



# water & sanitation

Department  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

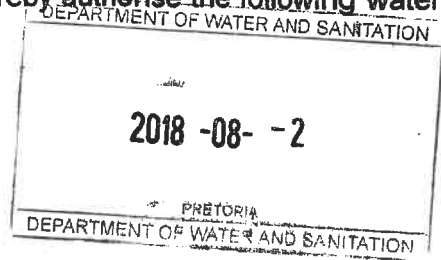
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## LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) (THE ACT)

I, **Sifiso Mkhize**, in my capacity as Director-General (Acting) in the Department of Water and Sanitation (herein after referred to as the Department) and acting under authority of the powers delegated to me by the Minister of Water and Sanitation, hereby authorise the following water use in respect of this licence:

SIGNED: 

DATE: 18/12/2017



LICENCE NO: 06/B11K/G/6921  
FILE NO: 27/2/2/B1011/22/1

1. **Licensee:** Dapple Trading (Pty) Ltd JV with Lutamo Investment (Pty) Ltd: Hillside Loading Facility  
**Postal Address:** Postnet Suite 387  
Private Bag X7297  
eMalaheni  
1035

2. **Water Use**

2.1 Section 21(g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource, subject to the conditions as set out in Appendices I and II.

3. **Property on which the use will be exercised and registered owner of the Property**

3.1 **Table 1: Property details**

Property Name	Title Deed Number	Registered Property Owner
Portion 62 of the farm Elandspruit 291 JS	T603/2001	Mr Bunny Ngcobo.

4. **Licence and Review Period**

4.1 This licence is valid for a period of twenty (20) year(s) from the date of issuance and it may be reviewed in an interval of not more than five (5) years.

**B11307**

**5. Definitions**

Any terms, words and expressions as defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence.

"The Provincial Head" means Provincial Head: Mpumalanga, Department of Water and Sanitation, Private Bag X11259, Mbombela, 1200.

"Report" refers to the reports entitled Integrated Water Use Licence Application dated 6 January 2017, Geohydrological Report dated April 2012, Public Participation Report dated September 2011 and Civil Designs Report for proposed Storm Water Management Dam dated August 2015 as well as all other related documentations and communication (emails, letters, verbal, etc) thereto.

**6. Brief description of the application**

The applicant, Dapple Trading (Pty) Ltd JV with Lutamo Investment (Pty) Ltd: Hillside Loading Facility applied for the water use licence in terms of section 21(g) of the National water Act, 1998 (Act 36 of 1998) disposing water containing waste in Pollution Control Dam, stockpiling of coal and dust suppression of Haul Road Roads.

## APPENDIX I

### CONDITIONS FOR THE LICENCE

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. The Licensee must immediately inform the Provincial Head of any change of name, address, premises and/or legal status.
4. If the property in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Provincial Head of the Department within 60 days of the said change taking place.
5. If a water user association is established in the area to manage the resource, membership of the Licensee to this association is compulsory.
6. The Licensee shall be responsible for any water use charges or levies imposed by a responsible authority.
7. While effect must be given to the Reserve as determined in terms of the Act, where a desktop determination of the Reserve has been used in issuance of a licence, when a comprehensive determination of the Reserve has finally been made; it shall be given effect to.
8. When compulsory licensing is implemented for the water resource in respect of which this licence was issued, the water use authorized in this licence could be subject to appropriate reduction.
9. The licence shall not be construed as exempting the Licensee from compliance with the provisions any other applicable Act, Ordinance, Regulation or By-law.
10. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other applicable provisions of the Act, as amended from time to time.
11. The Licensee shall conduct an annual internal audit on compliance with the conditions of licence. A report on the audit shall be submitted to the Provincial Head within one month of the finalisation of the audit.
12. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within 3 (three) months of the date this license and a report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report.
13. Flow metering, recording and integrating devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals of not more than two years. Calibration certificates shall be available for inspection by the Provincial Head or his representative upon request.
14. Any incident that causes or may cause water pollution shall be reported to the Provincial Head or his/her designated representative within 24 hours.

## APPENDIX II

### Section 21(g) of the Act: Disposing of waste in a manner which may detrimentally impact on a water resource

#### 1. CONSTRUCTION AND OPERATION

- 1.1 The Licensee shall carry out and complete all the activities, including the construction and operation of the Pollution Control Dam, according to the Report and according to the Stefanutti Stocks Mining Services final plans as approved by the Provincial Head.
- 1.2 The construction of the Pollution Control Dam must be carried out under the supervision of a professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), as approved by the designer.
- 1.3 Within 30 days after the completion of the activities referred here in accordance with the relevant provisions of this licence, the Licensee shall in writing, under reference 27/2/2/B1011/22/1, inform the Provincial Head thereof. This shall be accompanied by a signature of approval from the designer referred to above that the construction was done according to the design plans referred to in the Report.
- 1.4 The Licensee must ensure that the disposal of the water containing waste and the operation and maintenance of the system are done according to the provisions in the Report.
- 1.5 The Licensee shall as well submit a set of as-built drawings to the Provincial Head after the completion of the Pollution Control Dam.
- 1.6 The Pollution Control Dam shall be operated and maintained to have a minimum freeboard of 0.8 metres above full supply level and all other water systems related thereto shall be operated in such a manner that it is at all times capable of handling the 1:50 year flood-event on top of its mean operating level.
- 1.7 The exposed Pollution Control Dam liner must be replaced after fifteen (15) years of operation unless the Licensee implements measures to ensure the liner is not exposed to the sun and such measures are implemented at the placement of the liner.
- 1.7 The Licensee shall use acknowledged methods for sampling and the date, time and sampler must be indicated for each sample.
- 1.8 Flow metering devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals of not more than once in two years. Calibration certificates shall be available for inspection by the Provincial Head or his representative upon request.

