



# water affairs

Department:  
Water Affairs  
**REPUBLIC OF SOUTH AFRICA**

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**Gauteng Regional Office**

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Reference: 16/2/7/C231/C040

## *HAND DELIVERY*

Chief Financial Officer  
Mintails SA Pty Ltd  
P O Box 803  
**KRUGERSDORP**  
1740

ATTENTION: Mr Eddie Milne

Dear Sir

### **NOTICE OF INTENTION TO ISSUE A DIRECTIVE IN TERMS OF SECTION 19 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) (NWA) TO MINTAILS SA (PTY) LTD**

Reference is made to the Department of Water Affairs' (DWA) inspection on 12 December 2013 in relation to the Mintails' operations, Krugersdorp area.

The inspection has confirmed that there is a recurrence of pollution incidents due to mining operations. These pollution impacts pose an adverse impact on the water resources (Wonderfonteinspruit). The following observations are of concern:

- i. Spillages of slurry and stockpiles are lying fallow along the servitude of the pipeline that conveys slurry from the CAMS dump to the Mogale Gold processing plant;
- ii. Discoloured reddish-brown water is found ponding around the areas affected by the spillages.
- iii. The pipelines conveying slurry/ related products which cross the storm water culvert at K13 road regularly experiences failure and the area is recorded as having experienced several pollution incidents (refer to monthly incident report compiled by Mintails SA (Pty) Ltd and/ or Mogale Gold); and
- iv. The storm water channel running parallel to Lancaster Dam is compromised due to accumulation of sediments from previous spillages and/ poor storm water management leading to sedimentation of the watercourse.

The Department is therefore of the opinion that the mine is not complying with the provisions of the NWA.

In light of the above, I, Marius Keet, in my capacity as Regional Head (Acting): Gauteng of the Department of Water Affairs and duly authorised in terms of powers delegated to me by the Minister of Water and Environmental Affairs, hereby give you five (5) working days from receipt of this notice, to make a written representation to the DWA in the event that the above is incorrect.

Failure to make such representation will result in the DWA issuing a directive in terms of Section 19(3) of the NWA which will require you to:

1. Conduct a radioactivity survey to identify all areas with slurry spillages (historic and recent) as a result of the mine operation;
2. All mined out areas (open casts and/ or surface reclamation sites) must be remediated and rehabilitated concurrently where possible to ensure that there is minimal or no pollution impact on the water resources;
3. Submit remediation and rehabilitation plans accompanied by a method statement that is approved by an engineer and environmental officer for all areas identified in (1) and (2);
4. Develop a storm water management plan with civil designs approved by an engineer for all mining activities;
5. Develop a plan in consultation with relevant engineers to minimise pipeline failures and avoid further pollution from entering clean water systems and water resources;
6. Develop and implement a monitoring regimen within the Wonderfontein spruit at suitable locations downstream of Lancaster Dam. The monitoring regimen must be for parameters listed in Table 1;
7. Submit the data of the monitoring programme stipulated in (6) on a monthly basis to the DWA;
8. Treat all tailings material which are as a result of spillages and mine operation to cyanide level of  $\leq 0.5$  mg/L and dispose into the West Wits Pit; and
9. As applicable, submit the above information within thirty (30) days of receipt of the intended Directive for approval by the DWA.

All documentation submitted to this Office must be in line with the NWA, the Department's relevant policies and guidelines including Regulations in Government Notice (GN) 704 dated 04 June 1999 and Best Practice Guidelines for Water Resource Protection in the South African Mining Industry.

**Table 1: Parameters to be monitored**

Variable	Unit
pH	
Electrical Conductivity (EC)	mS/m
Total dissolved solids (TDS)	mg/L
Suspended solids (SS)	mg/L
Sulphate (as $\text{SO}_4$ )	mg/L
Total cyanide (as CN)	mg/L
Calcium (as $\text{CaCO}_3$ )	mg/L
Chloride (as Cl)	mg/L
Fluoride (as F)	mg/L
Magnesium (as $\text{MgCO}_3$ )	mg/L
Sodium (as Na)	mg/L
Aluminium (Al)	mg/L
Boron (B)	mg/L
Cadmium (Cd)	mg/L
Copper (as Cu)	mg/L
Iron (as Fe)	mg/L
Lead (Pb)	mg/L
Manganese (as Mn)	mg/L
Nickel (Ni)	mg/L
Mass Uranium (U)	$\mu\text{g/L}$
Zinc (Zn)	mg/L

Please be advised that in the event that the DWA issues a directive and you do not comply therewith, the DWA may, in terms of Section 53(2), carry out any works and take any necessary action to rectify the aforesaid contravention, and recover all reasonable costs incurred from you; or it may apply to the relevant Court for appropriate relief.

Failure to comply with the abovementioned requirements constitutes a criminal offence in terms of Section 151(1) of the NWA. Section 151(2) provides that a person who contravenes Section 151(1) of the NWA is guilty of an offence and liable on first conviction to a fine or to imprisonment for a period not exceeding five (5) years or to both such fine and such imprisonment.

We wish to make it clear that the instructions in this notice are made in the interest of responsible water resource management and with a view to a co-operative resolution of the issue.

Representations must be forwarded for the attention of the REGIONAL HEAD (Acting) and delivered to:

REGIONAL HEAD: GAUTENG  
Bothongo Plaza East Building  
15<sup>th</sup> Floor  
285 Francis Baard Street  
PRETORIA

OR

REGIONAL HEAD: GAUTENG  
Private Bag X995  
PRETORIA  
0001

Tel: 012 392 1300  
Fax: 012 392 1304

Should you have any queries, please contact Mr M Tlaila of this office.



**REGIONAL HEAD (ACTING): GAUTENG**

DATE: 2014/01/23

***Acknowledgement of Receipt***

Received by Mr/ Ms \_\_\_\_\_ (name and surname)  
on behalf of Mintails SA (Pty) Ltd and/ Mogale Gold Mine on this \_\_\_\_\_ day  
of \_\_\_\_\_ 2014.

Signature \_\_\_\_\_

Cc: Regional Manager: Gauteng  
Department of Mineral Resources  
Private Bag X5  
**BRAAMFONTEIN**  
2107