

REPORT ON

GUIDELINE DOCUMENT FOR WATER USE AUTHORISATION IN THE MINING SECTOR

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Revision 2

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EXECUTIVE SUMMARY

The Department has divided its water quality management functions into the key areas of resource, source and remediation management. Strategies are currently being developed to manage these key focus areas. To meet its water quality management function, the Directorate Waste Discharge and Disposal and Sub-Directorate Mining have prepared a Preliminary Framework for Integrated Water Resources Management (IWRM) in the mining sector presented as 10 work packages, with associated objectives. This guideline document addresses work package No. 4 in the Preliminary Framework and deals with water use authorisations and the preparation of an operational guideline for Integrated Water Resource Management in the mining sector. This authorisations process will be integrated into the EMP process administered by the Department of Minerals and Energy.

The **goals** of the guideline document are as follows:

- To integrate all issues identified in the Stakeholder survey and Literature survey, as well as similar work underway within the Department, into the authorisation process,
- To standardise the Departments information requirements from the mining sector when completing license applications,
- To streamline the process of evaluation and approval of licenses in the mining sector, and
- To ensure that there is consultation with key stakeholders on the proposed authorisation process.

The guideline document is intended for use by all role-players in the mining sector who currently use water, or intend to use water in the future, as part of the mining operation and hence need to apply for a water use license.

The **purpose** of the guideline document is to streamline the process of applying for a water use authorisation in the mining sector. In doing this, the guideline document aims to clearly identify and describe the following aspects:

- the process and procedures to follow in applying for a water use licence,
- the information that is required from the applicant at the various stages of the water use authorisation process,
- the analyses that are required at the various stages of the water use authorisation process and the level of detail at which these analyses are to be conducted, and
- the evaluation methodology to be undertaken by the Department for a issuance of a water use license.

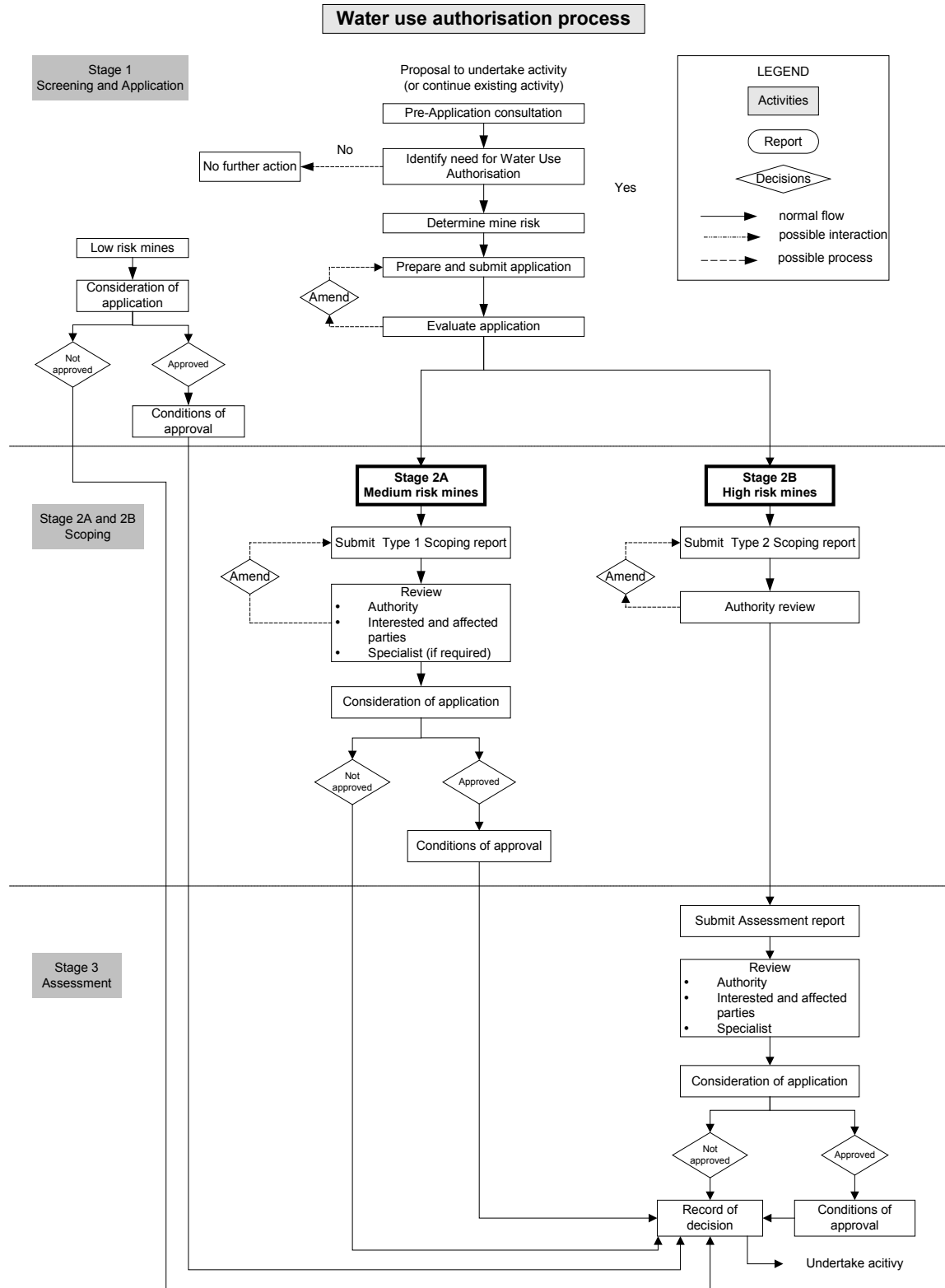
Meeting the above purpose should ensure that all role-players in the authorisations process will have a clear guide as to the process to follow, what is expected of them and the time-frames within which the work must be undertaken. This will ensure that the water use authorisation process is streamlined and meets the objectives of both the Department and other government role-players.

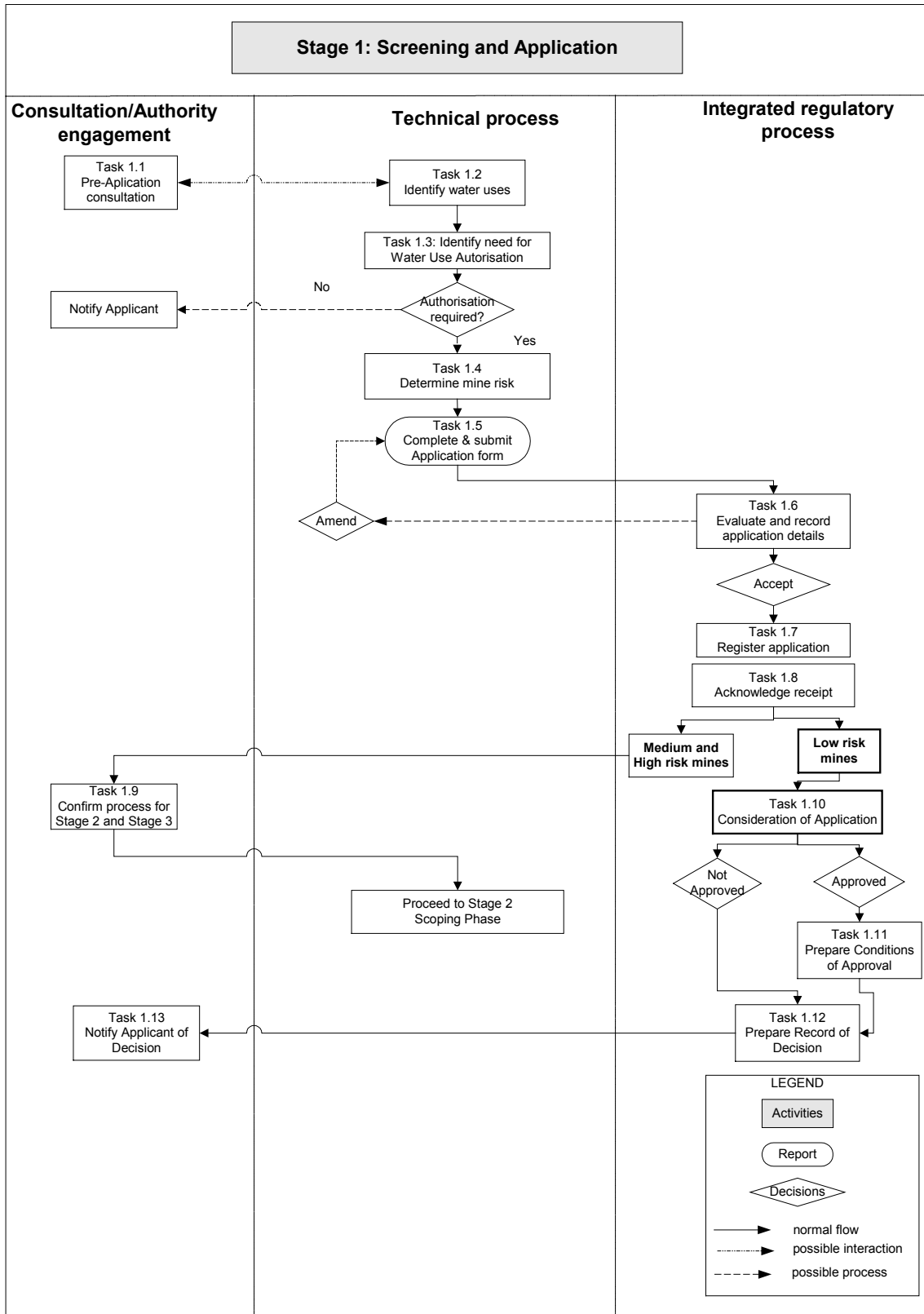
The guideline document has the following **limitations**:

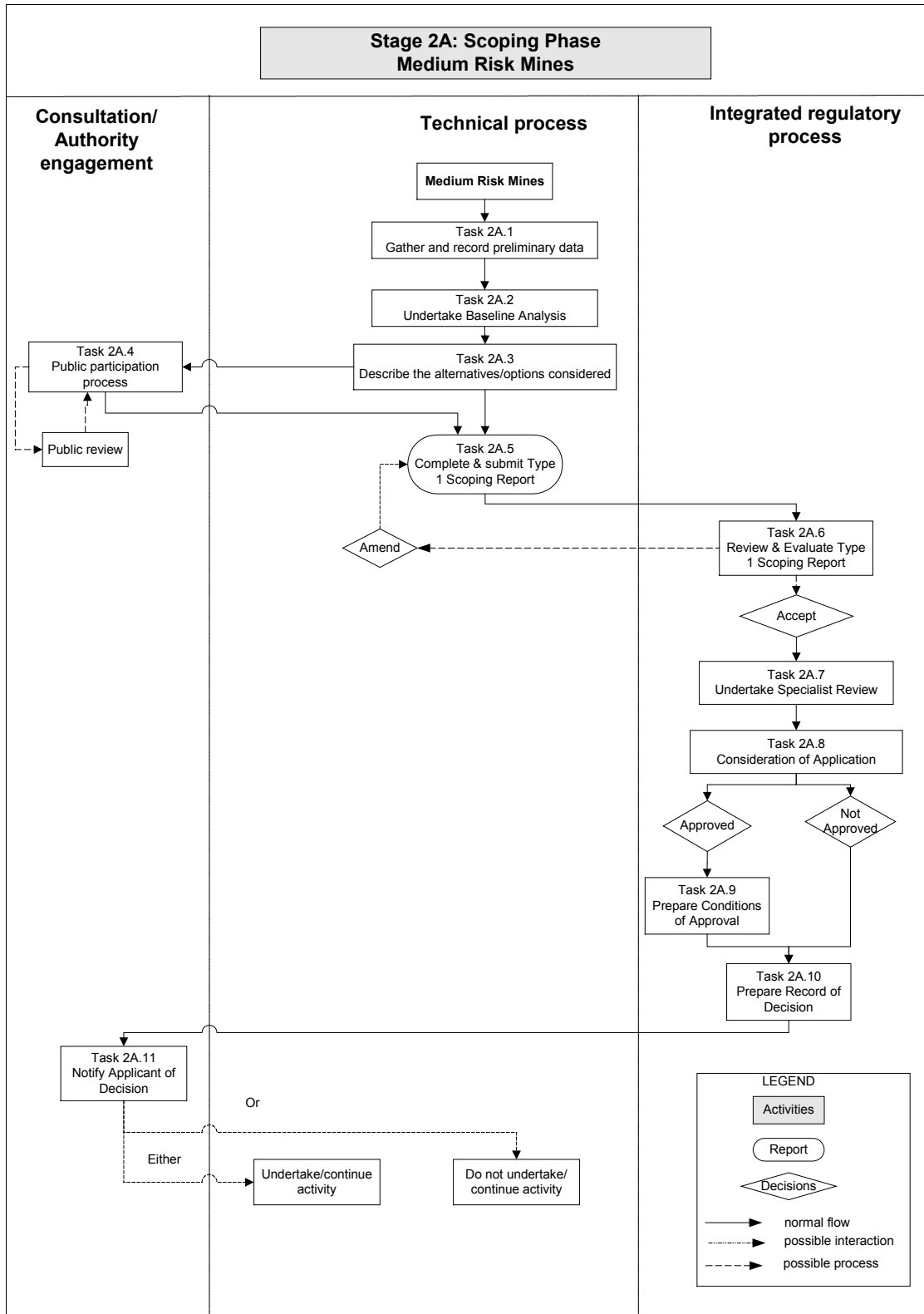
- The guideline document has no legal standing and is prepared for use solely as a tool in the water use authorisation process, (there is however the legal standing for the Department to request information, as covered in section 42 (2) of the NWA), and
- There is no guarantee that the application of this guideline document by the role-players will ensure that the obtaining and/or issuing of a water use licence is made any easier. Use of the guideline document by both the Department and the mining industry would nevertheless align the information/assessment requirements, improve transparency and assist in the evaluation process.

