



# Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Mr Lucas Mahlangu  
National Department of Environmental Affairs  
By e-mail: [lmahlangu@environment.gov.za](mailto:lmahlangu@environment.gov.za)

Ms Fiona Grimmet  
By email: [fgrimmet@environment.gov.za](mailto:fgrimmet@environment.gov.za)

Ms Tirhani Kubaye  
Limpopo Department of Economic Development Environment and Tourism  
By email: [kubayeta@ledet.gov.za](mailto:kubayeta@ledet.gov.za)

Ms T Malungani  
By email: [maluganitp@ledet.gov.za](mailto:maluganitp@ledet.gov.za)

DEA ref: 12/9/11/L  
LEDET ref: 12/1/9/2-W40  
Our ref: CER/RH  
Date: 26 August 2013

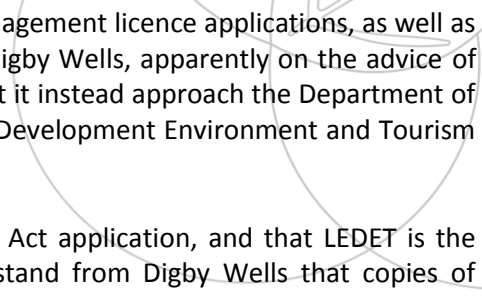
**URGENT**

Dear Sir and Mesdames

**REQUEST FOR COPIES OF APPLICATION FOR THE WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008, AND THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 APPLICATION IN RELATION TO PROPOSED DALYSHOPE PHASE 1 COAL MINE OF ANGLO OPERATIONS PROPRIETARY LIMITED**

1. We address you on behalf of our client Earthlife Africa Johannesburg (ELA), which is an interested and affected party in the above-named project. The purpose of this letter is to request copies of the applications made by Anglo Operations Proprietary Limited (AOL) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), and the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (Waste Act).
2. In terms of the draft scoping report for the project, Digby Wells Environmental (Digby Wells) has been appointed by AOL as the independent Environmental Assessment Practitioner to undertake the necessary authorisation processes for the proposed Dalyshope Phase 1 Coal Mine project in terms of NEMA, the Waste Act, the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA), and the National Water Act, 1998 (Act No. 36 of 1998) (NWA).

223 Lower Main Road,  
Observatory, 7925  
Cape Town, South Africa  
Tel 021 447 1647, Fax 086 730 9098  
Email [info@cer.org.za](mailto:info@cer.org.za), [www.cer.org.za](http://www.cer.org.za)

- 
3. In order to comment on the DSR, ELA requested copies of the waste management licence applications, as well as the applications for NEMA authorisation from Digby Wells. However, Digby Wells, apparently on the advice of AOL, refused our client access to these application forms, suggesting that it instead approach the Department of Environmental Affairs (DEA) and the Limpopo Department of Economic Development Environment and Tourism (LEDET) for these documents.
  4. We are aware that the DEA is the competent authority for the Waste Act application, and that LEDET is the competent authority for the NEMA application. However, we understand from Digby Wells that copies of applications in terms of both Acts were made available to both departments.
  5. Access to these applications will place our client in a better position to evaluate the scoping and other reports, and to make more meaningful submissions in the process. It is submitted that there can be no basis to refuse our client access to these applications, and that the refusal to do so undermines the fairness of the procedure.
  6. In the circumstances, we request copies of the waste management licence and NEMA applications in relation to the Proposed Dalyslope Phase 1 Coal Mine. Kindly provide us with these documents by Monday, 2 September 2013.
  7. We look forward to your response.
  8. Please do not hesitate to contact us, should you have any queries.

Yours sincerely

**CENTRE FOR ENVIRONMENTAL RIGHTS**

per:



**Robyn Hugo**

Attorney

Direct email: [rhugo@cer.org.za](mailto:rhugo@cer.org.za)