**2. STORAGE OF WATER CONTAINING WASTE**

2.1 The Licensee is authorised to dispose of waste or water containing waste into the Waste Management Facilities on the properties as indicated in Table 1.

**Table 2: Summary of water uses applied for**

Water use(s)	Purpose	Capacity/ Volume (m <sup>3</sup> , tonnes and/or m <sup>3</sup> /annum)	Property Description	Co-ordinates
<b>Section 21 (g)</b>				
Pollution Control Dam	Disposal of storm water runoff from the dirty water areas of the site i.e. stockpiling areas, workshop area.	4 600 m <sup>3</sup> /annum 6000 m <sup>3</sup>	Portion 62 of the farm Elandspruit 291 JS	S 25.82249 <sup>0</sup> E 29.35918 <sup>0</sup>  S 25.82215 <sup>0</sup> E 29.35928 <sup>0</sup>  S 25.82186 <sup>0</sup> E 29.35841 <sup>0</sup>  S 25.82219 <sup>0</sup> E 29.35824 <sup>0</sup>  S 25.82249 <sup>0</sup> E 29.35918 <sup>0</sup>
Haul Roads	Dust suppression on Haul Roads.	4 200 m <sup>3</sup> /annum	Portion 62 of the farm Elandspruit 291 JS.	
Coal Stockpile.	Disposal of discard.	20 000 m <sup>3</sup> /annum	Portion 62 of the farm Elandspruit 291 JS.	

2.2 The Licensee shall submit the coordinates of the locality of coal stockpile within three (3) months of the issuance of this licence.

**3. QUALITY OF WASTE WATER TO BE DISPOSED**

3.1 The quality of water containing waste disposed of into the Pollution Control Dam shall not exceed the limits set out in Table 2:

**Table 3: Variable limits**

SUBSTANCE/PARAMETER	LIMIT
pH	2.78
Aluminium (Al) in mg/l	19.5
Calcium (Ca) in mg/l	334
Chloride in mg/l	7
Sulphate (SO <sub>4</sub> ) in mg/l	1550
Sodium (Na) in mg/l	25.5
Fluoride (F) in mg/l	0.2
Iron (Fe) in mg/l	63.7
Magnesium (Mg) in mg/l	123
Manganese (Mn) in mg/l	10.6
Total dissolved solids (TDS) in mg/l	2454
Total suspended solids (TSS) in mg/l	111

**4. MONITORING**

4.1 The Licensee shall monitor surface water on monthly basis to determine the impact of the Pollution Control Dam and other activities on the water quality by taking samples at the monitoring points described in Table 3.

**Table 4: Surface water Monitoring Points**

Locality	Description	Latitude (S)	Longitude (E)
SDS	Downstream Spookspruit.	29°20'43.6560"	25°49'28.9200"
SUS	Upstream Spookspruit.	29°21'37.3320"	25°49'55.5600"
ABH1	Background	29°21'42.0480"	25°49'05.8800"
ABH2	Background/Impact	29°21'43.6680"	25°49'01.5600"
ABH4	Background/Impact		
ABH5	Background/Impact		

4.2 The Licensee shall monitor ground water on quarterly basis to determine the impact of the Pollution Control Dam and other activities on the water quality by taking samples at the monitoring points described in Table 4.

**Table 5: Groundwater Monitoring Points**

Locality	Latitude (S)	Longitude (E)
HSBH1	29°21'20.3760"	25°49'23.5200"
HSBH2	29°21'37.3320"	25°49'55.5600"

4.3 The Licensee shall submit the description of Table 4 monitoring points within three (3) months of the issuance of this licence.

4.4 The Licensee shall drill the recommended boreholes based on geophysics.

4.5 The Licensee shall submit the monitoring boreholes' ID, description and coordinates referred to in condition 4.4 within twelve (12) months of the issuance of this licence.

4.6 The date, time and monitoring point in respect of each sample taken shall be recorded together with the results of the analysis.

4.7 Monitoring points shall not be changed prior to notification to and written approval by the Provincial Head.

4.8 Analysis shall be carried out in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), in terms of the Standards Act, 1982 (Act 30 of 1982).

4.9 The methods of analysis shall not be changed without prior notification to and written approval by the Minister.

**5. WATER RESOURCE PROTECTION**

5.1 The impact of the activities of the activity on the Spookspruit shall not exceed the following in-stream water quality objectives to be determined by the Department for the activity.