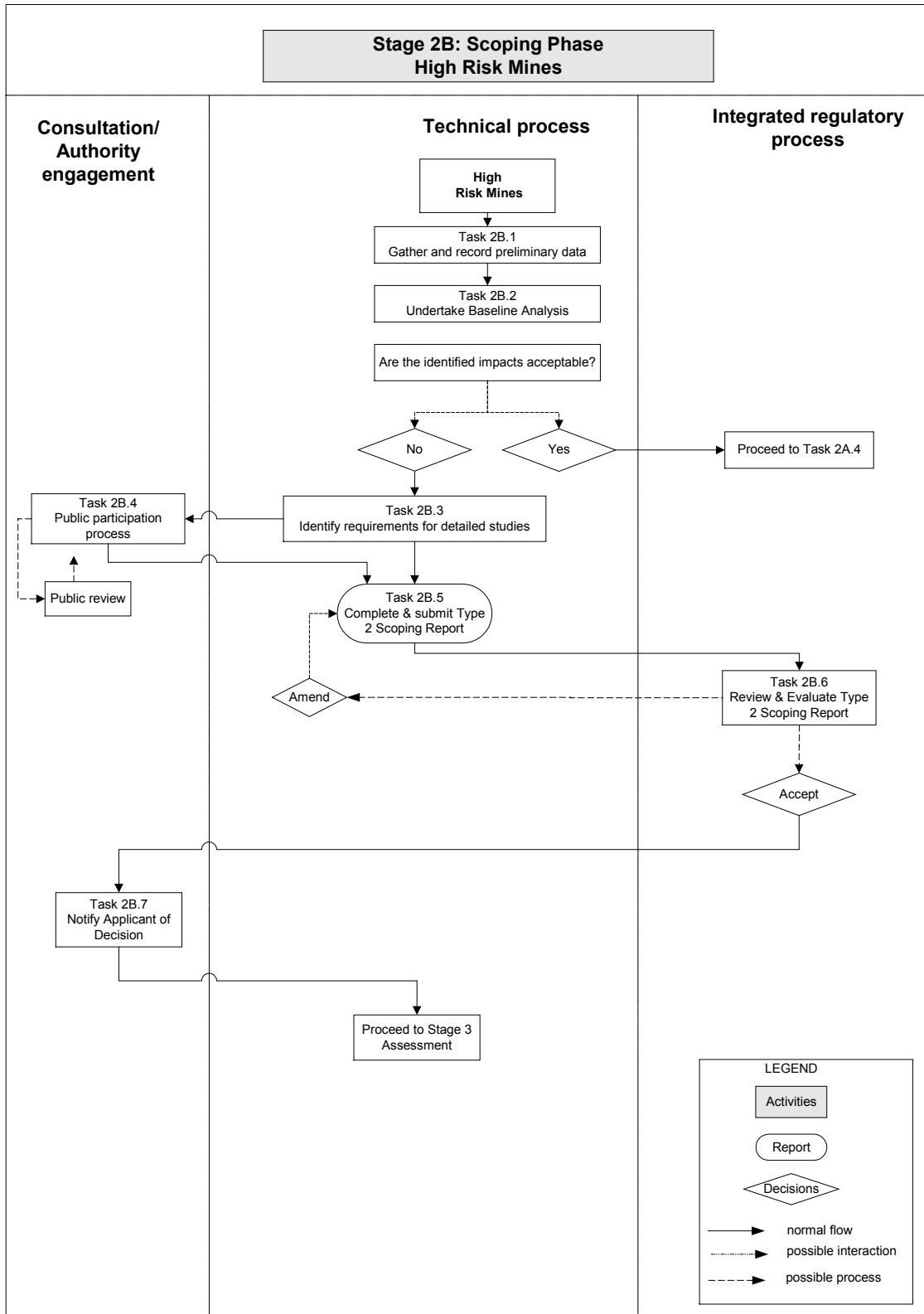
The figures that follow provide guidance on the use and structure of the guideline document, in terms of:

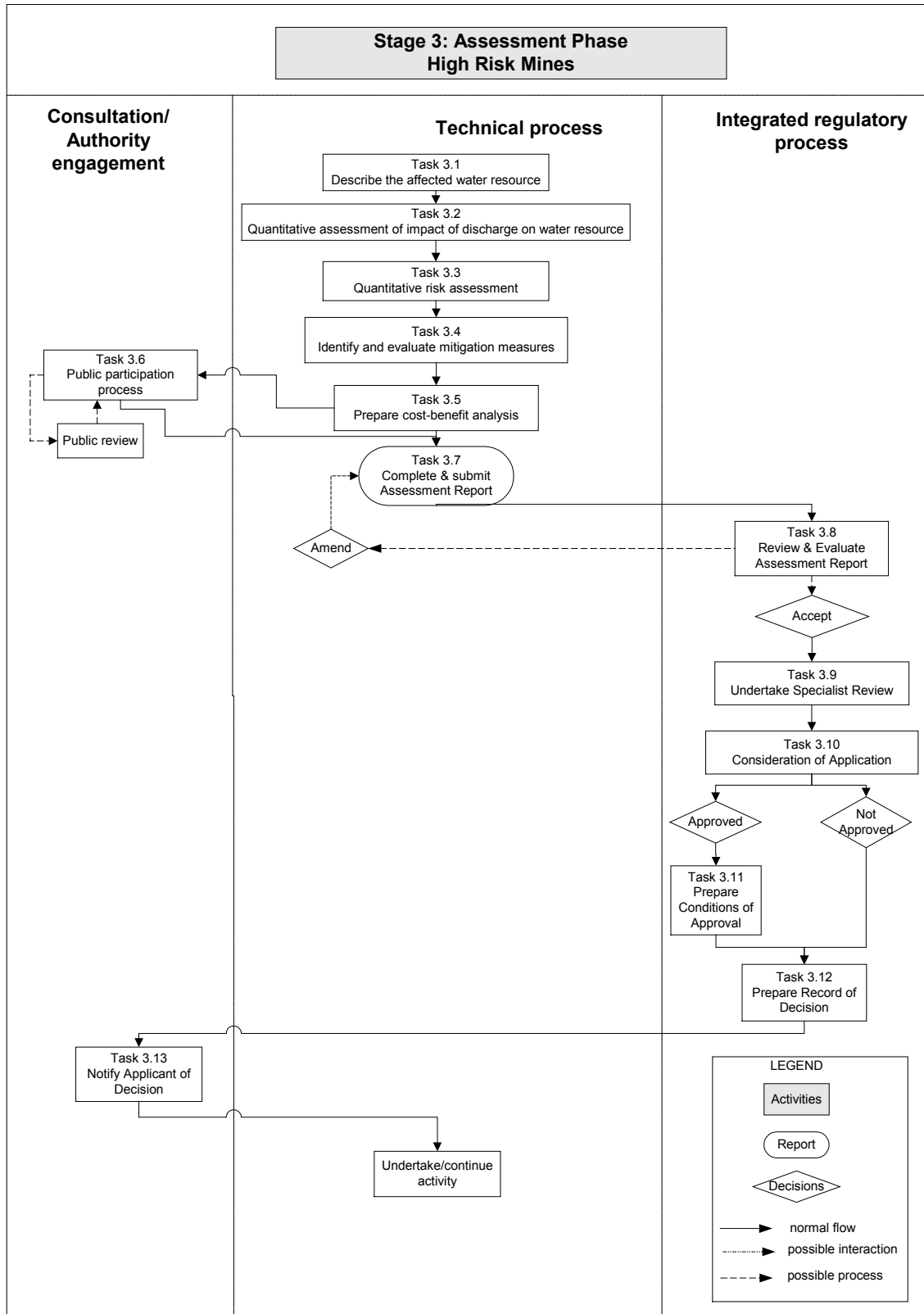
- An overall road map for water use authorisation in the mining sector (1 figure),
- Individual roadmaps for the various stages of the water use authorisation process (4 figures), and
- The structure of the guideline document (1 figure).











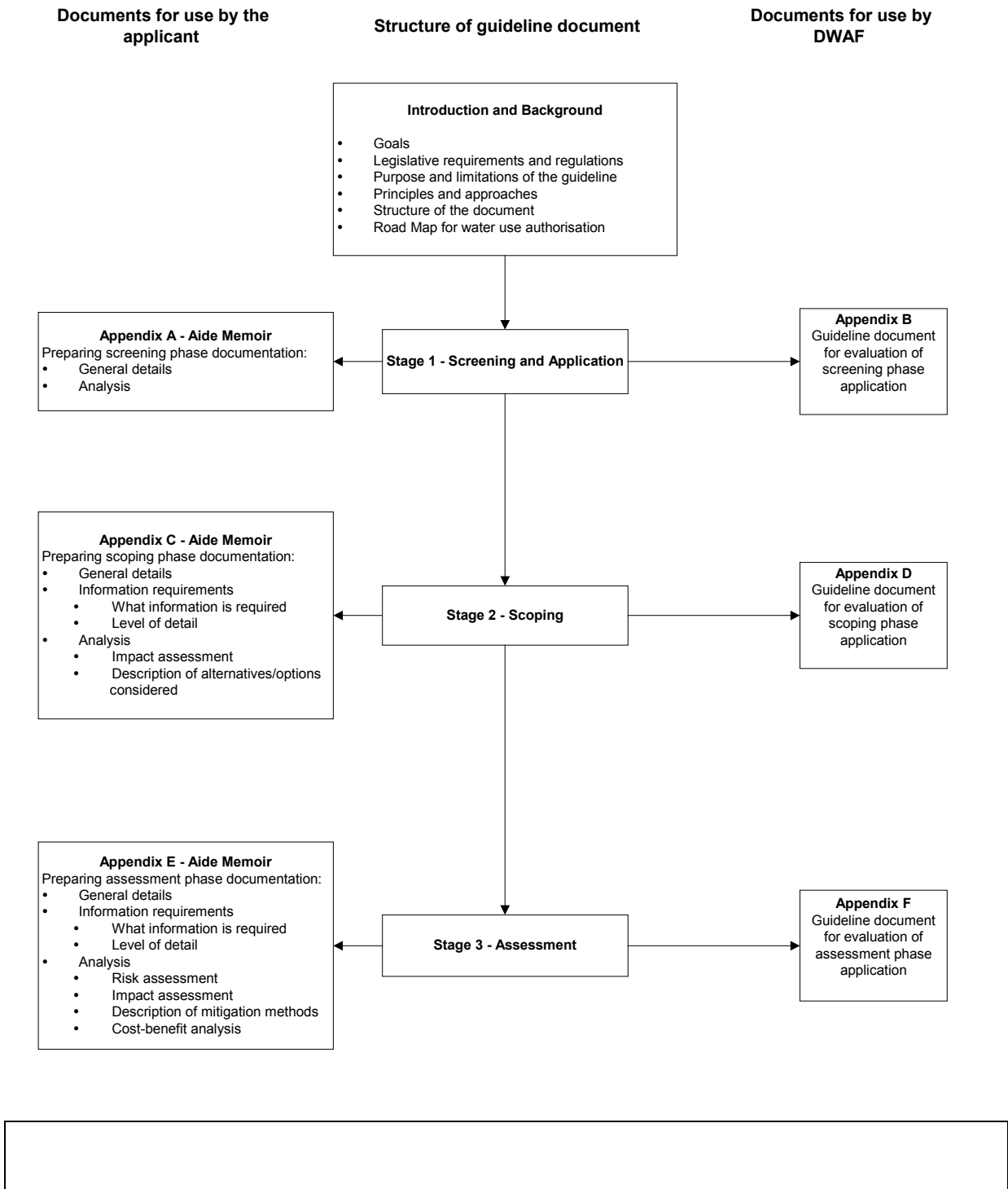


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1 INTRODUCTION AND BACKGROUND

1.1 Introduction and context

The National Water Act, (Act 36 of 1998) was promulgated to provide for fundamental reform of the law relating to water resources, recognising that water is a scarce and unevenly distributed national resource that belongs to all people. The National Water Act provides the Department of Water Affairs and Forestry (the Department) with a mandate to protect, use, develop, conserve, manage and control South Africa's water resources in an integrated manner. Such integrated management of the resource depends *inter alia* on effective management of water quality, which in turn relies on managing both the resource and sources of pollution that threaten the resource.

The Department has divided its water quality management functions into the key areas of resource, source and remediation management. Strategies are currently being developed to manage these key focus areas. To meet its water quality management function, the Directorate Waste Discharge and Disposal and Sub-Directorate Mining have prepared a Preliminary Framework for Integrated Water Resources Management (IWRM) in the mining sector (Draft 3 of October 2003). The General Objective of the Preliminary Framework is:

“To ensure Integrated Water Resource Management (protection and sustainable utilisation of the water resources) regarding mining activities”

The Preliminary Framework document has been presented as 10 work packages, with associated objectives, as described in **Table 1** below. The Preliminary Framework provides an overview of the tasks and activities that are envisaged to prepare and implement IWRM in the mining sector. This guideline document addresses work package No. 4 in the Preliminary Framework and deals with water use authorisations and the preparation of an operational guideline for Integrated Water Resource Management in the mining sector. This authorisations process will be integrated into the EMP process administered by the Department of Minerals and Energy.

Table 1: Work packages in the Preliminary Framework for IWRM in the mining sector

Work Package	Description	Objective
1	Comprehensive integrated water resource management framework: mining sector	To produce and promote a comprehensive Framework that will identify, enable and ensure IWRM in the mining sector through the necessary participation by relevant stakeholders
2	Policy, legislation, strategic, regulatory guidelines, conditions and standards: Review, harmonisation and consolidation	To identify and review all relevant documentation and to find and recommend the most feasible options to harmonise and consolidate those. Relevant stakeholders will be involved and major stakeholders should agree and commit themselves for effective implementation.
3	Institutional arrangement establishment, strengthening and support: Review and consolidation	To ensure sustainable institutional arrangements for effective implementation of IWRM in mining sector.
4	Integrated water resource management	Develop a feasible and acceptable National Strategy, and guidelines for a strategic perspective and catchment management strategies for the water management areas. Involve relevant stakeholders and obtain buy-in and commitment for implementation.

Work Package	Description	Objective
5	Governmental and mining sector co-operation and research	To provide a framework for co-operation and research between spheres of government and between government and the private sector, nationally and internationally.
6	Information management systems	To ensure co-ordination in developing and maintaining an information system that facilitates capturing, exchange of, maintenance and access to information.
7	Communication (including awareness raising), training (including capacity building and empowerment) and stakeholder participation.	To provide a framework to identify, formalise and assist in communication, training and stakeholder participation for IWRM in the mining sector.
8	Financial provisions	To set water use charges associated with use of water for waste disposal purposes that will encourage reduction in waste and incentives for efficient and effective use of water. Ensure involvement of stakeholders to develop sustainable and implementable system
9	Technical support services	To determine and co-ordinate the provision of relevant technical support for IWRM in the mining sector.
10	Implementation, monitoring and review	To be addressed

1.2 Legislative requirements and regulations

Section 21 of the National Water Act describes the various water uses covered by the Act as follows:

- a. taking water from a water resource,
- b. storing water,
- c. impeding or diverting the flow of water in a watercourse,
- d. engaging in a stream flow reduction activity contemplated in section 36,
- e. engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1),
- f. discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit,
- g. disposing of waste in a manner which may detrimentally impact on a water resource,
- h. disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process,
- i. altering the bed, banks, course or characteristics of a watercourse,
- j. removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people, and
- k. using water for recreational purposes.

