

30 March 2022

Dear Sir/Madam,

**ATTENTION: INTERESTED AND/OR AFFECTED PARTIES****IMPALA FLASH DRYER PROJECT - NOTIFICATION OF AMENDED ENVIRONMENTAL  
AUTHORISATION AND APPEAL PROCESS**

As an interested and/or affected party (I&AP) registered on the project's database you have been notified of the Basic Assessment Process for the proposed increase of the flash dryer capacity and associated feed circuit modifications at the Impala Rustenburg Smelter Complex. This e-mail serves to inform you that the Department of Mineral Resources and Energy – North West Region (DMRE) has granted an amended Environmental Authorisation (EA) to Impala Platinum Limited. The amended EA (the EA) was granted on 11 January 2022 and was received by SLR on 04 February 2022.

In accordance with Regulation 4 (2) of the Environmental Impact Assessment Regulations GNR 982 of 2014, as amended, the applicant must notify I&APs in writing within 14 days of the decision. In this regard, the decision was received outside of the 14 days notification period.

The DMRE was engaged and notified on 07 February 2022 that the EA issued was received outside the 14 days notification period. As such, the applicant was unable to comply with the conditions of the EA as well as the 14 day notification period. On 08 February 2022, the requested the DMRE to reissue the EA so that Impala could be placed in a position whereby it could comply with the 14 day timeframe provided for in Regulation 4(2). Despite assurances being given by the DMRE that it would reissue the EA, it was subsequently confirmed by the DMRE that this was not possible. Impala was, on 16 March 2022, given approval by the Regional Manager: Klerksdorp Region to proceed with the notification of all I&APs of the decision to grant the EA. The facts and circumstances surrounding the delay in receipt of the EA by Impala and the approval by the Regional Manager: Klerksdorp Region to now notify all I&APs has been captured in an affidavit signed by the Head: Environment for the Applicant and is attached to this notification.

The amended EA outlines, amongst others: the decision; the activities authorised; conditions of authorisation; reasons for the decision and the appeal process in terms of the National Appeal Regulations, GNR 993 of 2014 (as amended). A full copy of the amended EA is included in Annexure A of the attached document and is available electronically from the SLR website (<https://www.slrconsulting.com/en/public-documents>).



SLR Consulting (Africa) Proprietary Limited

Registered Address: Suite 1 - Building D, Monte Circle,  
178 Montecasino Boulevard, Fourways, Johannesburg, Gauteng, 2191  
Postal Address: PO Box 1596, Cramerville, 2060, South Africa

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Johannesburg Office: Physical Address: Suite 1 - Building D, Monte Circle,  
178 Montecasino Boulevard, Fourways, Johannesburg, Gauteng, 2191  
Postal Address: PO Box 1596, Cramerville, 2060 Tel: +27 11 467 0945

Cape Town Office: Physical Address: 5th Floor, Letterstedt House, Newlands on Main,  
Cnr Main and Campground Roads, Newlands, Cape Town, Western Cape, 7700  
Postal Address: PO Box 798, Rondebosch, 7701 Tel: +27 21 461 1118

Durban Office: Physical Address: Unit 14, Braehead Office Park  
1 Old Main Road, Kloof, Durban, KwaZulu-Natal, 3640,  
Tel: +27 11 467 0945

Should you wish to appeal the DMRE decision, your appeal must be lodged in terms of Chapter 2 of the National Appeal Regulations, 2014 within 20 calendar days from the date of this notification (From 31 March to 21 April 2022). An appeal must be submitted to the Appeals Administrator in writing, by one of the methods outlined below, and on a form obtainable from the appeal authority. A prescribed appeal form, as well as assistance regarding the appeal process is obtainable from the office of the Appeal Authority.

Submit your appeal to:

Attention: Directorate Appeals and Legal Review  
Department of Environmental Affairs

By post: Private Bag X 447, Pretoria, 0001

By hand: Environmental House, corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083

Email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

An electronic copy (word document format) of the lodged appeal and supporting documentation must also be submitted to the Department of Mineral Resources and Energy (North West region as per the details below).

