



**SUSTAINABLE DEVELOPMENT
THROUGH MINING**

DEVELOPMENT OF MINE ENVIRONMENTAL MANAGEMENT (MEM) SERIES GUIDELINES FOR THE DEPARTMENT OF MINERALS AND ENERGY

Background Information Document (BID) for the preparation of Mine Environmental Management Guidelines on:

- **Mine closure**
- **Environmental decision-making and implementation -
for Scoping, Environmental Impact Assessments and
Environmental Management Programmes**
- **Environmental Management Programme monitoring
and performance assessment**

1. Introduction

The Minerals and Petroleum Resources Development Act (MPRDA), 2002 (Act 29 of 2002) and the Regulations thereto was promulgated in May 2004. The Department of Minerals and Energy, in an effort to facilitate better understanding of the meaning and the successful interpretation of the Act, has decided to produce a series of guideline documents that explain the requirements of the Act, especially with regard to environmental management. These guidelines are called the Mine Environmental Management (MEM) series guidelines and are to be used in conjunction with the Act and Regulations to aid interpretation and implementation.

2. Project team

The Department of Minerals and Energy is in the process of developing a series of guideline documents that will assist applicants for mining rights as well as operators of mining operations, by enhancing their understanding of the requirements of the Mineral and Petroleum Resources Development Act, 2002 (Act 29 of 2002).

NATIONAL STRATEGY UNDERTAKEN BY:



the dme

Department:
Minerals and Energy
REPUBLIC OF SOUTH AFRICA

IN COOPERATION WITH:



The development of the guidelines will be a joint effort by the Council for Geoscience (CGS), the Council for Scientific and Industrial Research (CSIR) and Mintek as part of the Sustainable Development through Mining (SDM) Programme that was launched by the DME in collaboration with these three councils.

3. Guidelines being developed

The three guidelines that are currently being developed are:

3.1 MEM Guideline on Mine Closure:

A single, comprehensive guideline is being prepared for mine closure for the country spanning all commodities in all regions, and for all scales of mining operation. The key outcomes of this task include the following:

- Preparation of a guideline that supports the implementation of the requirements of the Minerals and Petroleum Resources Development Act, 2002 (Act 29 of 2002), the Mine Health and Safety Act of 1996, the National Water Act of 1998 and the National Environmental Management Act of 1998.
- Conducting a stakeholder engagement process to ensure wide acceptance of this guideline through all phases of the guideline development.
- Publication of the guideline in a format approved by the DME.

This guideline is explicitly intended not to be a Best Practice Guideline but rather to focus on the implementation of the relevant legislation by enhancing understanding of the specific requirements thereof.

The published guideline shall serve as guidance to the mining industry, DME officials, as well as officials from other Government Departments involved in the mine closure process. The guideline should be made available in both print copy and electronic format for placement on DME, DWAF, and other relevant websites.

3.2 MEM Guideline on environmental decision-making and implementation - Scoping, EIA and EMP Guideline

The purpose of this guideline is to assist the meaningful implementation of the environmental requirements of the Minerals and Petroleum Resources Development Act (MPRDA) through clear guidance on DME requirements and environmental standards. As such, this guideline is aimed at applicants for rights engaging in prospecting, mining, and related activities that fall under the ambit of the MPRDA. The key outcomes of this task are:

- Preparation of a comprehensive guideline covering all aspects of the types of environmental approvals granted under the MPRDA, for use and distribution by the DME.
- Conducting a stakeholder engagement process to ensure wide acceptance of this guideline through all phases of the guideline development.

- Publication of this guideline to the broad mining community and other interested and affected parties, and produced on electronic and print formats as prescribed by the DME.

The purpose of the guideline will be to give assistance to prospective miners and prospectors. As such, it shall contain information that will guide the applicant as to:

- (a) The form and prescribed format for Scoping reports, Environmental Impact Assessment reports (EIA's) and Environmental Management Programmes (EMP's)
- (b) The minimum requirements for each of these documents must be described clearly and in simple language. Environmental Management Plans typically associated with small-scale mining projects are specifically excluded from this process.