Section 22 (1) (b) of the National Water Act stipulates that a person may only use water if the water use is authorised by a licence under this Act. Section 22 (2) further states that a person who uses water as contemplated in subsection (1):

- a. must use the water subject to any condition of the relevant authorisation for that use,
- b. is subject to any limitation, restriction or prohibition in terms of this Act or any other applicable law,
- c. in the case of the discharge or disposal of waste or water containing waste contemplated in section 21(f), (g), (h) or (j), must comply with any applicable waste standards or management practices prescribed under section 26(1)(h) and (i), unless the conditions of the relevant authorisation provide otherwise,
- d. may not waste that water, and
- e. must return any seepage, run-off or water containing waste which emanates from that use, to the water resource from which the water was taken, unless the responsible authority directs otherwise or the relevant authorisation provides otherwise.

Section 41 of the National Water Act provides details on the procedure to follow for licence applications. Section 27 (1) covers describes the factors that should be considered by the Department in the consideration of a licence application.

1.3 Goals

The goals to be achieved by the guideline document are set out in **Table 2**, together with the Key Success Indicators. These indicators will be used to assess the success of the guideline document

Table 2: Project goals and Key Success Indicators

No.	Goal	Key Success Indicator
1	To integrate all issues identified in the Stakeholder survey and Literature survey, as well as similar work underway within the Department, into the authorisation process	All key issues identified during the Stakeholder survey and Literature survey are addressed, Integration of all work of a similar nature currently underway within the Department
2	To standardise the Departments information requirements from the mining sector when completing license applications	A standardised “user-friendly” guideline document, A clear outline of the requirements from the applicant during the water use authorisations process
3	To streamline the process of evaluation and approval of licenses in the mining sector	A simple, easy-to-follow license evaluation process for use by the Regional Office personnel and the applicant
4	To ensure that there is consultation with key stakeholders on the proposed authorisation process	Meetings and discussions with key stakeholder groups; assess comments and make amendments
5	To test the proposed guideline document in the Mpumalanga Regional Office	Use of the guideline document to evaluate an existing license application in the region
6	To increase awareness in the Mpumalanga region of the benefits of the DWAF initiatives	Arrange and hold a public awareness event in the region

1.4 Purpose and limitations of the guideline document

1.4.1 Purpose

The guideline document is intended for use by all role-players in the mining sector who currently use water, or intend to use water in the future, as part of the mining operation and hence need to apply for a water use license.

The guideline document aims to streamline the process of applying for a water use authorisation in the mining sector. In doing this, the guideline document aims to clearly identify and describe the following aspects:

- the process and procedures to follow in applying for a water use licence,
- the information that is required from the applicant at the various stages of the water use authorisation process,
- the analyses that are required at the various stages of the water use authorisation process and the level of detail at which these analyses are to be conducted, and
- the evaluation methodology to be undertaken by the Department for a issuance of a water use license.

Meeting the above purpose should ensure that all role-players in the authorisations process will have a clear guide as to the process to follow, what is expected of them and the time-frames within which the work must be undertaken. This will ensure that the water use authorisation process is streamlined and meets the objectives of both the Department and other government role-players.

1.4.2 Limitations

The guideline document has the following limitations:

- The guideline document has no legal standing and is prepared for use solely as a tool in the water use authorisation process, (there is however the legal standing for the Department to request information, as covered in section 42 (2) of the NWA), and
- There is no guarantee that the application of this guideline document by the role-players will ensure that the obtaining and/or issuing of a water use licence is made any easier. Use of the guideline document by both the Department and the mining industry would nevertheless align the information/assessment requirements, improve transparency and assist in the evaluation process.

1.5 Principles and approaches

1.5.1 Overarching principles

Equity: The regulatory system ensures fairness to people and communities who do not have equal access to natural resources and/or to social and economic goods. The equity principle is adopted by

following the considerations included in section 27(1) of the National Water Act in the evaluation of individual water use authorisation applications.

Participation: This principle recognises that all interested and affected parties have a right to participate in the management of water resources. Participation includes meaningful, timely and representative consultation with interested and affected parties in order to contribute to effective and informed decision-making. The National Water Act as a whole, and in particular the water use authorisation procedure in the Source Management Strategy, includes extensive provision for public consultation and stakeholder consultation.

Freedom of information: The regulatory system provides for openness and transparency in decision-making and information is available to the regulated community and the public. Publishing of the Record of Decision for water use authorisations and the appeal procedure are practical implementations of this principle.

Sustainability: The policies and strategies that underpin the National Water Act promote actions and practises that focus on conservation and sustainable use of the water resource, such that future generations have access to the resource that is fit for use.

1.5.2 Principles in practice

Stewardship: All water users/impactors within the mining community are required to ensure and strive for the same water quality goals at the same risk levels. No person or organisation should have the right to place the water resource at a greater risk than another and should act with due care to avoid damage to others and/or to the water resource.

Flexibility: The regulator, in undertaking the responsibility of water use authorisation, has the flexibility to consider the application of different alternatives and approaches, provided each of these is capable of meeting the desired objectives and requirements of the National Water Act.

Continual improvement: The strategies, policies and guidelines developed by the Department strategy focus on encouraging continual improvement in the actions and practices of both government and the regulated community.

Subsidiarity: The Department focuses on placing responsibility for achieving the goals/objectives of the National water Act at the lowest (most local) level possible while still maintaining effective performance. The appropriate level is that where all necessary functions can be carried out effectively. The Department will however retain all powers in terms of the National Water Act enabling it to act in instances where the devolution of power has not produced the desired outcomes.

1.5.3 Approaches

Precautionary approach: The regulatory system adopts a risk-averse and cautious approach to water quality management that recognises that the water resource is vulnerable to threats from pollution sources and that there are certain limitations on the current knowledge base. Active measures are

therefore required to be taken to avert or minimise potential risk of undesirable impacts on the water resource. The implications of precautionary approach include:

- avoiding potential risks to the water resource, wherever possible, even in the absence of scientific proof that these risks will cause harm,
- minimising risks to the water resource by “erring on the safe side” in all decision-making steps on source management, and
- encouraging conservation of resources to reduce the need to develop new resources such as energy, water and minerals.

Prevention approach: The Departments strategies on water quality management include a hierarchy of control measures that will govern source management, including, in order of priority:

- waste elimination, substitution, recycling, re-use and disposal, which is effected through the adoption of Best Practice guidelines and cleaner technology, and
- the control, through the water use authorisations process, of either developments taking place or the use of procedures, processes, activities or substances that produce discharges or emissions of water containing waste where there is an unacceptably high risk to the water resource.

Differentiated approach: A differentiated approach to the management of sources of pollution is important for the South African situation, where the availability of water is unevenly distributed across the country and economic development is often locally concentrated. This approach recognises that applying the same degree of management input to all potential sources of pollution can be both inefficient and wasteful. South Africa’s water quality policy does also not aim to prevent impacts to the water resource at all costs, since this could thwart much-needed social and economic development in the country. The approach calls for a differentiated level of management effort, depending on the level of threat that the source poses to the water resource, so as to most effectively use the limited resources at hand while also meeting the water related objectives.

Integration: Integration is a cross-cutting strategy that is a means to achieve other objectives rather than an end in itself. Integration ensures uniformity and consistency of approach between departments, eliminates duplication, ensures co-operation, rationalises resources, ensures the consideration of all media and ensures effective enforcement of regulations through a single enforcement interface with the regulated community.

The guideline for water use authorisation is aligned and integrated with the goals and principles in the National Water Act and the National Water Quality Management Policy Framework. The strategy is also integrated with:

- the Source Management Strategy, in particular the details, processes and procedures in this strategy relating to water use authorisation,
- the Resource Management and Remediation Management Strategies of the Department,

-
- the Departmental M-series (M.1 to M.6): Operational guidelines for water quality management issues,
 - South African Water Quality Management Series “Procedure to assess effluent discharge impacts”, 1995
 - the “Guideline document for the evaluation of the quantum of closure-related financial provision made by a mine” prepared by the Department of Minerals and Energy,
 - Best Practice Guidelines for the mining sector prepared by the Department.

Receiving Water Quality Objective (RWQO) approach: The RWQO approach focuses on the quality of the receiving water rather than the quality of the emissions from a source, in decisions concerning water pollution control. This approach requires that all sources of pollution to the water resource are managed in such a way so as to achieve the desired quality in the receiving water, which is stated in the form of Receiving Water Quality Objectives.

Risk-based approach: This approach recognises the need for a link between the level of control required to manage sources of pollution and the risk posed by the source. A lower level of control can be motivated if it can be demonstrated that the risks posed by the source are within acceptable limits. The risk-based approach allows for the identification of areas of risk and impact mitigation in these areas and achieves focussed and effective source management actions.

1.6 Road map for water use authorisation

The overall roadmap for water use authorisation in the mining sector is shown in **Figure 1**. This is based on the water use authorisation procedure developed in the Source Management Strategy for South Africa and the Environmental Impact Assessment (EIA) process and comprises the following stages:

- **Stage 1: Screening and application:** This stage involves the following:
 - to identify, through consultation and assessment, whether a water use authorisation is required. This will assist in streamlining the authorisation process and avoid unnecessary effort from all role-players,
 - to define and identify the mine risk, which will provide guidance to the applicant and the Department on the process to follow for Stage 2 (Scoping) and Stage 3 (Assessment), and
 - to provide guidance on the submission and evaluation of the information included in the application.
- **Stage 2: Scoping:** The Scoping phase is divided into Stage 2A and Stage 2B, based on the mine risk identified in Stage 1, as follows:
 - *Stage 2A (Medium risk mines):* The applicant will prepare and submit a Type 1 Scoping report, which will provide relevant information on the potential impacts of the water uses on

the water resources as well as the proposed mitigation methods. This information will be provided in sufficient detail and in the format required for the Department to evaluate and consider the application. The application for a water use licence for medium risk mines will either be approved or not approved at this stage.

- *Stage 2B (High risk mines):* The applicant will prepare and submit a Type 2 Scoping report, which will provide the Department with details of the proposed studies and/or assessment that will be undertaken during Stage 3, in support of the water use application. Stage 2B thus provides the Department with the opportunity to review, comment, amend (if required) and approve the applicant's proposed approach and scope of work to be conducted during the assessment stage.
- **Stage 3: Assessment:** The applicant will prepare and submit an Assessment report in support of an application for a water use authorisation. The information in the report will be provided in sufficient detail and in the format required for the Department to evaluate and consider the application. The application for a water use licence for high risk mines will either be approved or not approved at this stage.

The overall water use authorisation roadmap is shown in **Figure 1**. This is divided into the various stages (described above) in **Figure 2 to Figure 5**. Each of these figures also reflects three process streams, with interaction points, which must be executed concurrently. These process streams are as follows:

- a consultation/authority engagement process,
- a technical process, and
- an integrated regulatory process.

Each stage is also divided into a number of tasks. The detailed requirements for each task are described in the sections below and in the appendices.

The roadmap therefore provides a “quick and easy” method for navigating through the guideline document.

1.7 Structure of the guideline document

The overall structure of the guideline document is indicated in **Figure 6**. The document is divided into the following sections:

- **Section 1: Introduction:** This section provides background details relating to water use authorisation, including context, legislative requirements, goals, purpose and limitations of the document and principles and approaches,
- **Sections 2, 3 and 4:** These sections provide details on the various stages of the water use authorisation process, including the Screening, Scoping and Assessment stages,

-
- **Sections 5 and 6:** These sections details the process within the Department for the evaluation of water use authorisations and the respective timeframes, and
 - **Appendices:** The appendices include detailed procedures for use by both the applicant and the Departmental personnel in the water use authorisation process, as follows:
 - Appendices A, C and E: Aide Memoirs for use by the applicant in preparing documentation for the Screening, Scoping and Assessment stages respectively, and
 - Appendices B, D and F: Guideline documents for use by the Departmental personnel in the evaluation of documentation received during the Screening, Scoping and Assessment stages respectively.