Department of Mineral Resources and Energy (North West)

Attention: Regional Manager: Klerksdorp Region

Fax: 018 487 4394

E-mail: [Phumudzo.Nethwadzi@dmre.gov.za](mailto:Phumudzo.Nethwadzi@dmre.gov.za)

Post: Private Bag XA1, Klerksdorp, 2570

By Hand: Vaal University Building, Cnr Magaretha Prinsloo and Voortreker street, Klerksdorp, 2570

Yours faithfully



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*Reinett Mogotshi*  
Senior Environmental Consultant  
SLR Consulting

## ANNEXURE A: COPY OF THE ENVIRONMENTAL AUTHORISATION



**mineral resources  
& energy**

Department:  
Minerals Resources and Energy  
REPUBLIC OF SOUTH AFRICA

**Private Bag A1, KLERKSDORP 2570**

**Fax No: (018) 487 4394 / Tel No.: (018) 487 4300**

**Enquiries: T Meregi Reference No. NW 30/5/1/2/3/2/1/130, 131, 132 and 133EM**

**BY HAND**

The Manager  
Impala Platinum Limited  
P O Box 1050  
Rustenburg  
0300

**Attention:** Mr Hennie Crafford

**Fax no:** (011) 731 9254

**AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 IN RESPECT OF THE APPLICATION FOR AN AMENDED ENVIRONMENTAL AUTHORISATION FOR AN UPGRADE AND INCREASED CAPACITY OF THE FLASH DRYER IN RESPECT OF PORTION 2 OF THE FARM BEERFONTEIN 263 JQ, WITHIN THE MAGISTERIAL DISTRICT OF RUSTENBURG, NORTH WEST PROVINCE.**

With reference to the above-mentioned application, please be advised that the Department has decided to **grant** an amended environmental authorisation in terms of National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (North-West Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

#### **Appeal to the Department of Environmental Affairs**

**Attention** : Directorate Appeals and Legal Review

**Email** : [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

**By post** : Private Bag X 447, **PRETORIA**, 0001

**By hand** : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **Pretoria**,

0083

#### **Copy of the lodged appeal to the Department of Mineral Resources**

**Attention** : Regional Manager: Klerksdorp Region

**By facsimile** : (018) 487 4394

**E-mail** : [Phumudzo.Nethwadzi@dmre.gov.za](mailto:Phumudzo.Nethwadzi@dmre.gov.za)

**By post** : Private Bag XA1, **KLERKSDORP**, 2570

**By hand** : Vaal University Building, Cnr Magaretha Prinsloo and Voortreker street, Klerksdorp, **2570**

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of

the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards



CHIEF DIRECTOR

NORTH WESTERN REGION

MINERAL REGULATION

NORTH-WEST REGIONAL OFFICE

DATE: 11/01/2022



## mineral resources & energy

Department:  
Minerals Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag A1, KLERKSDORP 2570

Fax No: (018) 487 4394 / Tel No.: (018) 487 4300

Enquiries: T Meregi Reference No. NW 30/5/1/2/3/2/1/130, 131, 132 AND 133EM

### AMENDED ENVIRONMENTAL AUTHORISATION

**Reference number:** NW30/5/1/2/3/2/1/130,131, 132 AND  
133EM

**Holder of authorisation:** Impala Platinum Limited

**Location of activity:** Portion 2 of the farm Beerfontein 263 JQ,  
within the magisterial district of Rustenburg,  
North West province.

### DECISION

#### ACRONYMS

**NEMA:** The National Environmental Management Act, 1998 (Act 107 of 1998), as amended

**DEPARTMENT:** Department of Mineral Resources.

**EA:** Environmental Authorisation.

**IEA** Integrated Environmental Authorisation.

**EMPr:** Environmental Management Programme

**BAR:** Basic Assessment Report

**S&EIR:** Scoping and Environmental Impact Report

**I&AP:** Interested and Affected Parties

**ECO:** Environmental Control Officer

**SAHRA:** South African Heritage Resources Agency

**EIA REGULATIONS:** EIA Regulations, 2014

**MPRDA:** Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended

**NEM:WA:** National Environmental Management: Waste Act, 2008 (Act 59 of 2008),  
as amended

**EIA:** Environmental Impact Assessment

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activity (ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** and **2** of this environmental authorisation.

