 1.7 Page 36: It is noted that sewage solids will be temporarily stored on site and then removed by a contractor. Please clarify how this will be stored, as storage of sewage sludge is a Section 21(g) water use. Please also indicate where the sludge will be taken to. The same principles apply to the planned storage of Hazardous waste on site.
- 1.8 Page 36: It is evident that water treatment brine will be crystallised and then removed by a contractor. Storage of the crystals will also trigger a Section 21(g) water use.
- 1.9 The sampling points were noted and will be verified during the planned site visit.
- 1.10 Page 59: The potential impacts associated with access roads, conveyor routes, pipelines, electricity supply routes, etc. have not been assessed as part of this assessment. The study is therefore regarded as incomplete. Please ensure that such items must be covered as part of the potential impacts and mitigation

measures proposed. Furthermore, on page 151 of the *Yzermyn Baseline & Impact Assessment*, it is evident that the study only covered the proposed mine surface infrastructure area, and did not cover the remaining parts of the lease area.

- 1.11 Page 60: It appears that there will be discard dumps on site. However, page 35 clearly states that there will be no discard dumps on site. Please clarify, and apply for water uses accordingly.
- 1.12 Page 61: A statement is made that there are no national guidelines on offsets. Kindly note that this Department requires that the SANBI guidelines be used for offsetting. Furthermore, it was noted that no wetland offset to the 'value and ecological state (Natural to Largely Natural) as those that would be lost'. This is unacceptable, as wetlands of pristine condition are being lost, and not being offset. The Applicant is therefore required to do offsets as per the SANBI Guideline.
- 1.13 Page 61: The map and associated keys in Figure 4-10 are not legible and therefore difficult to assess. Kindly submit legible maps and keys, for Figure 4-10 and other Figures as well.
- 1.14 Page 78: The discard dump and coal stockpile areas are unlined. Please note that this is completely unacceptable. Any waste and stockpile material must be classified in accordance with articles 634 and 635 of Regulation 36784 of August 2013. Furthermore, these must be contained in lined facilities. Barrier systems must be specified for all the facilities containing contaminated water or material in accordance with article 636 of the Regulation 36784. When addressing the barrier systems, the applicant's attention is drawn to Section 2 of the R636 that lists the other requirements that must also be met.
- 1.15 Page 78: The document is very confusing, as there are several instances where reference is made to a particular siting of an activity. Thereafter, in another section, it appears that the siting has changed. In this case, it is mentioned that the discard dump area is unlined. Thereafter, it says that the discard dump area is lined. Please be very clear about the actual site of the activities. Also, even if the areas are lined, the principles outlined in the point above are still applicable.
- 1.16 Page 79: It has been noted that the coal stockpile area will be prepared as a hard surface with appropriate surface water management and 'is therefore not considered a significant groundwater pollution source'. Please note that an appropriate liner must be in place for a coal stockpile area, as referred to above.

- 1.17 Page 104: It appears that there is the potential of contaminated water entering surface and groundwater systems. Again, please note that this is regarded as unacceptable, as proper barriers must be in place as above.
- 1.18 Page 151: The water balance figure is illegible. The narrative associated with the water balance is very basic and does not clearly outline water and 'waste water' streams. A detailed water balance with a clear figure is required. Please submit the water balance in consultation with the "*Best Practice Guidelines for Water Resource Protection in the South African Mining Industry*" (DWAF, 2008) - *Guideline 2 on Water and Salt balance.*

**2. Administration and Other Technical Information**

- 2.1 DW 760: The form reflects that abstraction will take place from two boreholes. However, on page 60 of the IWWMP, it is clear that abstraction is proposed from three boreholes. Please clarify.
- 2.2 Kindly use the table below to update the water uses, and to include the property where the water use is proposed to take place.