Through providing the required future format and minimum content of Scoping Reports, EIA Reports and EMP's submitted in terms of the MPRDA, this guideline will enable and support the operation of an audit system.

The guideline will also outline an approach to environmental assessment and management that assists applicants in conducting processes and preparing documentation that meets the requirements of both the MPRDA and the EIA Regulations.

3.3 MEM Guideline on EMP monitoring and performance assessment:

This guideline is to be developed with the purpose of giving guidance to both DME officials and the holders of mining rights, prospecting rights etc. on the implementation of the MPRDA as far as EMP monitoring and performance assessment is concerned. The guideline will focus on approved EMP's for active mining operations and will guide the holder of these rights to understand what environmental performance measures are critical to their operations. Furthermore, the guideline will help regional officials at the DME to understand what EMP performance parameters are critical to measure, and at which intervals.

- The primary focus of the guideline will be to support the implementation of the MPRDA.
- The determination of performance standards and methods of measurement is critical.
- The performance indicators and measurements must support the DME's Departmental EMP performance and reporting to the South African Human Rights Commission (SAHRC).
- In addition, the performance measures from this guideline must integrate fully with the Personal Digital Assistant (PDA) - based Site Inspection Assistance Tool (SIAT) developed for the DME by CSIR and Mintek.
- The information gathered from physical site inspections must relate to the Guideline and must integrate with other elements of the Mineral Resource Management System (MRMS) already in use by the DME.

4. Stakeholders

As part of this process, stakeholders from various levels of industry, NGOs, CBOs, Labour, Government and other interested and affected parties, including environmental, economic and social experts will be consulted during all phases of the development of the guidelines.

This document serves to notify you, as an identified stakeholder in this process of the development of the MEM series guidelines, so that you may follow the development process and provide input where appropriate. Stakeholders will be provided with a range of opportunities for engaging in the process, including participation in workshops and through electronic communication. The stakeholder engagement process will be conducted during the first half of 2006, with a draft set of guidelines to be prepared by April 2006.

5. The process forward

The development of these three guidelines will occur concurrently. This document is the first step in notifying all parties who may possibly be interested or affected by these guidelines and invite broad comment on their development.

In subsequent steps, primary drafts of each guideline will be prepared and communicated through workshops and focussed stakeholder sessions for each individual guideline.

Dedicated focus groups composed of key stakeholders and the three Councils (CGS, CSIR and Mintek) will be established as review teams for each of the three guidelines. The development of these guidelines is an ongoing process and it is anticipated that several stakeholder workshops and focus group sessions, coupled with an extensive electronic communication programme, will be necessary to facilitate broad stakeholder ownership.

The target date for the release of the drafts for final discussion and consultation is April 2006. All stakeholders will be kept informed of the development of the guidelines throughout the process.

6. Communication

All communication with regard to the development of these guidelines will be channelled through a central office. You are kindly requested to register for the stakeholder engagement process for these guidelines and confirm your contact details with Luncedo Xelelo or Lesego Katata at the CSIR.

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You are welcome to expand the stakeholder network by forwarding the contents of this letter to other parties whom you know and who might be interested or by forwarding their details directly to the Communications office.

Your participation and cooperation in this process is sincerely appreciated. Should you require any further information regarding the development of these guidelines, please contact Mr Hermanus Cornelissen (Tel: 012 841 3775 / email: HCornelissen@csir.co.za) or Mr. Paul Lochner (Tel: 021 888 2486 / email: PLochner@csir.co.za) at the CSIR; or Me. Melanie Naidoo-Vermaak at Mintek (Tel: 011 709 4111 / email: MelanieNV@mintek.co.za)

Wishing you an enjoyable Christmas season and all the best for the new year.

Yours faithfully



On behalf of the
MEM Guidelines Team

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