**6. REPORTING**

6.1 The Licensee shall update the water balance annually and calculate the loads of waste emanating from the activities. The Licensee shall determine the contribution of their activities to the mass balance for the water resource and must furthermore co-operate with other water users in the catchment to determine the mass balance for the water resource reserve compliance point.

- 6.2 The Licensee shall submit the results of analysis for the monitoring requirements to the Provincial Head on a quarterly basis under Reference number 27/2/2/B1011/22/1.
- 6.3 A copy of the service agreement with Steve Tshwete Local Municipality for supply of potable must be submitted to the Department within three (3) months of the issuance of this licence.

## **7. STORM WATER MANAGEMENT**

- 7.1 Stormwater leaving the Licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the premises.
- 7.2 Increase runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering the stream.
- 7.3 Storm-water shall be diverted from the Hillside Loading Facility complex site and roads and shall be managed in such a manner as to disperse runoff and concentrating the storm-water flow.
- 7.4 Where necessary works must be constructed to attenuate the velocity of any storm-water discharge and to protect the banks of the affected watercourses.
- 7.5 Storm-water control works must be constructed, operated and maintained in a sustainable manner throughout the impacted area.
- 7.6 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm-water does not lead to bank instability and excessive levels of silt entering the streams.
- 7.7 All storm-water that would naturally run across the pollution areas shall be diverted via channels and trapezoidal drains designed to contain the 1:50 year flood.
- 7.8 The polluted storm water system shall be designed and implemented to provide suitable routing and pumping capacity for contaminated storm water from the individual facilities to the respective storm water dams in accordance with the design specifications as contained in the Stefanutti Stocks Mining Services.
- 7.9 The polluted storm water captured in the Pollution Control Dam shall be pumped to the process water treatment plant for reuse and recycling.

## **8. PLANT AREAS AND CONVEYANCES**

- 8.1 Pollution caused by spills from the conveyances must be prevented through proper maintenance and effective protective measures especially near all stream crossings.
- 8.2 All reagent storage tanks and reaction units must be supplied with a bunded area built to the capacity of the facility and provided with sumps and pumps to return the spilled material back into the system. The system shall be maintained in a state of good repair and standby pumps must be provided.
- 8.3 Any hazardous substances must be handled according to the relevant legislation relating to the transport, storage and use of the substance.
- 8.4 Any access roads or temporary crossings must be:

- 8.4.1 non-erosive, structurally stable and shall not induce any flooding or safety hazard; and
- 8.4.2 be repaired immediately to prevent further damage.

## 9. ACCESS CONTROL

- 9.1 Strict access procedures must be followed in order to gain access to the property. Access to the Pollution Control Dam must be limited to authorised employees of the Licensee and their Contractors only.
- 9.2 Notices prohibiting unauthorised persons from entering the areas referred to in condition 9.1, as well as internationally acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas.

## 10. CONTINGENCIES

- 10.1 Accurate and up-to-date records shall be kept of all system malfunctions resulting in non-compliance with the requirements of this licence. The records shall be available for inspection by the Provincial Head upon request. Such malfunctions shall be tabulated under the following headings with a full explanation of all the contributory circumstances:
  - 10.1.1 operating errors;
  - 10.1.2 mechanical failures (including design, installation or maintenance);
  - 10.1.3 environmental factors (e.g. flood);
  - 10.1.4 loss of supply services (e.g. power failure); and
  - 10.1.5 other causes.
- 10.2 The Licensee must, within 24 hours, notify the Provincial Head of the occurrence or potential occurrence of any incident which has the potential to cause, or has caused water pollution, pollution of the environment, health risks or which is a contravention of the licence conditions.
- 10.3 The Licensee must, within 14 days, or a shorter period of time, as specified by the Provincial Head, from the occurrence or detection of any incident referred above, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Provincial Head of measures taken to: –
  - 10.3.1 correct the impacts resulting from the incident;
  - 10.3.2 prevent the incident from causing any further impacts; and
  - 10.3.3 prevent a recurrence of a similar incident.

## 11. AUDITING

- 11.1 The Licensee shall conduct an annual internal audit on compliance with the conditions of this licence. A report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report, and shall be made available to an external auditor should the need arise.
- 11.2 The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within 3 (three) months of the date this license was issued and a report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report.

## 12. INTEGRATED WATER AND WASTE MANAGEMENT

- 12.1 The Licensee must prepare an *Integrated Water and Waste Management Plan (IWWMP)*, which must together with the *Rehabilitation Strategy and Implementation Programme (RSIP)*, be submitted to the Provincial Head for approval within one (1) year from the date of issuance of this licence.
- 12.2 The IWWMP and RSIP shall thereafter be updated and submitted to the Provincial Head for approval, annually.



- 12.3 The Licensee must, at least 180 days prior to the intended closure of any facility, or any portion thereof, notify the Provincial Head of such intention and submit any final amendments to the IWWMP and RSIP as well as a final *Closure Plan*, for approval.
- 12.4 The Licensee shall make full financial provision for all investigations, designs, construction, operation and maintenance for a water treatment plant should it become a requirement as a long-term water management strategy.

**[END OF LICENCE]**