Water use(s)	Purpose	Volume (m <sup>3</sup> /a)	Property Description	Co-ordinates
Section 21(a), (b), (c), (e), (f), (g), (i) and (j)				

- 2.3 The supplementary form for Section 21(c) and (i) water uses must also be completed and submitted.
- 2.4 Mr Morgam Munsamy has signed on behalf of the Applicant. There is no documentation provided that indicates he has been given Power of Attorney to do so.
- 2.5 Also, the *Spesiale Prokurasie* is in Afrikaans. Please have the document translated into English and submitted. It appears that the executor of the estate has given Petrus Johannes Uys Power of Attorney to for certain parts of the estate, but it is unclear as to what specifically. It is therefore also unclear where Mr Munsamy fits in.
- 2.6 Fully and correctly completed license application forms for ALL water uses.
- 2.7 Copy of properties zoning document where water uses will be taking place.
- 2.8 A copy of 1:50 000 topographic map / 1:10 000 indicating map name number of farm boundaries including subdivision
- 2.9 Civil designs for all pipeline/ road crossing rivers, dams and wetlands must be submitted. Dam designs must comply with GN 704. Classification details of the waste water contained in the impoundment facilities and the stockpile material

- must be done in accordance with articles 634 and 635 of Regulation 36784 of August 2013. Barrier systems must be specified for all the facilities containing contaminated water or material in accordance with article 636 of the Regulation 36784. When addressing the barrier systems, the applicant's attention is drawn to Section 2 of the R636 that lists the other requirements that must also be met.
- 2.10 The BEE certificate has expired (26<sup>th</sup> March 2015). Kindly include the most recent certificate, if any.
  - 2.11 The master layout plan does not clearly indicate the delineated sensitive areas, buffer areas, and flow direction in relation to the proposed development. Department therefore requires an updated Master layout Plan clearly showing environmentally sensitive areas (including delineated wetland areas and buffers) in relation to developmental activities, and the direction of flow of water. There should therefore be two such maps – one map highlighting surface flow, and the other highlighting groundwater flow.
  - 2.12 This Department requires an Environmental Management Plan (EMP) as part of the WULA.
  - 2.13 Geotechnical studies must also be submitted.
  - 2.14 Mention is made that a Hydrogeological study was carried out, but it was not submitted. Please include either a Hydrogeological or Geohydrological study as part of the WULA. Please verify if the study supports the various items being proposed in the application.
  - 2.15 A Method Statement must also be included.
  - 2.16 RoD from Environmental Affairs must be included.
  - 2.17 Although a Public Participation was carried out, it was not specific on water use activities as per the NWA. This Department requires that an advert be placed in one newspaper in one language and a period of 60 days for public participation be given in terms of section 40 (4) of the NWA.
  - 2.18 A Clearance Letter from Land Affairs is required to indicate that the properties where the water uses are taking place are not under Land Claims.
  - 2.19 Contingency plans are also required.
  - 2.20 Financial provision has not been included. Please submit.
  - 2.21 The current Stormwater Management Plan is not acceptable. The stormwater management plan must be submitted in consultation with the "*Best Practice Guidelines for Water Resource Protection in the South African Mining Industry*" (DWAf, 2008) - *Guideline 1 – Stormwater Management*.
  - 2.22 Mining Permit, Mining Right and a signed social and labour plan must accompany the application.

2.23 Section 27 motivation is also outstanding. Kindly submit.

2.24 Exemption from GN704 is regarded as incomplete. Kindly update and resubmit.

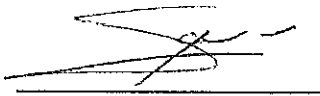
Due to a substantial amount of critical information missing in the application, this Office cannot provide a meaningful technical assessment of the application. This application is regarded as incomplete. The applicant has 30 days from the date of receipt of this letter to submit the outstanding information to this office. It must be sent to this Department, for Attention, Zamashenge Hadebe.

Kindly take note of Section 41 (2) of the National Water Act (1998), Act 36 of 1998, which states that: "A responsible authority – (a) may, to the extent that it is reasonable to do so, require the applicant, at the applicant's expense, to obtain and provide it by a given date with – (i) other information, in addition to the information contained in the application; (ii) an assessment by a competent person of the likely effect of the proposed licence on the resource quality".

Should the applicant fail to comply with the above requirement, he would be in violation of section 151 (f) of the National Water Act, 1998 (Act 36 of 1998), "No person may fail or refuse to give data or information, or give false or misleading data or information when required to give information under this Act," and section 151 (i) of the National Water Act, 1998 (Act 36 of 1998), " No person may unlawfully and intentionally or negligently commit any act or omission which pollutes or is likely to pollute a water resource."

Should you have any queries regarding this letter, please do not hesitate to contact the Department on the contact address supplied above.

Yours faithfully,



**for Acting CEO Pongola-Umzimkulu CMA**

**Deputy Director: Mr SO Naidoo**

**Date: 22/04/2015**