

12 October 2021

Department of Environment, Forestry and Fisheries
Sub-Directorate: Waste Licencing Systems Management
Attention: L Mahlangu
Environmental House
Corner Steve Biko and Soutpansberg Street
Arcadia X6
PRETORIA
0083
By e-mail: lmahlangu@environment.gov.za

Dear Sir / Madam

APPLICATION FOR THE EXCLUSION OF WASTE STREAMS OR PORTION OF WASTE STREAMS FROM THE DEFINITION OF WASTE AS CONTEMPLATED IN THE NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT 59 OF 2008 READ WITH THE REGULATORY PROVISIONS IN GOVERNMENT NOTICE 715 OF 18 JULY 2018

1. We attach under cover of this correspondence an application for the exclusion of mine overburden from the definition of waste in the National Environmental Management Waste Act 59 of 2008 (“NEMWA”) read with the Waste Exclusion Regulations, 2018 as published in Government Notice 715 in Government Gazette Number 41777 of 18 July 2018 (“the Waste Exclusion Regulations”) (“the Application”). Glencore Operations South Africa (Pty) Ltd (“GOSA”), Glencore Coal Division’s, Umsimbithi Mining, Wonderfontein Colliery is an applicant within the meaning of the definition of an Applicant described in the Waste Exclusion Regulations (“the Applicant”).

Umsimbithi Mining (Pty) Ltd

(Registration Number: 2006/010911/07)

Business Address: Krugerdam Rd, Aerorand, Middelburg, 1050

Mailing Address: Suite MW 113, Private Bag X1838, Middelburg, 1050

Telephone: +27 13 244 8000 Telefax: 086 666 5548

Registered Address: 39 Melrose Boulevard, 3rd Floor, Melrose Arch, Melrose North, Johannesburg, 2196

Mailing Address: Suite No. 19, Private Bag X1, Melrose Arch, Johannesburg, 2076

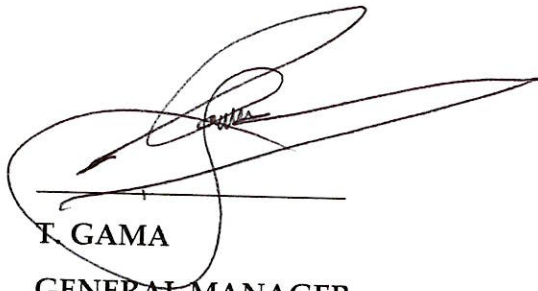
Telephone: +27 11 772 0600 Telefax: +27 11 772 0697

Directors: MJ Houston, WJ Du Plessis, YP Balfour, MDS Pasiya, NML Qata, B Mathebula

2. In terms of regulation, 5 of the Waste Exclusion Regulations an application for the exclusion of a waste stream or a portion of a waste stream must be lodged with the Minister responsible for environmental affairs using a form obtainable from the Department of Environment, Forestry and Fisheries (“**the Department**”). Kindly find attached hereto the prescribed application form in which application is made for the exclusion of mine residue for the beneficial use of backfilling of mine residue into an open pit created by opencast coal mining.
3. The Applicant submits that the Application meets with the criteria for exclusion of a waste stream or portion of a waste stream from the definition of waste as contemplated in regulation 7 to the Waste Exclusion Regulations in that (i) the Application demonstrates that the mine residue is being, or has been or will be used for a beneficial purpose locally, (ii) a risk assessment has been undertaken and a risk management plan prepared demonstrating that the intended beneficial use of backfilling of the mine residue into an open pit created by opencast coal mining can be managed in such a way as to ensure that the intended beneficial use of backfilling will not result in adverse environmental impacts, and (iii) the risk management plan has been developed and responds to the risks identified in the risk assessment which will accompany the delivery and management of the excluded waste at the relevant coal mining operation referred to in the Application.
4. The Applicant submits that to the best of its knowledge the Risk Assessment Report contemplated in regulation 8 and the Risk Management Plan contemplated in regulation 9 include and comply with the elements and contents as prescribed in the Waste Exclusion Regulations.
5. The Applicant requests the Department to acknowledge receipt of the Application as contemplated in regulation 6(1) of the Waste Exclusion Regulations within 14 days of date of receipt and to grant the Application and exclude the waste stream or portion of the waste stream from the definition of waste alternatively, advise whether the Applicant should amend the Application and resubmit or require any additional information.

6. For all communication with the Applicant in relation to the Application or information requirements kindly communicate with the Environmental Superintendent Hulisani Tshikondela at email address Hulisani.Tshikondela@glencore.co.za
7. We trust that the Department will consider the Application favourably and look forward to the Department's response and further engagement.

Yours faithfully

A handwritten signature in black ink, appearing to be 'T. GAMA', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

T. GAMA

GENERAL MANAGER

UMSIMBITHI MINING WONDERFONTEIN COLLIERY