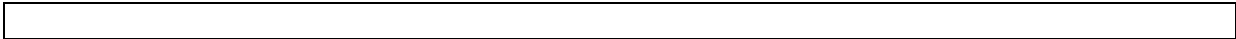
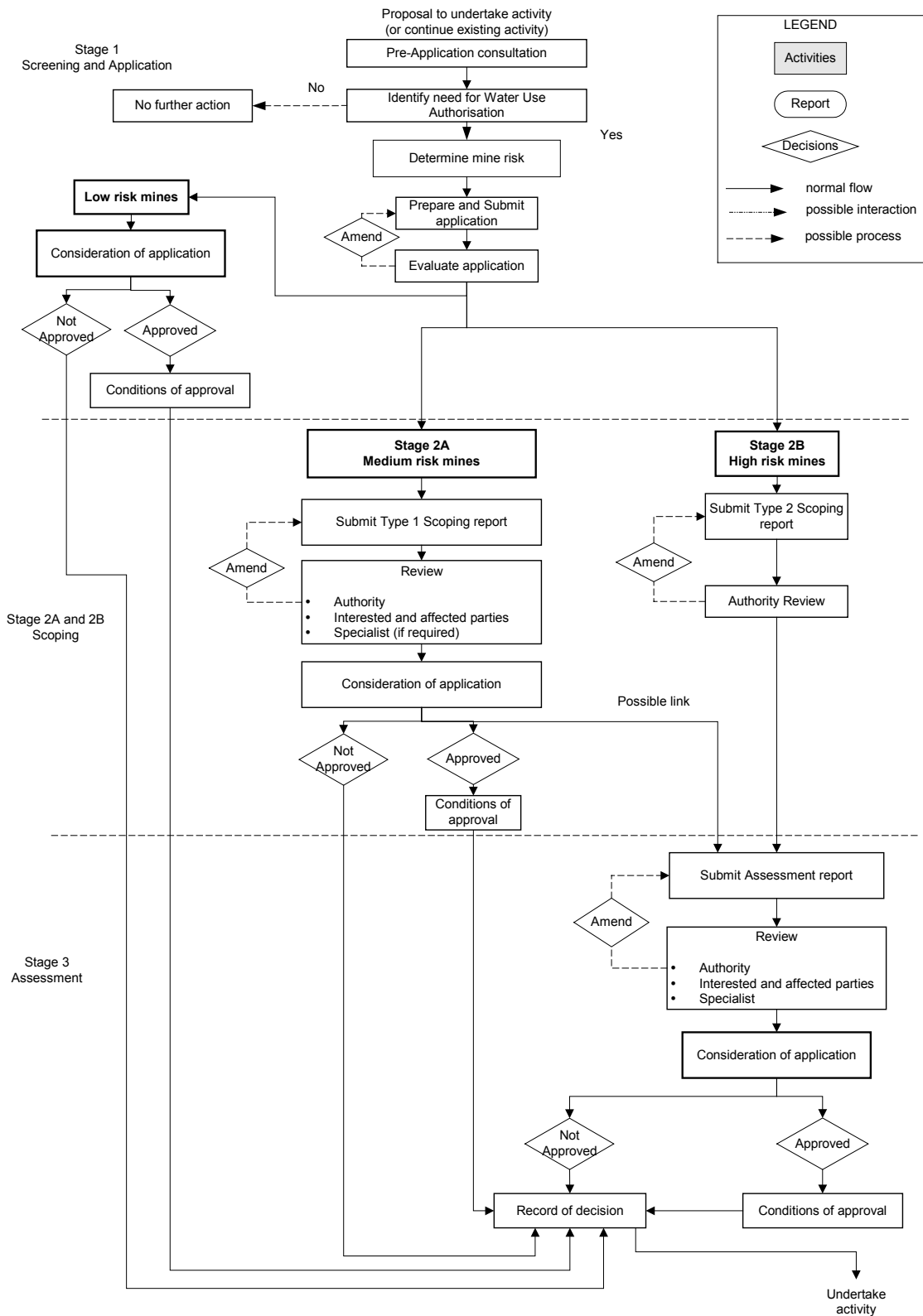


Figure 1: Overall roadmap for water use authorisation

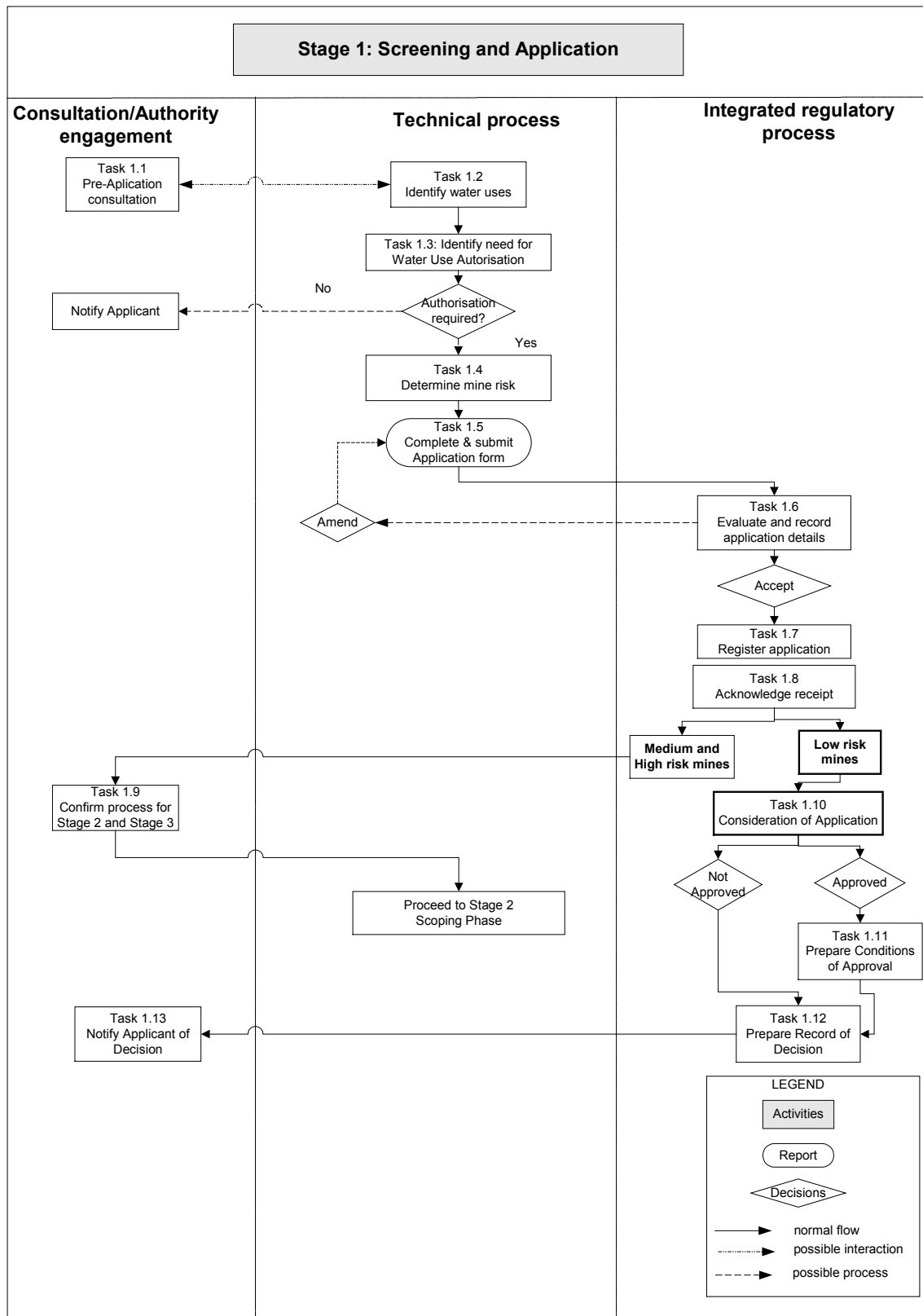


Figure 2: Roadmap for Stage 1: Screening and Application

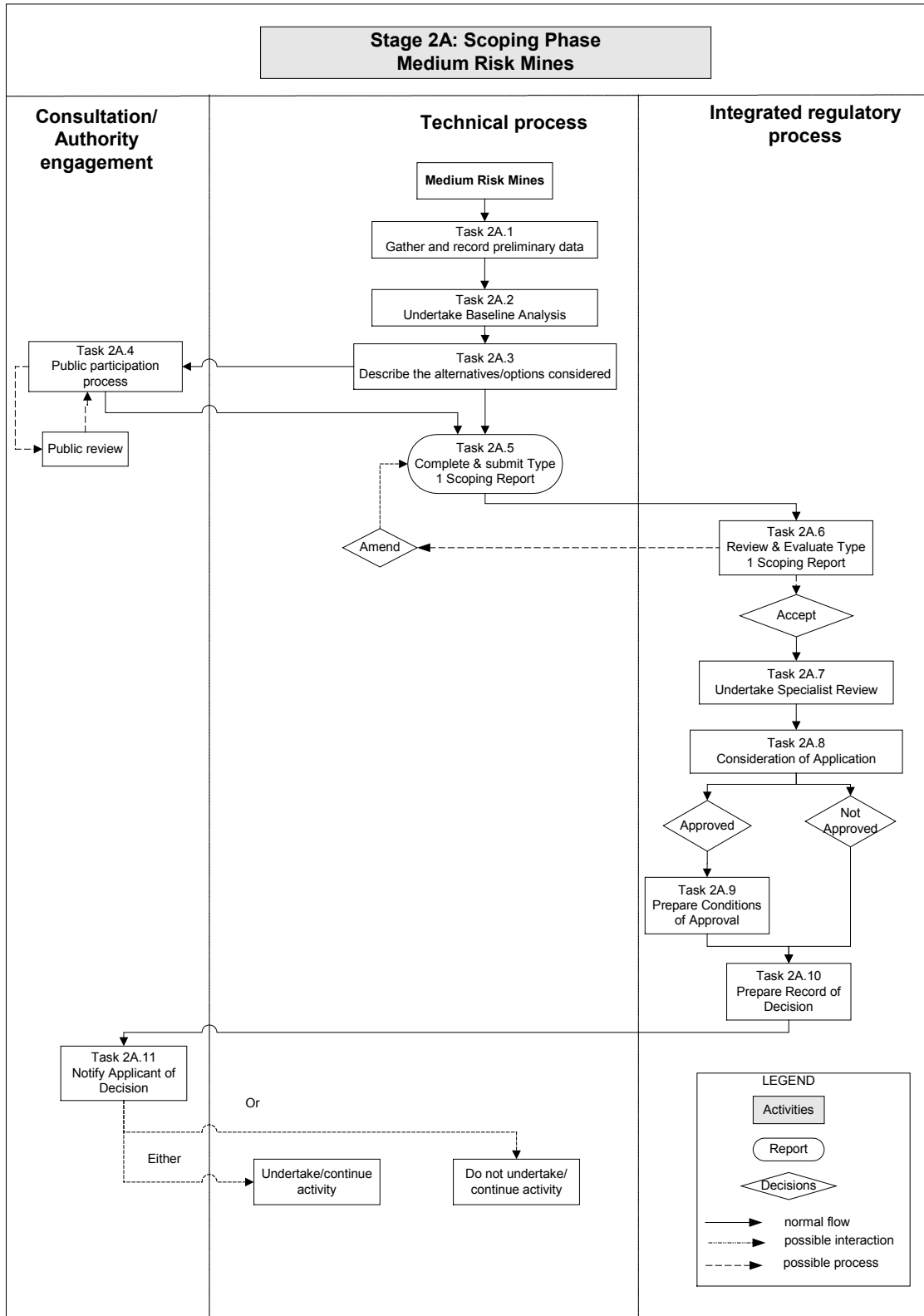


Figure 3: Roadmap for Stage 2A: Scoping (medium risk mines)

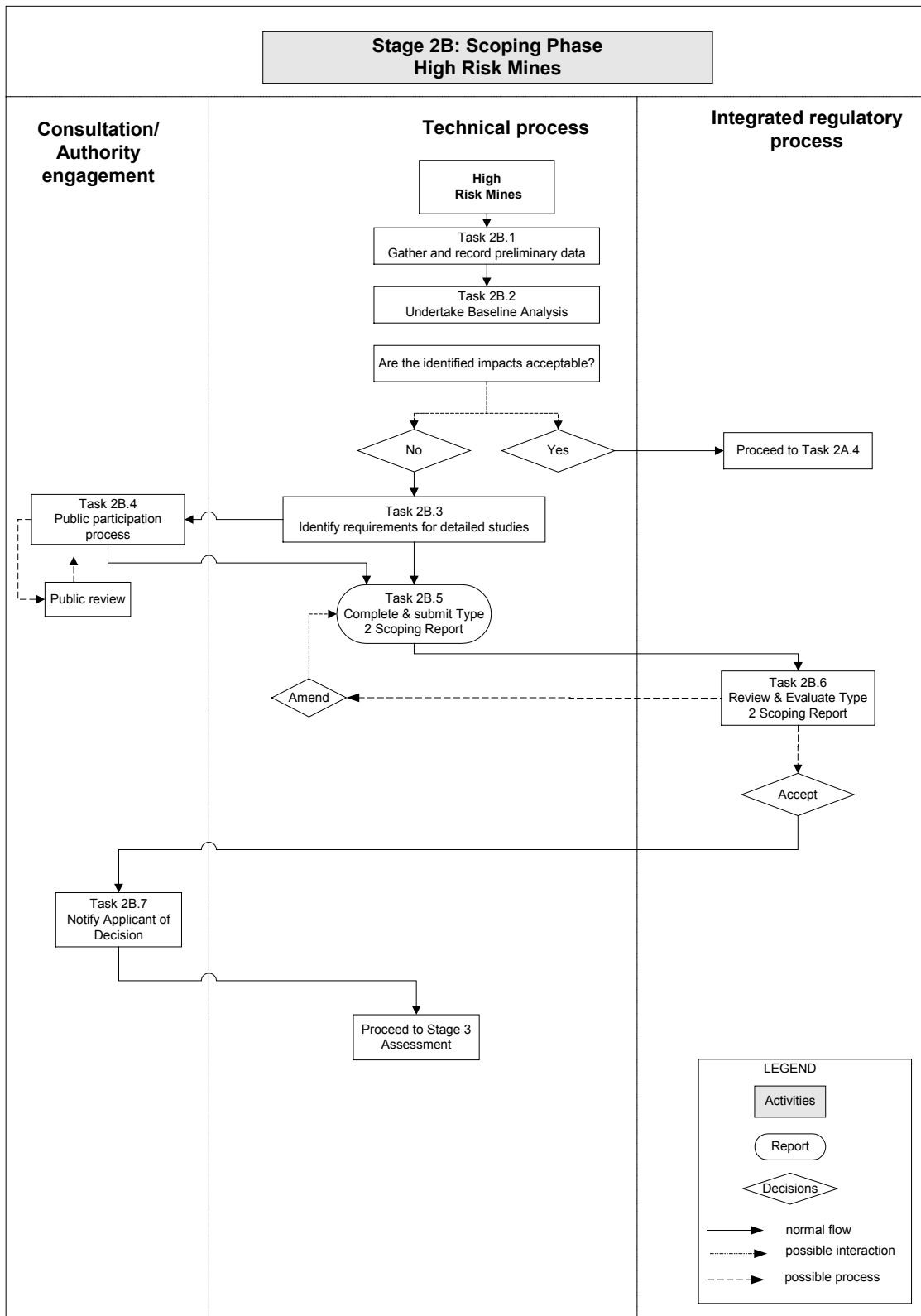


Figure 4: Roadmap for Stage 2B: Scoping (high risk mines)

