



the federation for a sustainable environment

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FOR URGENT ATTENTION:

Mr Anil Singh
Mr Marius Keet
Mr Bashan Govender
Mr Divan van Niekerk
The Chief Directorate: Mine Water Management
Department of Water and Sanitation.

Dear Sirs,

**OBJECTION TO THE WATER USE LICENSE APPLICATION / AUTHORISATION IN
TERMS OF THE INTEGRATED ENVIRONMENTAL AUTHORISATION
FOR THE PALMIETKUILEN MINING PROJECT NEAR SPRINGS, GAUTENG**

DMR Reference: GP 30/5/1/2/2 (10047) MR

I write on behalf of the Federation for Sustainable Environment (FSE). The FSE is a federation of community based civil society organisations committed to the realisation of the constitutional right to an environment that is not harmful to health or well-being, and to having the environment sustainably managed and protected for future generations. Their mission is specifically focussed on addressing the adverse impacts of mining and industrial activities on the lives and livelihoods of vulnerable and disadvantaged communities who live and work near South Africa's mines and industries.

On the 5th of March 2019 the Regional Manager (Gauteng) of the Department of Mineral Resources (DMR) granted an environmental authorisation to the Applicant, namely Anglo Operations (Pty) Ltd, for a new open cast coal mining operation on the farm Palmietkuilen 241 IR (Portions 1,2,4,9,13 and19), near Springs in the Gauteng Province. The life of mine will be approximately 47 years.

The operation will be known as the Palmietkuilen Coal Mining Project with an anticipated production of 2 400 000 tonnes of coal per annum to supply to local and international markets.

In terms of the Environmental Authorisation, the Authorisation Holder *“must ensure that any water uses listed in terms of section 21 of the National Water Act, 1998 (36 of 1998) get authorisation from the Department of Water and Sanitation prior to the commencement of such activity (ies).”* (Page 12 of Annexure 1 -EA.)

It logically follows that the Authorisation Holder may not commence with any mining activities prior to the granting of a Water Use License

The FSE is a registered Interested and Affected party in this process. As a registered Interested and Affected Party, the FSE was not notified of an application by the Authorisation Holder to the DWS for a Water Use Licence. If the Authorisation Holder did apply for a WUL and it was granted, the FSE and other registered interested and affected parties, were not informed of the authorisation of the WUL, which implies that our rights were infringed upon and our right to appeal the WUL authorisation was sterilized.

The FSE strongly opposes the granting of a WUL to the Authorisation Holder on the following grounds:

1. Acid Mine Drainage (AMD) is a well recognised phenomenon in the area and the Eastern Basin AMD Treatment Plant, downstream of the proposed Project, is currently treating approximately 110 million liters of AMD per day by means of neutralisation. The benefits of the treatment, albeit an incomplete treatment, will be nullified or compromised by the authorised project since the project will contribute to AMD and the salinity of the Integrated Vaal River System, which is already experiencing growing deficits as a result of increased salinity.
2. Coal Mining is categorised in terms of the Mine Water Management Policy as a Category A mine, that is, a mine with acid producing potential. The Coal Mining Project by Anglo will result in the near certainty of:
 - a. Contaminated water during the operational phase, which will require some form of decontamination treatment;
 - b. Decant of AMD after closure which will require long term pumping and treatment;
 - c. Sulphate, chloride, metal and NORM contamination of soils and sediments by seepage from the Mine’s tailings storage facilities, tailings spillages and plant discharges, and the potential for contamination of downstream soils and sediments;
 - d. Sulphate, metal and NORM contamination of the surface bodies and their sediments, and groundwater, and in addition the potential contamination of surface soils overlying shallow polluted groundwater via evaporative pathways during dry seasons.
3. There is the potential for:
 - a. sulphate, chloride, metal and NORM contamination of crop soils irrigated with contaminated surface water or contaminated groundwater;

- b. the concomitant loss of genetic /biodiversity and potentially ecosystem functions, goods and services on disturbed and polluted properties;
 - c. Structural damage to buildings and other structures and human injury by mining exacerbated seismicity and sinkhole formations.
- 4. Five pans are located on the area to be affected by the open pit.
- 5. The proposed Project is within the Aston Lake catchment, surrounded by wetlands and drained by the the Dwars-in-Die Wegvlei and the Verdrietlaagte stream on either sides. The Lake discharge flows into the Blesbokspruit.
- 6. The wetlands are providing important hydrological services such as flood attenuation, streamflow regulation during low flow periods and water quality improvement. The wetlands are important for the provision of the crops and for the cattle raised on the properties. Furthermore, these wetlands are an important water source for the land owners and surrounding communities. Due to the significant extent of hillslope seep wetlands, which indicate perched groundwater, the wetlands will also play an important role in the catchment water recharge.
- 7. Operational activities will be occurring within an ecologically sensitive catchment and thus the handling, stockpiling and transport of the coal will have some impacts to the wetlands, particularly with respect to the haul road that crosses the NFEPA Rank 1 wetland, upstream of Aston Lake.
- 8. The Mining and Biodiversity Guideline's implications for mining in these areas of highest and high biodiversity importance were not considered.
- 9. Post-mining water decant is predicted to occur once the final void has been rehabilitated and groundwater levels are allowed to return back to natural level. It is anticipated that this decant will be acid forming (acid mine draining, AMD).
- 10. The Financial Provisions of the Authorisation Holder are inadequate to address the pumping and treatment of extraneous or polluted water which may continue for many years after mine closure.
- 11. There have been no proper quantitative assessments conducted pertaining to the long-term risks of Authorisation Holder's tailings storage facilities and rock dumps on the groundwater.
- 12. The monitoring programme is not clearly stipulated in the EMPR document and hence it is not clear if the extent of contaminant plumes is known.
- 13. The status of the geohydrological regime, the extent of contamination, preferential pathways and predictions regarding long – term migration have not been identified. As a result there are very limited mitigation or management options described in the EMPR that specifically deal with the containment / rehabilitation of contaminated groundwater.
- 14. The potential impact on the groundwater from other surface contaminant sources such as the metallurgical plants, domestic and industrial waste sites were not described.

Chapter Five of the National Development Plan (NDP) sets out a framework and guiding principles to ensure that by 2030 South Africa's transition to a low carbon, climate resilient and sustainable economy and society will be well underway. The key points in Chapter Five

of the NDP, titled “Ensuring environmental sustainability and equitable transition to a low-carbon economy are:

- South Africa has a rich endowment of natural resources and mineral deposits, which, if responsibly used, can fund the transition to a low carbon future and a more diverse and inclusive economy.
- Developmental challenges must be addressed in a manner that ensures environmental sustainability and builds resilience to the effects of climate change, particularly in poorer communities.
- The development of environmentally sustainable green products and services, including renewable energy technologies, will contribute to the creation of jobs in niche markets where South Africa has or can develop a competitive advantage.

The authorisation by the DMR of a new open cast coal mining operations, with a lifespan of 47 years is clearly in contradiction of the vision of the NDP.

SUBMITTED BY:

Mariette Liefferink.

CEO: FEDERATION FOR A SUSTAINABLE ENVIRONMENT.

2 April 2019.