

APPENDIX C.3

CO-GOVERNANCE

TABLE OF CONTENTS

1	PROCESS DIAGRAM.....	1
2	PROCEDURAL GUIDELINE	2
2.1	Roles and responsibilities of various role-players.....	2
	2.1.1 The Department of Water Affairs and Forestry (the Department).....	2
	2.1.2 Other Departments.....	2
2.2	Procedure for evaluation of documentation	3
	2.2.1 Identify appropriate review personnel	3
	2.2.2 Review documentation	3
	2.2.3 Prepare motivation	3
	2.2.4 Departmental approval	3

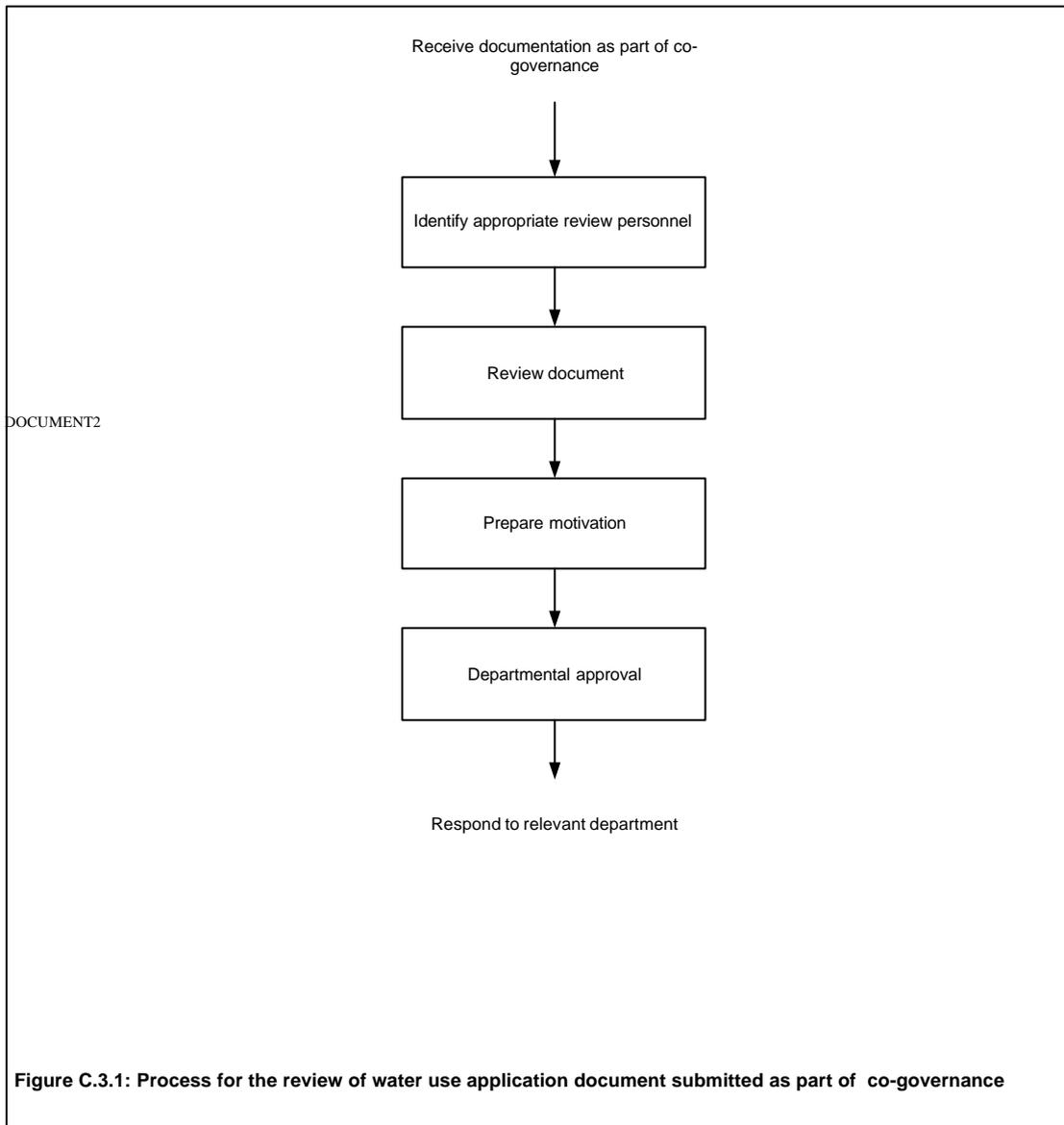
LIST OF TABLES

Table 1	Delegated responsibility for approval
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LIST OF APPENDICES

Appendix 1	Checklist for the evaluation of the water related aspects of an environmental management plan of a mine
Appendix 2	Motivation for an approval of an EMP

1 PROCESS DIAGRAM



2 PROCEDURAL GUIDELINE

2.1 Roles and responsibilities of various role-players

2.1.1 The Department of Water Affairs and Forestry (the Department)

The Department will be responsible to:

- identify the appropriate personnel who will be responsible for the review of the documentation,
- review the applicable documentation within one month of receipt of the document or within the time-frame specified by the other department or the Memorandum of Understanding (MOU),
- adhere to any other obligations specified in the applicable MoU.