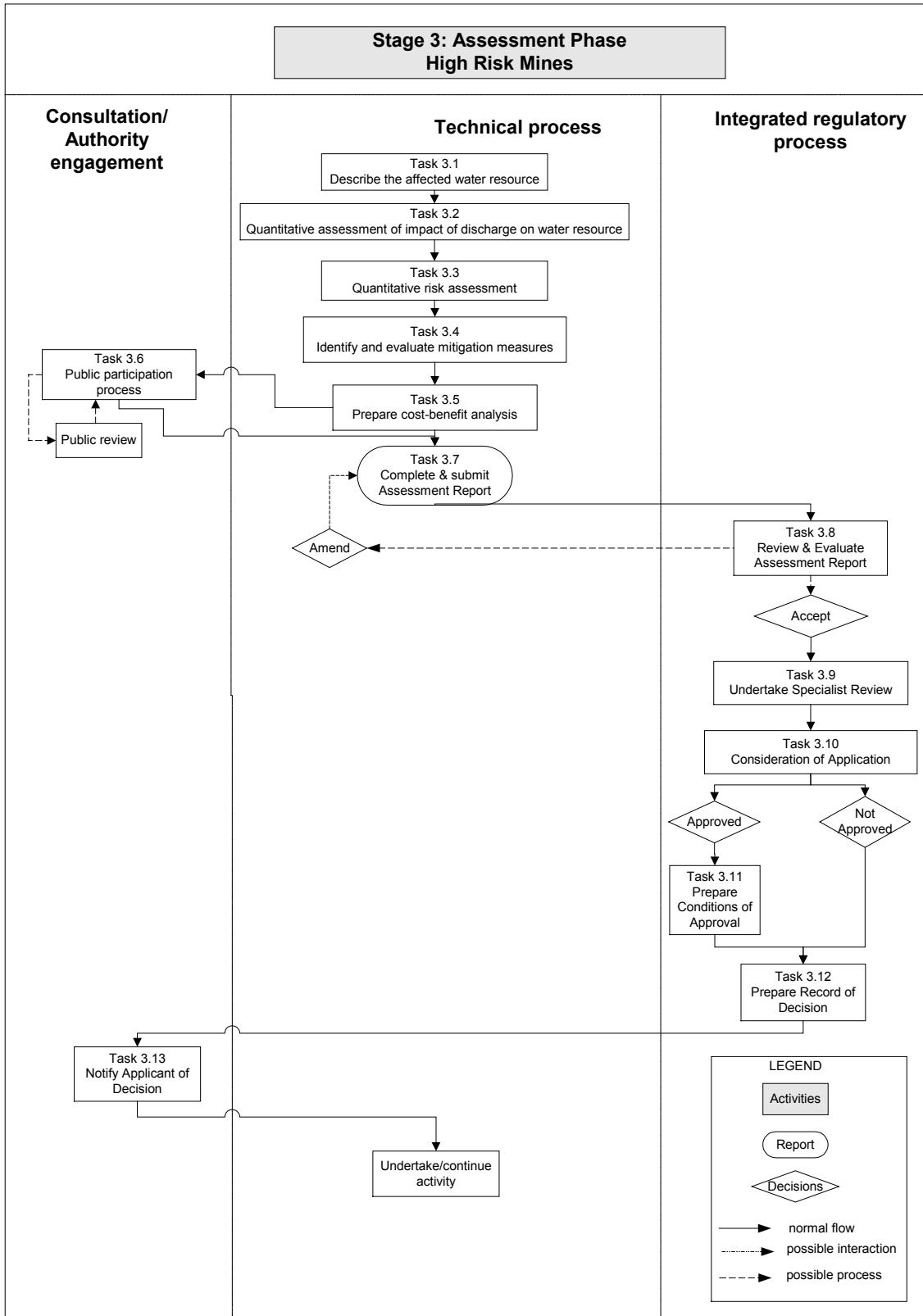


Figure 5: Roadmap for Stage 3: Assessment

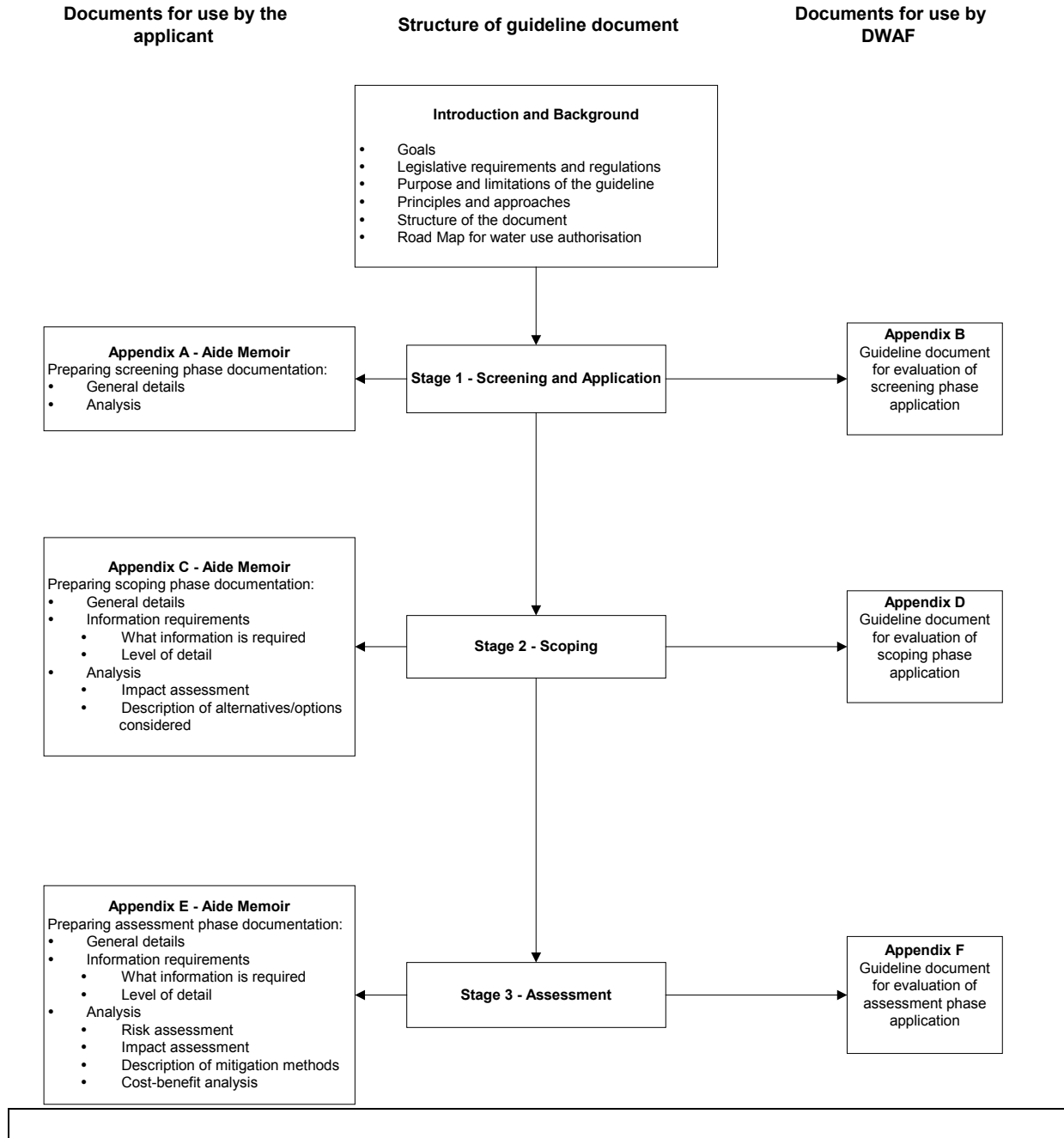


Figure 6: Structure of the guideline document

2 STAGE 1: SCREENING AND APPLICATION

2.1 Purpose of the Screening and Application stage

The Screening and Application stage is designed to determine the need for a water use authorisation, as well as what water use must be authorised. The Screening and Application stage is also designed to identify the mine risk, to guide the process for application for Stage 1 as well as subsequent stages. The benefits of this stage of the process are thus as follows:

- it avoids unnecessary effort and work for both the applicant and the Department if a water use authorisation is not required,
- it directs the applicant to the necessary forms if a water use authorisations is required, and
- it identifies at an early stage the process that is required to be followed during the various stages for water use authorisation. This will assist both the Department and the mining sector in optimising the level of effort required fro water use authorisation.

2.2 Summary of tasks to be undertaken

The sections below provide a rationale for, and general description of, the tasks required by both the applicant and the Department during the Screening and Application stage. Additional details for the completion of these tasks are provided in the appendices as follows:

- Appendix A: Provides details for use by the applicant in undertaking the required tasks, and
- Appendix B: Guideline document for the Departmental personnel to evaluate and consider the documents received.

2.3 Tasks to be undertaken by the applicant

The tasks required to be undertaken by the applicant during the Screening and Application stage are described in the sections below.

2.3.1 Task 1.1: Pre-application consultation

Consultation between the applicant, the Department and the Interested and Affected Parties (I&APs) is required to meet the overall principle of participation provided in section 1 above. Such consultation at an early stage in the water use authorisation process can be beneficial to all parties. This consultation can take the form of informal discussions and can have the following benefits:

- the Departmental personnel can provide guidance to the applicant on water quality management policy and practice, the information required by the Department, the tasks to be undertaken by the applicant and the possible concerns of other parties involved,
- the Department can identify, at an early stage, a possible water use with a risk to the water resource, and

- the process can assist in identifying I&APs at an early stage.

Appendix A.1 provides a conceptual overview of the water use authorisation process from a water quality management perspective. This information is available for use by the Regional Office personnel and the applicant during Task 1.1: Pre-application consultation.

2.3.2 Task 1.2: Identify water uses

The applicant must identify the water use(s) for which a water use authorisation may be required, based on the 11 water uses stipulated in section 21 of the National Water Act. **Appendix A.2** provides the process flow diagram for this task as well as details and assistance in undertaking the task.

2.3.3 Task 1.3: Determine need for water use authorisation

An application for a water use licence must only be submitted if legally required. This step in the authorisation process assists the applicant and the Department in identifying whether a water use application should be submitted. **Appendix A.2** provides additional details and assistance for undertaking this task.

2.3.4 Task 1.4: Determine mine risk

The mine risk is based on two criteria, namely:

- *the mine hazard class*: this is defined as the potential threat of the mine to the water resources and is based primarily on the mineral mined and/or processed, waste produced and the presence of saleable by-products from the mining operation, and
- *the sensitivity of the water resources* in the vicinity of the mine operation.

Appendix A.3 provides details on the methodology to use to identify the mine risk.

2.3.5 Task 1.5: Complete and submit the required application forms

The applicant must apply for a water use authorisation (if required) using the correct and most recent application forms applicable to the water use. The application forms are available on the Department's web site at www.dwaf.gov.za. The most recent application forms (as of October 2004) are included in **Appendix A.4**. Guidelines for completing the application form are enclosed in the document prepared by the Department of Water Affairs and Forestry entitled "A Guide to Registration of Water Use, March 2002". Relevant extracts from this document are enclosed in **Appendix A.4**.

For **Low risk mines**, the applicant must also complete an Environmental Aspect and Impact register. An example of this register is included in **Appendix A.5**. In the register, the applicant must identify:

- all activities on the mine and the aspects that could cause an impact to the water resource,

-
- a qualitative or quantitative assessment of the potential impact, as well as indicating the significance of impact in terms of high, medium or low impact,
 - an indication and description of the mitigation measures to be employed to address the potential impacts, and
 - the responsible person for a) ensuring that the mitigation measures are put in place and b) reporting to the Department on compliance with the water use licence conditions.

2.4 Tasks to be undertaken by the Departmental personnel

The Water Use Licence Officer (WULO) in the Departments Regional Office is the primary contact person with regard to water use licences. Each Regional Office will identify the applicable WULO per Water Management Area and will distribute this information to the mining sector.

The tasks required to be undertaken by the WULO and/or other Departmental personnel during the Screening stage are described in the sections below.

2.4.1 Task 1.6: Evaluate and record application details

The WULO will check that the application form:

- is completed correctly from an administrative perspective, i.e. that all necessary fields have been completed including name, address and contact details of the applicant. **Error! Reference source not found.** provides guidance on the process to follow for the administrative check of the application form, and
- that the submission indicates the desired time-frames relevant to the water use.

The application form will be returned to the applicant for revision, if incomplete in any way, under cover of a letter indicating the shortcomings. An example of a return letter is included in **Appendix B.1**. The WULO will also provide a receipt for the application fee

2.4.2 Task 1.7: Register the application for a water use licence

The WULO will register the application by ensuring that:

- the application forms are date-stamped,
- a numbered sticker is placed on the forms, and
- the sticker number is recorded on each page of the application forms and on the receipt given to the applicant for the application fee.

The same number should be recorded on all forms, particularly when the same proponent applies for different water uses. This number is of utmost importance, as it will be used in correspondence between the applicant and the Department and related administrative actions.

2.4.3 Task 1.8: Acknowledge receipt

The WULO will acknowledge receipt of the application form in writing (see Appendix B.1), should the forms be administratively correct, giving an indication of the acceptability of the envisaged time-frames.

2.4.4 Task 1.9: Confirm process for Stage 2 and 3 for medium and high risk mines

The WULO will confirm, in writing, the subsequent requirements for the applicant to undertake for water use authorisation. These will be as follows:

- For a medium risk mine: Prepare and submit a Type 1 Scoping report, which will demonstrate that the water use can be undertaken at an acceptable level of risk (including a description of the mitigation measures, if required), or
- For high risk mines: Prepare and submit a Type 2 Scoping report, which will describe the nature and extent of the investigations and studies required for Stage 3: Assessment.

2.4.5 Task 1.10: Consideration of application for low risk mine

The WULO will distribute the application form for a water use from a Low Risk mine, including the Environmental Aspect and Impact register prepared by the applicant and submitted with the application form, to the following sections in the Regional Office:

- Water Quality Management,
- Water Utilisation,
- Geohydrology, and
- Other sections within the Regional Office, as well as Directorates in the National Office (such as civil design), as required.

The review by the WULO and various Directorates should determine whether:

- the procedures followed to date have been adequate and that the legal and procedural requirements have been complied with,
- sufficient consideration has been given by the applicant to:
 - identify the potential risks and impacts of the water use,
 - identify suitable mitigation measures for the identified potential impacts, and
 - identify a responsible person and programme for the scheduling and implementation of the mitigation methods.
- the information provided in the documentation received is accurate, unbiased, credible and at the required confidence level, and

- that sufficient information is available to proceed with the water use licence application.

The WULO will collate the comments received from the various sections and Directorates and will prepare a recommendation on the water use licence to the Delegated Authority, who in terms of section 75 of the NWA has been delegated the authority to issue water use licences. The Manager: Water Use is currently the Delegated Authority.

The Delegated Authority will decide the following:

- to issue a water use licence with or without conditions,
- that further information is required to consider the water use authorisation, or
- to decline the application.

Appendix B.2 contains a guideline for the review and consideration process.

2.4.6 Task 1.11: Prepare conditions of approval

The WULO, in conjunction with the Delegated Authority, will prepare the conditions that will be applicable to the water use licence. For a low risk mine, these conditions are likely to be of a standard nature.

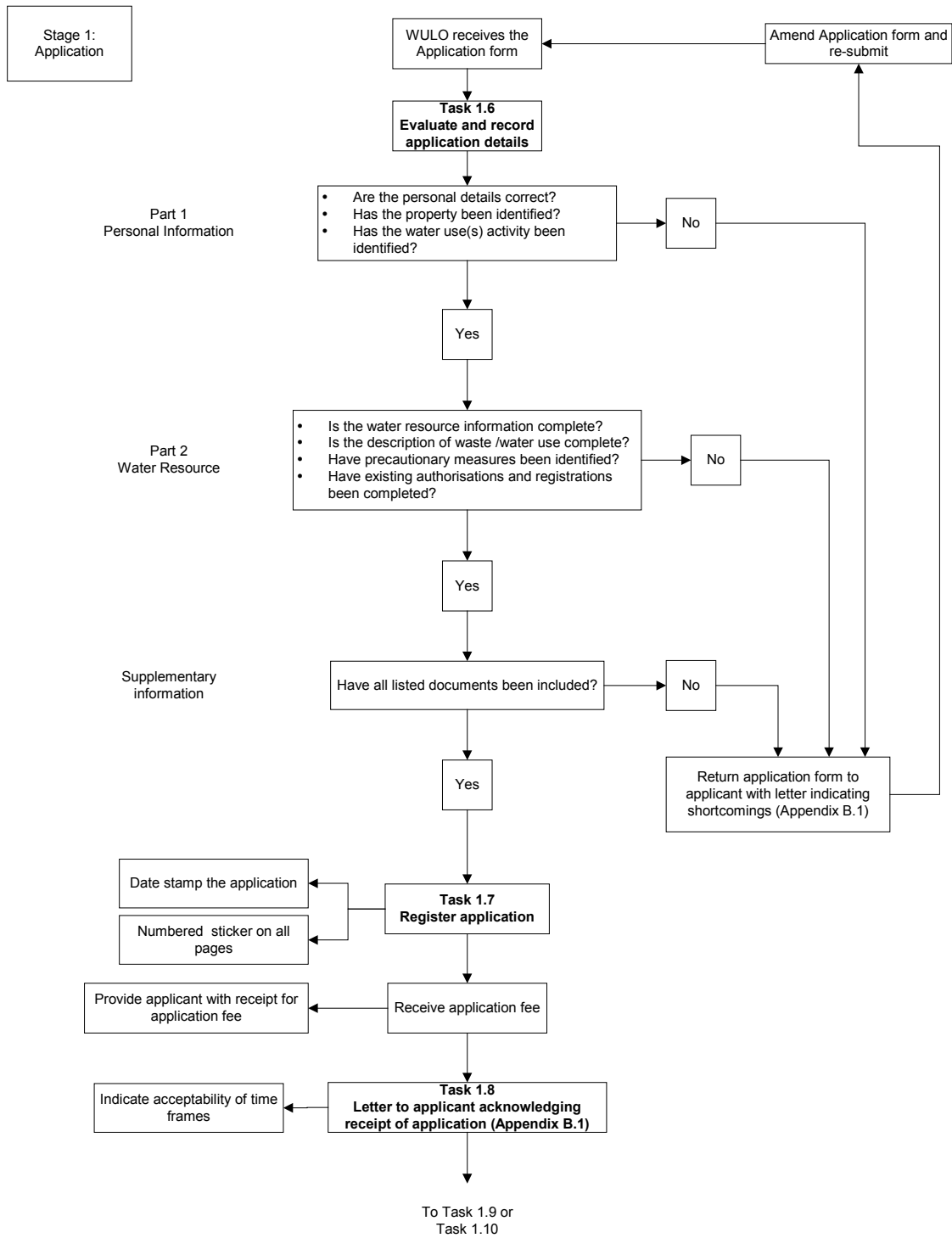
Appendix B.3 contains typical conditions that may be applied for the different water uses.

2.4.7 Task 1.12: Prepare Record of Decision

A Record of Decision will be issued by the Delegated Authority to the applicant and made available to the interested and affected parties. The Record of Decision will include:

- the name, address and contact details of the applicant,
- a description of the proposed project, processes and activities,
- details of the water quantities to be used (or disposed),
- the decision of the Delegated Authority,
- the conditions of the licence, including measures required to mitigate the impact of the water use on the water resource,
- the name of the person to whom an appeal may be directed,
- the duration of the authorisation or the date of expiry,
- the signature of the Delegated Authority, and
- the date of the decision.

Appendix B.4 contains an example of a Record of Decision.



2.4.8 Task 1.13: Notify applicant of decision

The WULO will notify the applicant, in writing, of the Departments decision with regard to the water use authorisation application.

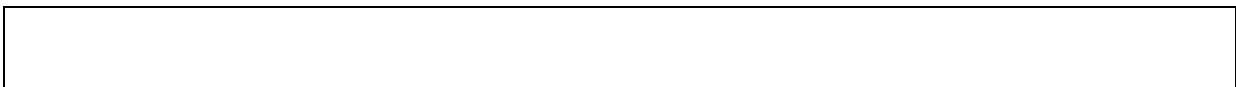


Figure 7: Process for administrative check of an application for a water use authorisation

3 STAGE 2A: SCOPING (MEDIUM RISK MINES)

3.1 Purpose of the Scoping stage

The primary purpose of the Scoping stage 2A is to demonstrate cause and effect in the water use and thus to show that the water use(s) by the mine are undertaken at an acceptable level of risk to the water resource. The assessment of cause and effect is divided into several phases, namely a) gather baseline data, b) impact assessment, c) identify mitigation measures and d) control.

For this purpose, the following must be provided:

- the purpose, objectives, efficiency and need for the proposed water use from a water conservation and demand management perspective,
- justification for the need for the discharge and the necessity of producing an effluent containing waste,
- assessment of alternatives,
- source-directed measures such as water conservation measures, pollution prevention and waste minimisation, cleaner production and treatment technologies,
- the impact of the water use on the water resource after the application of all of the identified measures, and
- measures to be included in the water management strategy to monitor and report on the impacts of the water use.

To achieve the above, the applicant will need to gather information on the water use and the possible impacts to the water resource as well as information such as other point and diffuse sources in the catchment.

The applicant will prepare a Type 1 Scoping report during this stage. The water use authorisation process is structured such that the Type 1 Scoping report will be likely to provide sufficient information to consider a water use authorisation. In instances where this is not the case, the additional information required will be indicated **or** the applicant will be directed to Stage 3 Assessment to undertake the necessary studies.

3.2 Summary of tasks to be undertaken

The sections below provide a rationale for, and general description of, the tasks required by both the applicant and the Department during the Scoping phase. Additional details for the completion of these tasks are provided in the appendices as follows:

- Appendix C: Aide-Memoir for use by the applicant in undertaking the required tasks, and
- Appendix D: Guideline document for the Departmental personnel to evaluate and consider the documents received.

3.3 Tasks to be undertaken by the applicant

The tasks required to be undertaken by the applicant during the Scoping stage 2A are described in the sections below.

3.3.1 Task 2.A.1: Gather and record preliminary information

The applicant must gather and record the following information:

- the layout/site plan of the mine indicating its location, details of the project being considered and, where appropriate, schematic drawings and description of the production processes/activities and technology that are envisaged,
- an indication of the need for the water use and an estimate of the expected volume of water required for use (or discharged containing waste),
- the type and scale of the activity,
- the nature of the effluent,
- the water users in the catchment,
- hydrological and streamflow data for the catchment
- the water quality status of the catchment,
- details of the Interested and Affected Parties,
- details of other water uses already in place and those that are licensed, and
- details of the legal requirements of the water use(s).

3.3.2 Task 2.A.2: Undertake baseline analysis

Details on the methodology and requirements for a baseline analysis are included in the appendices as follows:

- **Appendix C.1:** Water uses 21 (a) and 21 (b): Water abstraction and storage,
- **Appendix C.2:** Water uses 21 (c) and (i): Impeding or diverting water flow and altering the beds, banks or characteristics of a watercourse, and
- **Appendix C.3:** Water uses 21 (f), (g), (h) and (j): discharging water containing waste and disposing of waste.

3.3.3 Task 2.A.3: Describe the alternatives/options considered

The identification and consideration of alternatives are described in either Appendix C.1, C.2 or C.3, where applicable.

3.3.4 Task 2.A.4: Describe the public consultation process

The applicant should include a description of the public consultation process that was followed, which will include the following:

- the identification of parties that are either affected by the water use or have an interest in the water resource that will be affected by the proposed water use,
- an indication of the methods that were followed to engage the Interested and Affected Parties and afford these parties the opportunity to participate and to express their views about the scope of the investigations and the alternatives investigated,
- a record of the issues that were identified as being of concern to the interested and affected parties, and
- notification of where the details of the investigations and relevant report(s) can be obtained and to whom comments should be addressed.

3.3.5 Task 2.A.5: Prepare the Type 1 Scoping report

The Scoping report will be in the form of an Integrated Water Management Plan (IWMP) prepared by the applicant. This will provide details not only on the impact assessment and mitigation measures, but also on the short and long-term water management strategy, including details on monitoring, measurement and reporting.

Appendix C.4 summarises the contents and level of detail in a Type 1 Scoping report.

3.4 Tasks to be undertaken by the Departmental Personnel

3.4.1 Task 2.A.6: Review and evaluate the Type 1 Scoping report

Figure 8 indicates the process to be followed for the Departments review and consideration of a Type 1 Scoping report. .

The Departmental review should determine whether:

- the procedures followed to date have been adequate and that the legal and procedural requirements have been complied with,
- the Type 1 scoping report is complete according to the Departments guidelines. **Appendix D.1** contains the relevant check-lists for use by the Departmental personnel in undertaking this activity,
- consideration has been given to the issues covered in section 27(1) of the National Water Act, including:
 - a) existing lawful water uses,

-
- b) the needs to redress the results of past racial and gender discrimination,
 - c) efficient and beneficial use of water in the public interest,
 - d) the socio-economic impact –
 - I. of the water use or uses if authorised,
 - II. of the failure to authorise the water use or uses,
 - e) any catchment management strategy applicable to the relevant water resource,
 - f) the likely effect of the water use to be authorised on the water resource and on other water users,
 - g) the class and the water resource quality objectives of the water resource,
 - h) investments already made and to be made by the water user in respect of the water use in question,
 - i) the strategic importance of the water use to be authorised,
 - j) the quality of water in the water resource which may be required for the Reserve and for meeting international obligations, and
 - k) the probable duration of any undertaking for which a water use is to be authorised.
- there has been sufficient consultation with Interested and Affected Parties,
 - the information provided in the Type 1 Scoping Report is accurate, unbiased and credible and that no further information is required,
 - adequate attention has been given to alternatives and to the minimisation of the impact of the water use, and

Appendix D.2 contains background information as well as guidelines and procedures for the use of ACWUA decision-making support system for RDWQM, which can be used in the consideration and evaluation of the various issues covered in section 27(1) of the National Water Act. Alternatively, the document entitled “The Assessment of Water Use Authorisations and License Applications in terms of Section 27(1) of the National Water Act, 1998, prepared by the Department can be used for this activity.

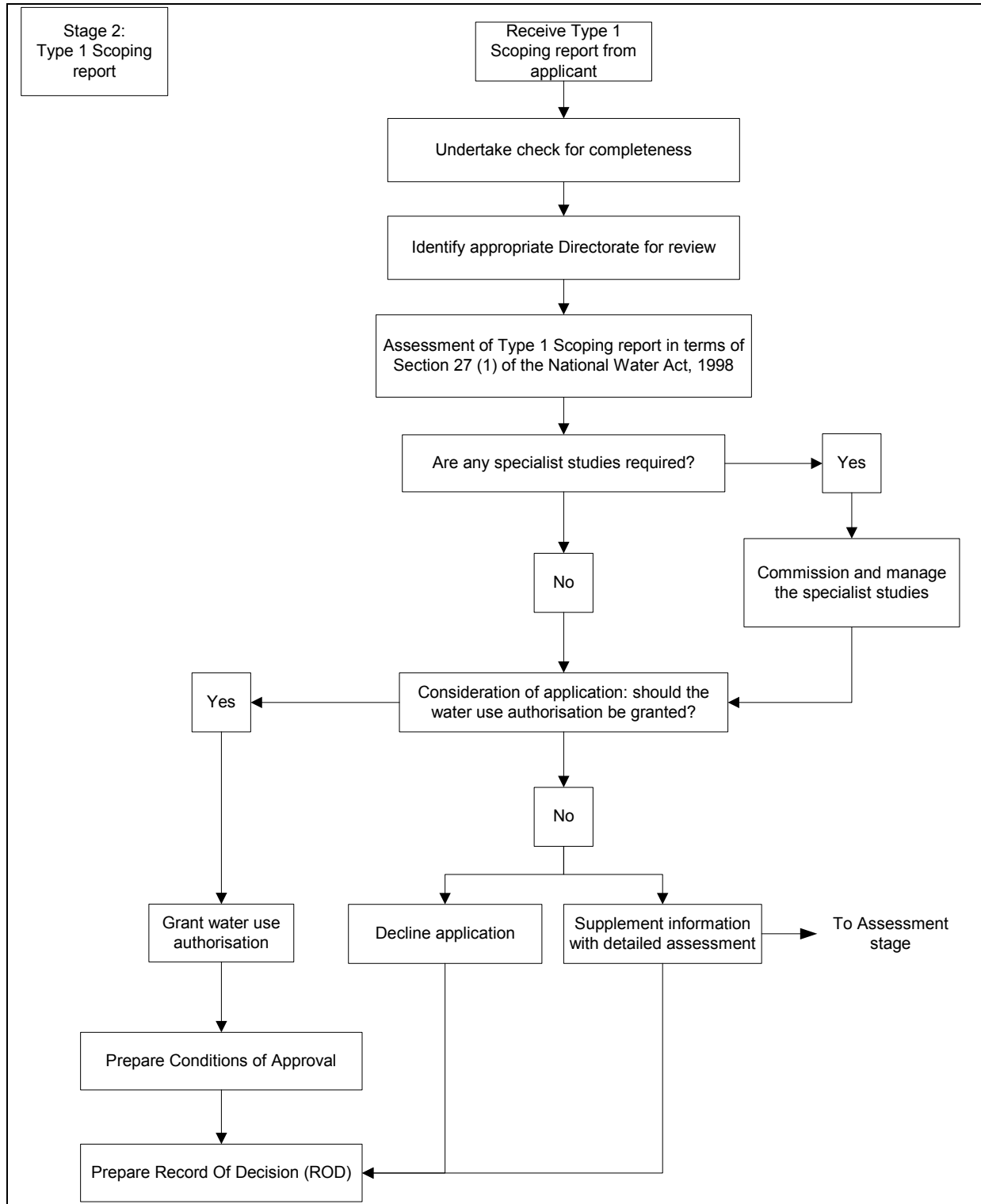


Figure 8: Process for review and consideration of Type 1 Scoping report

3.4.2 Task 2.A.7: Undertake specialist review

A specialist review will be commissioned by the Departmental personnel in instances when:

- The assessment is highly technical in nature, such as the impact of a water use on the quality of surface or groundwater resources, and/or

- The required expertise to assess the details in the IWMP are lacking within the Department.