Table 1 indicates the delegated responsibilities within the Department for approval of documentation reviewed through the co-governance process.

Table 1: Delegated responsibility for approval

Sector	Type of infrastructure	Risk class		
		A (High risk)	B (Medium risk)	C (Low risk)
Mines/Industry	Existing mines and/or industry	Regional Director	Regional Director	Deputy Director: Water Quality Management (Region)
	New mines and/or industry	Manager: Waste Discharge and Disposal	Regional Director	Deputy Director: Water Quality Management (Region)
Agriculture	-	N/A	N/A	Deputy Director: Water Quality Management (Region)
Settlements Urban	Sewage	N/A	Regional Director	N/A
Settlements Rural/Dense	-	Regional Director	N/A	N/A
National Infrastructure	-	Manager: Waste Discharge and Disposal	Regional Director	

2.1.2 Other Departments

Other departments will be responsible to:

- provide all information and data necessary to conduct the review,
- provide a time-frame for the review, and
- adhere to any other obligations specified in the applicable MoU.

2.2 Procedure for evaluation of documentation

The procedure for evaluating documentation received from another department as part of co-governance is shown in **Figure C.3.1**. The Department will first receive the documentation from the other department, as part of the co-governance process, together with the applicable time-frame for reply (unless this is specified in the MoU). The Department will then undertake the following tasks.

2.2.1 Identify appropriate review personnel

The delegated authority that is responsible within the Department for the applicable sector and risk class (see **Table 1**) will identify the appropriate personnel to review the documentation.

2.2.2 Review documentation

The responsible person will review the document, according to the relevant guidelines. **Appendix 1** provides an example of a check-list that can be used to review the documentation.

2.2.3 Prepare motivation

The responsible person will prepare a motivation to approve the water use application from the Department. **Appendix 2** provides an example of the letter to use for the motivation. The motivation should include one of the following recommendations:

- approval of the water use application, or
- rejection of the water use application, stating the reasons to support this decision, or
- a request for more time to evaluate the documentation; this should be accompanied by a commitment to a date by which a decision will be given.

2.2.4 Departmental approval

The delegated authority (see **Table 1**) will approve the motivation. The Department will then respond in writing to the other department.

APPENDIX 1

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

CHECKLIST FOR THE EVALUATION OF THE WATER RELATED ASPECTS OF AN ENVIRONMENTAL MANAGEMENT PLAN OF A MINE

1. BACKGROUND

Name of Mine:

Mineral mined:

Category of mine:

Mining method:

Catchment:

Nearest river:

2. IMPACT ASSESSMENT (PHASES: CONSTRUCTION; OPERATIONAL; DECOMMISSIONING; POST CLOSURE)

Was the identification and assessment of the impact of the proponent's operations **appropriate**, **accurate** and **reliable**, with regard to:

Water Environment

Surfacewater:

- Quality
 - Local: _____
 - Regional: _____
- Yield and Hydrology
 - Local: _____
 - Regional: _____

Ground Water

- Quality
 - Local: _____
 - Regional: _____
- Yield and Geohydrology
 - Local: _____
 - Regional: _____

Other Environmental Media (Specify, i.e. Wetlands etc.)

3. MANAGEMENT PLAN (PHASES: CONSTRUCTION; OPERATIONAL; DECOMMISSIONING; POST CLOSURE)

Do the proposed impact management measures regarding the items below adhere to the Department's current evaluation criteria and are they appropriate to mitigate impacts identified in the impact assessment:

(Note: This includes the siting, design, construction, operation, maintenance, final rehabilitation and control of those measures.)

Water Pollution Prevention Methods

Prevention or retarding of pyrite oxidation in stopes.

Maximisation of opencast rehabilitation.

Rehabilitation and vegetation of Residue Deposits.

Management of water, slimes and slurry circuits to prevent and contain spillage.

Construction and maintenance of paddocks and pollution control dams.

Disposal of non-mine waste.

Other (Specify)

Storm Water Management

Separation of clean and dirty water.

Prevention of stormwater inflow into mine workings.