3.4.3 Task 2.A.8: Consideration of application

The Department must accept the information in the Type 1 Scoping Report, where after the Delegated Authority may decide the following:

- to issue a water use licence with or without conditions,
- that further information is required to consider the water use authorisation in which case the applicant will progress to Stage 3: Assessment, or
- to decline the application.

3.4.4 Task 2.A.9: Prepare conditions of approval

The WULO, in conjunction with the Delegated Authority, will prepare the conditions that will be applicable to the water use licence. **Appendix B.3** contains typical conditions that may be applied for the different water uses.

3.4.5 Task 2.A.10: Prepare Record of Decision

A Record of Decision must be issued by the Delegated Authority to the applicant and made available to the interested and affected parties. The Record of Decision must include:

- the name, address and contact details of the applicant,
- a description of the proposed project, processes and activities,
- details of the water quantities to be used (or disposed),
- the decision of the Delegated Authority,
- the conditions of the authorisation, including measures required to mitigate the impact of the water use on the water resource,
- the name of the person to whom an appeal may be directed,
- the duration of the authorisation or the date of expiry,
- the signature of the Delegated Authority, and
- the date of the decision.

Appendix B.4 contains an example of a Record of Decision.

3.4.6 Task 2.A.11: Notify applicant of decision

The WULO will notify the applicant, in writing, of the Departments decision with regard to the water use authorisation application.

3.5 Appeal

Any person, including the applicant, an interested party of a member of the public, who feels aggrieved by a decision made by the Delegated Authority, may lodge an appeal against the decision. The appeal should be directed to the Minister of Water Affairs and Forestry, as indicated in the Record of Decision.

3.5.1 Appeal procedure

An appeal to the Water Tribunal, under section 148 of the Act, must be done in writing within 30 days from the date on which the record of decision was issued to the applicant. The appeal must detail the facts and the grounds for the appeal and must be accompanied by all relevant documentation (copies of documents must be certified as true by a commissioner of oaths).

3.5.2 Consideration of appeal

The Water Tribunal shall, after considering all relevant facts and supporting documentation,

- uphold the original decision,
- uphold the original decision with modifications, or
- reverse the original decision.

An appeal against the decision of a Water Tribunal may be made to the High Court.

The Minister may at any time, at the request of a person involved or on the Minister's own initiative, direct that the persons concerned attempt to settle their dispute through a process of mediation and negotiation.

4 STAGE 2B: SCOPING (HIGH RISK MINES)

4.1 Purpose of the Scoping stage

The primary purpose of the Scoping stage 2B is to:

- identify the specialist activities that are likely to be required in Stage 3: Assessment for a High risk mine, and
- obtain sign-off and approval from the Department that the list of activities is acceptable and that the applicant may proceed to Stage 3: Assessment.

The assessments in stage 2B will focus on cause and effect, the assessment of which is divided into several phases, namely a) gather baseline data, b) impact assessment, c) identify mitigation measures and d) control.

The applicant will prepare a Type 2 Scoping report during this stage, which will provide details on the work to be undertaken during Stage 3.

4.2 Summary of tasks to be undertaken

The sections below provide a rationale for, and general description of, the tasks required by both the applicant and the Department during the Scoping phase. Additional details for the completion of these tasks are provided in the appendices as follows:

- Appendix C: Aide-Memoir for use by the applicant in undertaking the required tasks, and
- Appendix D: Guideline document for the Departmental personnel to evaluate and report on the documentation received

4.3 Tasks to be undertaken by the applicant

The tasks required to be undertaken by the applicant during the Scoping stage 2B are described in the sections below.

4.3.1 Task 2.B.1: Gather and record preliminary information

The applicant must gather and record the following information:

- the layout/site plan of the mine indicating its location, details of the project being considered and, where appropriate, schematic drawings and description of the production processes/activities and technology that are envisaged,
- an indication of the need for the water use and an estimate of the expected volume of water required for use (or discharged with waste),
- the type and scale of the activity,
- the nature of the effluent,
- the water users in the catchment,
- hydrological and streamflow data for the catchment
- the water quality status of the catchment,
- details of the interested and affected parties,
- details of other water uses already in place and those that are licensed, and
- details of the legal requirements of the water use(s).

4.3.2 Task 2.B.2: Undertake baseline analysis

The methodology and requirements for a baseline analysis are similar to that described in Task 2.A.2 above. The detailed requirements are therefore described in **Appendices C.1, C.2 and C.3** for the various water uses.

The baseline analysis will indicate that either:

- The identified impacts are acceptable, in which case the applicant will proceed to Task 2.A.4, undertake public consultation and prepare a Type 1 scoping report for submission to the Department, or
- The identified impacts are not acceptable, in which case the applicant will proceed to Task 2.B.3, identify requirements for detailed studies.

4.3.3 Task 2.B.3: Identify requirements for detailed studies

The applicant will identify and scope the detailed studies that are required for a High risk mine. **Appendix C.5** outlines the aspects that should be considered and documented for the detailed studies.

4.3.4 Task 2.B.4: Describe the public consultation process

The applicant should include a description of the public consultation process that was followed, which will include the following:

- the identification of parties that are either affected by the water use or have an interest in the water resource that will be affected by the proposed water use,
- an indication of the methods that were followed to engage the Interested and Affected Parties and afford these parties the opportunity to participate and to express their views about the scope of the investigations and the alternatives investigated,
- a record of the issues that were identified as being of concern to the interested and affected parties, and
- notification of where the details of the investigations and relevant report(s) can be obtained and to whom comments should be addressed.

4.3.5 Task 2.B.5: Prepare the Type 2 Scoping report

The Type 2 Scoping report details the methodologies that will be used in the detailed studies to be undertaken during Stage 3: Assessment. **Appendix C.6** summarises the contents and level of detail in a Type 1 Scoping report.

4.4 Tasks to be undertaken by the Departmental Personnel

4.4.1 Task 2.B.6: Review and evaluate the Type 2 Scoping report

The Departmental review should determine whether:

- the procedures followed to date have been adequate and that the legal and procedural requirements have been complied with,
- the Type 2 scoping report is complete according to the Departments guidelines. **Appendix D.3** contains the relevant check-lists for use by the Departmental personnel in undertaking this activity.

4.4.2 Task 2.B.7: Notify applicant of decision

The WULO will notify the applicant, in writing, of the Departments decision with regard to the Type 2 Scoping report.

5 STAGE 3: ASSESSMENT

5.1 Purpose of the Assessment stage

The Assessment stage of the water use authorisation process is designed to provide sufficient quantitative details of the likely impact of a proposed water use to the water resource. The assessments in stage 3 will focus on cause and effect, the assessment of which is divided into several phases, namely a) gather baseline data, b) impact assessment, c) identify mitigation measures and d) control. The following details need to be provided for high risk mines:

- the purpose, objectives, efficiency and need for the proposed water use from a water conservation and demand management perspective,
- justification for the need for the discharge and the necessity of producing an effluent containing waste,
- assessment of alternatives, and
- source-directed measures such as water conservation measures, pollution prevention and waste minimisation, cleaner production and treatment technologies,
- the resultant impact of the water use on the water resource after the application of all of the identified measures, and
- measures to be included in the water management strategy to monitor and report on the impacts of the water use.

To achieve the above, the applicant will need to gather information on the water use and the possible impacts to the water resource as well as information such as other point and diffuse sources in the catchment.

The applicant will prepare an Assessment report during this stage, which will be reviewed and evaluated by the Department personnel.

5.2 When is an Assessment Report required?

An Assessment Report is likely to be required when:

- the impact of the water discharge is such that the instream water quality objectives for the catchment are not met, or
- additional information on the impact of the discharge on the water resource are required,
- the water use takes place in a sensitive water resource area,
- the magnitude of the possible impact is large, linked to a low confidence of success of the mitigation measures, and/or
- the activity takes place in a demarcated area of national or international importance.

5.3 Summary of tasks to be undertaken

The sections below provide a rationale for, and general description of, the tasks required by both the applicant and the Department during the Assessment phase. Additional details for the completion of these tasks are provided in the appendices as follows:

- Appendix E: Aide-Memoir for use by the applicant in undertaking the required tasks, and
- Appendix F: Guideline document for the Departmental personnel to evaluate and report on the documentation received

5.4 The applicant

The tasks required to be undertaken by the applicant during the Assessment phase are described in the sections below.

5.4.1 Task 3.1: Describe the affected environment

The description will include details of the site, the proposed processes and activities, the discharge point(s) and the extent of the impacted water resource. This information will be obtained from the baseline assessment (see Appendices C.1, C.2 and C.3) and the Type 2 Scoping report (see Appendix C.6).

5.4.2 Task 3.2: Quantitative assessment of the discharge on the water resource

This task will be similar to that described for the baseline study for 21 (f), (g), (h) and (j) water uses (see Appendix C.3) and, in general, include the following activities:

- determine the area of investigation,

-
- determine sources of impact,
 - determine water uses,
 - determine water quality requirements,
 - identify the constituents of concern in the discharge,
 - determine and describe the hydrological characteristics of the receiving water,
 - quantitative assessment and prediction of the impact of the discharge.

The key difference will be the level of modelling to be undertaken. **Appendix E.1** describes the above process, as well as the modelling requirements in more detail.

5.4.3 Task 3.3: Prepare a quantitative risk assessment

The applicant will prepare a quantitative risk assessment focussed at the risks of the discharge from the mine on the water resource. **Appendix E.2** provides additional details on undertaking such a risk assessment.

5.4.4 Task 3.4: Identify and evaluate mitigation measures

The applicant must indicate what mitigation measures will be put in place, and the extent of the mitigation measures, to alter the processes so as to minimise or eliminate the negative impacts. Mitigation measures could include changes to the planning and design, alternatives methods of meeting the needs, improved monitoring and management and monetary compensation.

Appendix E.1 provides additional details on identifying and evaluating mitigation measures.

5.4.5 Task 3.5: Undertake cost-benefit analysis

The applicant must demonstrate, through a cost-benefit analysis, that the benefits of employing (or not employing) the identified mitigation measures outweighs the costs.

Appendix E.3 provides additional details on undertaking a cost-benefit assessment.

5.4.6 Task 3.6: Describe the public consultation process

The applicant should include a description of the public consultation process that was followed, which will include the following:

- the identification of parties that are either affected by the water use licence application or have an interest in the environment(s) that will be affected by the proposed water use,
- an indication of the procedures that were followed to engage the interested and affected parties and afford these parties the opportunity to participate at all appropriate stages and to express their views about the scope of the report and the alternatives investigated,

-
- a record of the issues that were identified as being of concern to the interested and affected parties, and
 - notification details of where the report can be obtained and to whom comments should be addressed.

5.4.7 Task 3.7: Prepare Assessment report

The Assessment report will be in the form of an Integrated Water Management Plan (IWMP) prepared by the applicant. **Appendix E.4** summarises the contents and level of detail in an Assessment report.

5.5 The Departmental Personnel

5.5.1 Task 3.8: Review and evaluate the Assessment report

The process to follow in the review and consideration of an Assessment report is similar to that for a Type 1 Scoping report, as detailed in **Figure 8** above.

The Departmental review should determine whether:

- the procedures followed to date have been adequate and that the legal and procedural requirements have been complied with,
- the Assessment report is complete according to the Departments guidelines. **Appendix F.1** contains the relevant check-lists for use by the Departmental personnel in undertaking this activity,
- consideration has been given to the issues covered in section 27(1) of the National Water Act, including:
 - l) existing lawful water uses,
 - m) the needs to redress the results of past racial and gender discrimination,
 - n) efficient and beneficial use of water in the public interest,
 - o) the socio-economic impact –
 - I. of the water use or uses if authorised,
 - II. of the failure to authorise the water use or uses,
 - p) any catchment management strategy applicable to the relevant water resource,
 - q) the likely effect of the water use to be authorised on the water resource and on other water users,
 - r) the class and the water resource quality objectives of the water resource,

-
- s) investments already made and to be made by the water user in respect of the water use in question,
 - t) the strategic importance of the water use to be authorised,
 - u) the quality of water in the water resource which may be required for the Reserve and for meeting international obligations, and
 - v) the probable duration of any undertaking for which a water use is to be authorised.
- there has been sufficient consultation with interested and affected parties,
 - the information provided in the Type 1 Scoping Report is accurate, unbiased and credible and that no further information is required,
 - adequate attention has been given to alternatives and to the minimisation of the impact of the water use, and

Appendix D.2 contains background information as well as guidelines and procedures for the use of ACWUA decision-making support system for RDWQM, which can be used in the consideration and evaluation of the various issues covered in section 27(1) of the National Water Act. Alternatively, the document entitled “The Assessment of Water Use Authorisations and License Applications in terms of Section 27(1) of the National Water Act, 1998, prepared by the Department can be used for this activity.

5.5.2 Task 3.9: Undertake specialist review

A specialist review will be commissioned by the Departmental personnel in instances when the assessment is highly technical in nature and the required expertise is lacking within the Department.

5.5.3 Task 3.10: Consideration of application

The Department must accept the information in the Assessment report, where after the Delegated Authority may decide:

- to issue a water use authorisation with or without conditions, or
- to decline the application.

5.5.4 Task 3.11: Prepare conditions of approval

The WULO, in conjunction with the Delegated Authority, will prepare conditions of approval of the water use authorisation. **Appendix B.3** contains typical conditions that may be applied for the different water uses.

5.5.5 Task 3.12: Prepare Record of Decision

A Record of Decision must be issued by the Delegated Authority to the applicant and made available to the interested and affected parties. The Record of Decision must include:

- the name, address and contact details of the applicant,
- a description of the proposed project, processes and activities,
- details of the water quantities to be used (or disposed),
- the decision of the Delegated Authority,
- the conditions of the authorisation, including measures required to mitigate the impact of the water use on the water resource,
- the name of the person to whom an appeal may be directed,
- the duration of the authorisation or the date of expiry,
- the signature of the Delegated Authority, and
- the date of the decision.

Appendix B.4 contains an example of a Record of Decision.

5.5.6 Task 3.13: Notify applicant of decision

The WULO will notify the applicant, in writing, of the Departments decision with regard to the water use authorisation application.

5.6 Appeal

The appeal process, as described in section 3.5 will also be applicable here.

6 PROCESS FLOW DIAGRAMME FOR EVALUATING WATER USE AUTHORISATIONS

The current process for evaluating water use applications within the Department is shown (in a generic format for all water uses) in **Figure 9**. Concern has been raised within the Department that this process is cumbersome to manage and leads to delays in the evaluation and consideration of water use authorisations. The main points of concern are as follows:

- there is an element of duplication of effort between the regional Office and National Office input to the evaluation of a water use application,
- there are delays in distribution and evaluation of the document through the various Directorates within National office, and

-
- conditions of approval of the water use authorisation that are made in the Regional offices are amended without consultation in the National Office.

A streamlined Departmental process has been proposed to address the above concerns. This is indicated in **Figure 10**. The primary differences that have been introduced are as follows:

- the evaluation of the water use application will primarily be a Regional Office responsibility, under the management of the Water Use License Officer (WULO). The various Directorates within the National Office will be available to the WULO as a resource base to provide specialist input to the evaluation process, as required,
- the entry point in the National office for water use applications will be the SD: Authorisation and Administration,
- the Dir: Waste Discharge and Disposal will be responsible for a technical review of the water use application. The D:WD&D personnel will have access to the same resource base within the National Office, who should be used by exception during the review, rather than as a rule,
- the Department is in the process of developing a tracking system for water use authorisations. The SD: Authorisations and Administration will be responsible for implementation of the tracking system, to ensure that each application is progressed timeously through the process and that the required timeframes are adhered to.

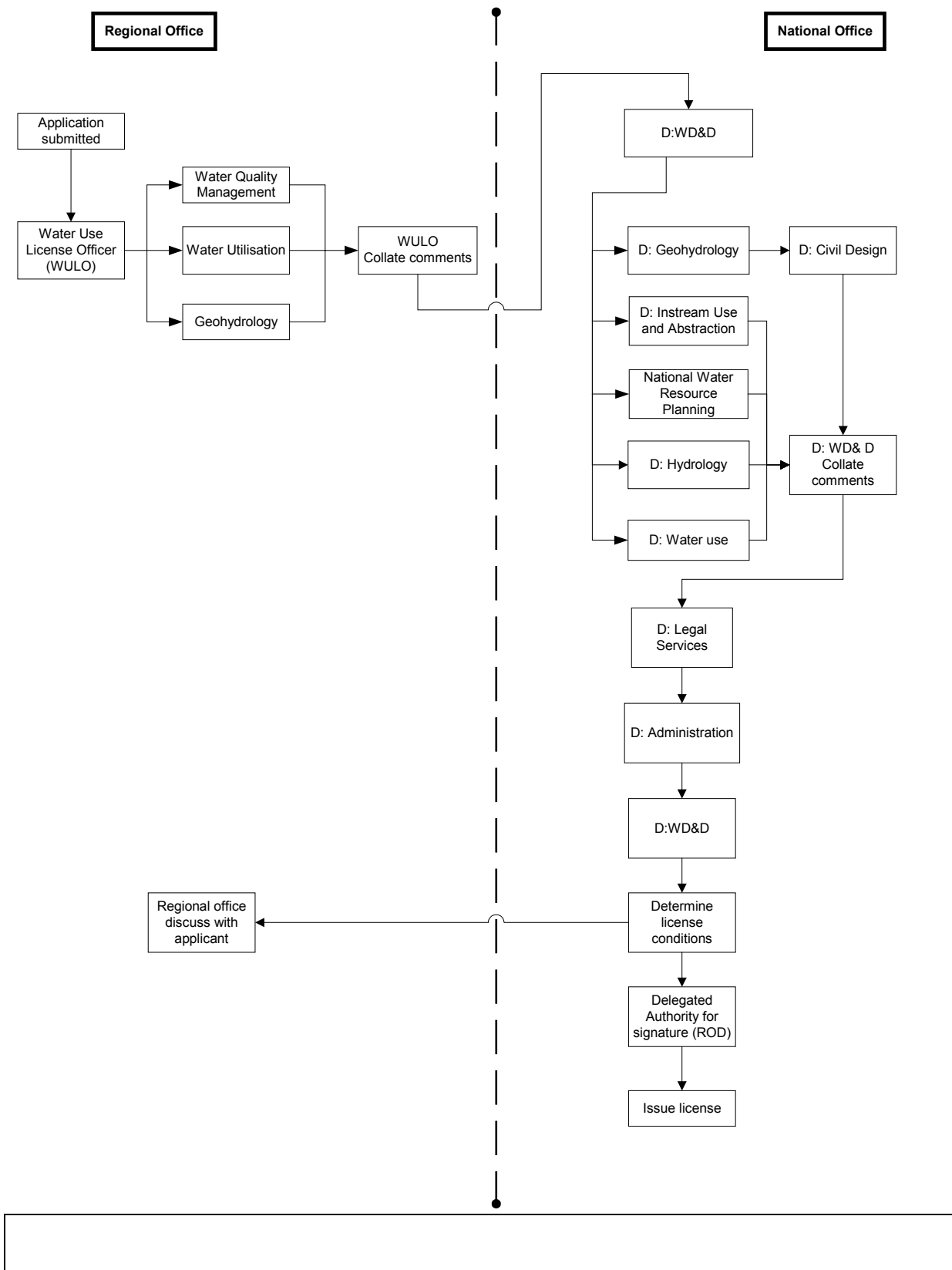


Figure 9: Current Departmental process for evaluating water use applications

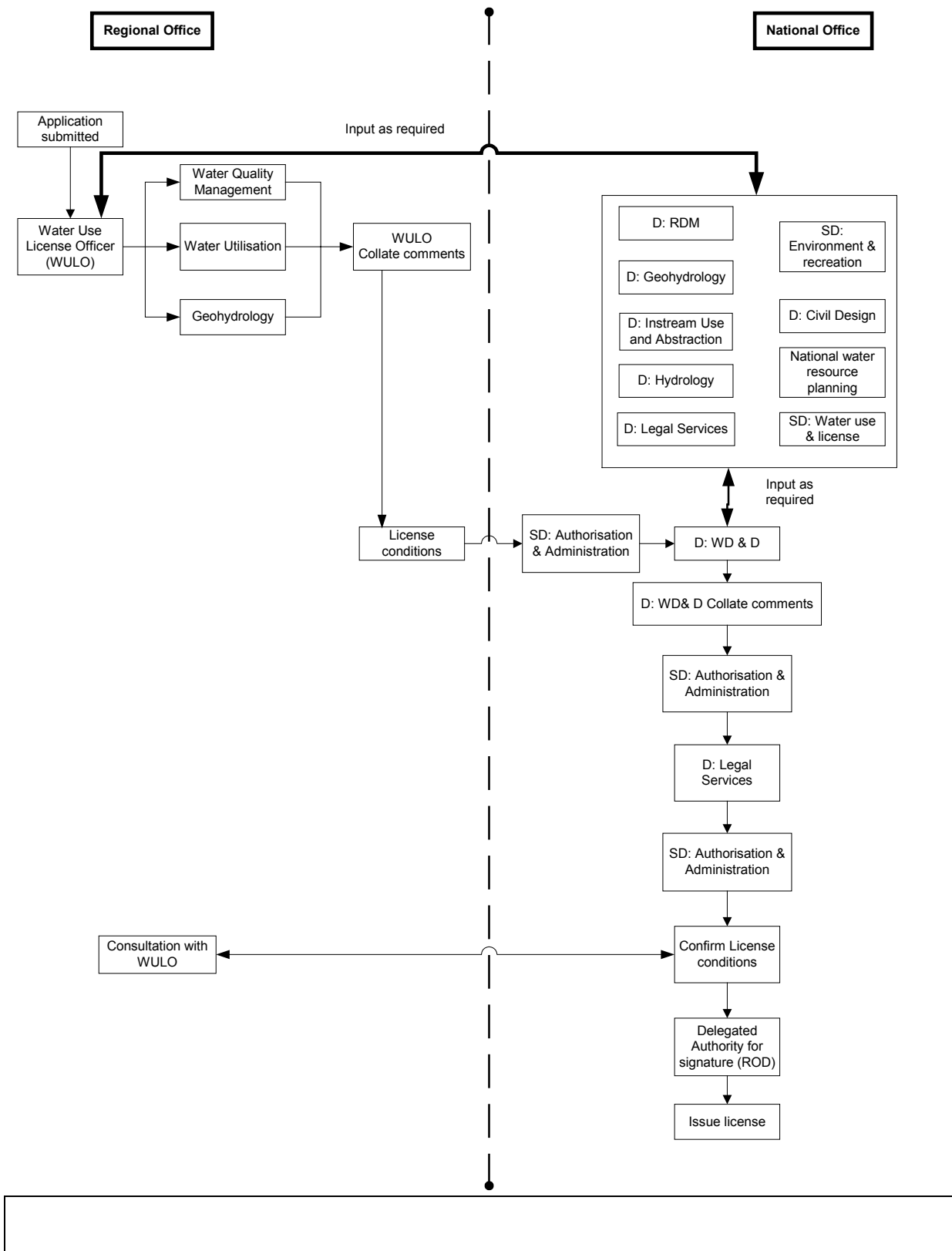
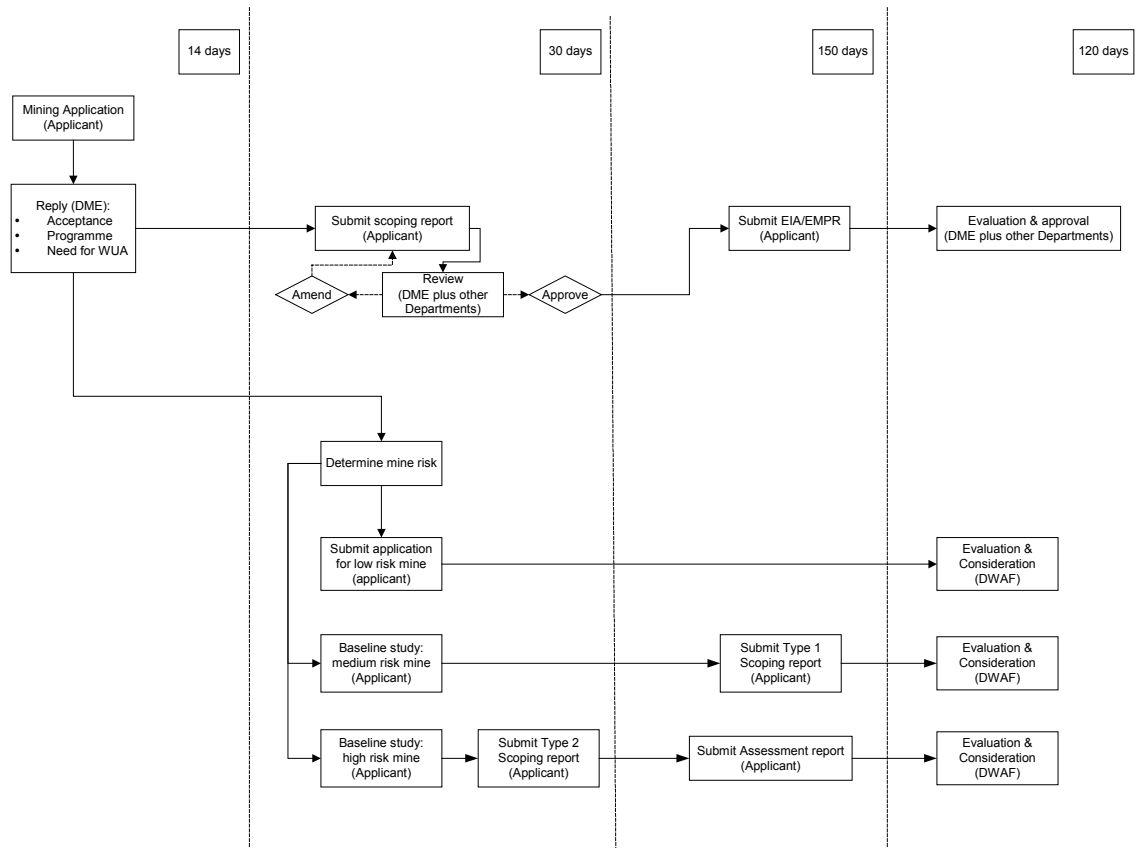


Figure 10: Proposed Departmental process for evaluating water use applications

7 TIMEFRAMES FOR EVALUATING WATER USE AUTHORISATIONS

The Department will be obliged to adhere to the timeframes recommended by the Department of Minerals and Energy (DME) in the Minerals and Petroleum Resources Development Act (MPRDA), (Act No. 28 of 2002). The timeframes applicable to the DME, with regard to mining authorisations, are shown in **Figure 11**. This figure also indicates how the water use authorisation process will fit into



the required timeframes.



Figure 11: Timeframes applicable to the water use authorisation process

Table 3 below provides overall details on the *maximum* timeframes for the Departmental personnel to undertake the various tasks in the water use authorisation process, given the proposed process in Figure 10 and an overall time limit of 120 calendar days for the complete process.

Table 3: Timeframes for the evaluation of water use applications

Office	Responsibility	Task Description	Incremental time-frame (days)	Overall time-frame (days)
Regional Office	WULO	Evaluate and record application details	2	60
		Register the application	2	
		Acknowledge receipt	1	
	Water Quality management	Review reports; Consideration of application	15	
	Water Utilisation		15	
	Geohydrology		15	
WULO	Collate comments Prepare license conditions	10		
National Office	SD: Authorisation & Administration	Register applications	5	60
	D: WD&D	Technical review	20	
	D: Legal Services	Legal review	10	
	SD: Authorisation & Administration	Prepare Conditions of Approval	5	
	Delegated Authority	Licence signature	10	
	SD: Authorisation & Administration	Prepare Record of Decision	10	
Overall Total				120

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