Runoff and spillage from:

- Tailings dams
-

- Slurry ponds
-

- Plant area
-

- Stockpiles
-

- Waste dumps
-

- Stream alterations
-

Ground Water Management

Impervious liners for Pollution Control Dams

Impervious liners for Residue Deposits

Minimisation and Reuse of Mine Water

Process Water

Sewage effluent

Contaminated stormwater

Decant water from opencast areas

Dewatering of mining areas

Monitoring System

Surface water

Ground water

4. RESIDUAL IMPACT ON THE WATER ENVIRONMENT (PHASES: CONSTRUCTION; OPERATIONAL; DECOMMISSIONING; POST CLOSURE)

Is the anticipated residual impact on the water resource acceptable, after taking due cognisance of the measures taken for each of the pollution sources, with regard to:

Surface water

- Quality
 - Local: _____
 - Regional: _____
- Yield and Geohydrology
 - Local: _____
 - Regional: _____

Ground Water

- Quality
 - Local: _____
 - Regional: _____

- Yield and Geohydrology
 - Local: _____
 - Regional: _____

5. FINANCIAL PROVISION

Has the proponent the financial means to ensure that the management measures proposed to control the effect of his activities on the water environment, will be implemented and maintained during the:

- Construction phase

- Operational phase

- Decommissioning phase

- Post closure phase

6. RESIDUAL RISK

(The aspects outlined hereunder are aimed at quantifying the residual risk and should be considered carefully)

Proponent

Did the proponent:

- demonstrate that he comprehends the Departments requirements?
- translate these requirements into acceptable measurable objectives?
- indicate that these objectives are achievable at operational level?

Did the proponent demonstrate that he comprehends the holistic and integrated nature of the system? (Integrated Environment Management (IEM) for prospecting and mining?)

Is the proponent's attitude and track record regarding environmental issues such that it could be stated with reasonable certainty that this EMP will be implemented and maintained?

Impact Assessment

Is there a risk that the Impact Assessment may not be properly identified, appropriate or accurate/acceptable?

Impact Management

Is there a risk that the Impact Management may not be reliable, sustainable or appropriate/acceptable?

Contingency Plans

Have contingency plans been developed in case the management measures are not feasible or appropriate?

Additional controls

Are additional controls in place to minimise the residual risk, (to ensure effective implementation and control over the EMP), such as:

Statutory instruments (These may include inter alia permits in terms of Sections 9, 9A, 9B, 9C, 11, 12, 12A, 12B, 20 and 21 of the Water Act and Section 20 of the Environment Conservation Act)

Non-statutory instruments:

- Catchment Management Plan
- Ongoing and structured involvement of interested and affected parties

7. RECOMMENDATION

Approval of the EMP is recommended/not recommended.

Name of Officer

Date

APPENDIX 2: MOTIVATION FOR APPROVAL OF AN EMP

Name of Officer:
Telephone #:
File #:

Director-General
Department of Water Affairs and Forestry
Private Bag X313
Pretoria, 0001

Attention: Chief Engineer: Water Quality Management: Mines

RECOMMENDATION FOR APPROVAL OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME (EMP) OF XYZ MINE (CATEGORY OF MINE)

1. PURPOSE OF SUBMISSION

To obtain approval that a recommendation can be made by the Regional Director of this Department to the Regional Director of the Department of Minerals and Energy (DME) that the EMP of the XYZ mine can be approved.

2. BACKGROUND

Background information, for example:

- Name of mine
- Mineral mined
- Classification (Category of Mine)
- Mining method
- Catchment
- Nearest River

3. MOTIVATION

The Environmental Management Programme (EMP) of XYZ Mine required by Section 39 of the Minerals Act (Act 50 of 1991) has been referred by the Department of Minerals and Energy to this Department for comment and recommendation. By means of this motivation, the Department of Water Affairs and Forestry recommends the approval of this EMP to the Regional Director. ***Region of the Department of Minerals and Energy.

4. KEY DECISIONS

The following are the key decisions taken in order to recommend the approval of the EMP of XYZ Mine. The detailed evaluation of the water related aspects are appended.

2.3 4.1 Impact Assessment

The identification and assessment of the impact of a mine's existing and future activities on the water environment (e.g. surface, groundwater, marine etc.) is appropriate, accurate and reliable. The full life cycle of the mine was taken into account, as well as interaction with other environmental media.

2.4 4.2 Impact Management

The existing and proposed impact management measures fulfil the Department of Water Affairs and Forestry (DWAF)'s current criteria and standards with respect to measures of this nature. After implementation of these measures, the residual effect on the water environment is also acceptable.

2.5 4.3 Financial Provision

Financial provision for closure costs and for any outstanding rehabilitation at any point in time and to ensure that the existing and proposed impact management measures are implemented and maintained, is adequate, accessible, secure and allocated specifically for the intended purpose.

2.6 4.4 Residual Risk

The residual risk for adverse effects on the water environment is acceptable. The above mentioned aspects and the additional measures to minimise this risk, have been taken into consideration.

5. APPROVAL

Approval is requested that a recommendation can be made to the DME that the EMP of the XYZ mine can be approved. The authority to approve this decision for a new Category A mine has been delegated to the Director: Water Quality Management, in terms of departmental policy in Operational Guideline N. M5.0

Deputy Director: *** Region
Date:
RECOMMENDED/NOT RECOMMENDED

Regional Director: *** Region
Date:
(The following signatures are only applicable in the case of a new Category A mine.)
RECOMMENDED/NOT RECOMMENDED

Chief Engineer: Water Quality Management: Sub Directorate Mines
Date:
APPROVED/NOT APPROVED

Director: Water Quality Management
Date
APPROVED/NOT APPROVED