#### **ACTIVITY APPLIED FOR**

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by <sup>amendment</sup> **Impala Platinum Limited** with the following contact details –

**Impala Platinum Limited**

**P O Box 1050**

**Rustenburg**

**0300**

**Attention:** Mr Hennie Crafford

**Fax no:** (011) 731 9254



To undertake the following activities listed in the NEMA EIA Regulation:

## **GNR 327 OF April 2017**

### **Activity 34**

The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding- (i) where the facility, infrastructure, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) in which case the National Environmental Management : Waste Act, 2008 applies; (ii) the expansion of existing facilities or infrastructure for the treatment of effluent; wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or (iii) the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic meters or less per day.

*amended*  
The granting of this <sup>EA</sup> is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions). The Environmental Management Programme (EMPr) attached as <sup>amended</sup> part of reports for the above development submitted as part of the application for an <sup>EA</sup> is hereby approved and must be adhered to throughout the life cycle of the operation.

### **EA SITE SPECIFIC CONDITIONS**

1. All mining activities and associated activities within the mining area must adhere to the mitigation measures and the recommendations indicated in the approved Reports including the Basic Assessment Report for the proposed increase of the flash dryer capacity and associated feed circuit modifications at the Impala Rustenburg smelter complex on the **23<sup>rd</sup> February 2021**.

2. Dust minimisation measures must be put in place to minimise any dust that will be generated during the construction of the increased flash dryer capacity and upgrade.
3. Noise from the machineries and the construction activities must be kept at a minimum, in order to minimise noise impact on the any nearby **communities**.
4. The contactor/s must ensure that no animals are disturbed, trapped, hunted or killed during the construction phase. Conservation-orientated clauses should be built into contracts for construction personnel.

## **ANNEXURE 1: REASONS FOR THE DECISION**

### **1. Background**

Impala Platinum Limited holds a Mining Right with reference number **130, 131, 132 and 133MR**. Impala Platinum Limited has an existing flash dryer feed circuit and have applied for an upgrade and increase in capacity of the flash dryer. The flash dryer is within the existing smelter complex. An assessment was conducted, and potential environmental impact were assessed, and mitigation measures were proposed for the above project.

Impala Platinum Limited appointed SLR consulting to undertake the Basic Assessment process as required by the EIA Regulations

### **2. Information considered in making the decision**

In reaching its decision, the Department took, *inter alia*, the following into consideration

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- a) The information contained in the application form received by the Department on **23<sup>rd</sup> February 2021**;

- b) The information contained in the BAR received by the Department on **31<sup>st</sup> August 2021**;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP), proof of site notices and newspaper advert attached as part of the BAR Report.

### **3. Key factors considered in making the decision**

All the information presented to the Department was taken into account upon the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below.

- a) A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R982 for public involvement;
- b) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the Basic Assessment Report compiled by SLR consulting.

### **4. Findings**

After consideration of the information and factors listed above, the Department made the following findings –

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process complied with Chapter 6 of the EIA Regulations R982. The PPP included, *inter-alia*, the following:
  - A newspaper advertisement was placed in the Daily Sun newspaper;

- Notices were placed at the project site;
- Notices were sent to key stakeholders and the registered interested and affected parties;

## **ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS**

### **1. SCOPE OF AUTHORISATION**

- 1.1. The holder of EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4 Where any of the holder of the EA contact details change including name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5 The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6 The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

## **2 APPEAL OF AUTHORISATION**

2.1 The holder of EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:

2.2 Notify all registered I&APs of –

2.2.1 The outcome of the application;

2.2.2. The date of the decision;

2.2.3. The date of issue of the decision and;

2.2.4 The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions in Annexure 2.

2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,

2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.

2.5 Provide the registered I&APs with:

2.5.1 Name of the holder (entity) of this EA

2.5.2 Name of the responsible person for this EA

2.5.3 Postal address of the holder;

2.5.4 Telephonic and fax details of the holder and

2.5.5 E-mail address of the holder if any.

## **3 COMMENCEMENT OF THE ACTIVITY (IES)**

3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).

- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.3 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.
- 3.4 Appropriate notification sign must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.5 Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.6 Any vegetation clearance must be limited on areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.7 The holder of EA must note that in terms of the National Forest Act (Act No.84 of 1998) protected plant species, must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and fisheries.
- 3.8 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.9 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.

- 3.10 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 3.11 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the holder of EA responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.12 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.13 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.14. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.15 Mixing of cement, concrete, paints, solvent, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflow onto soil to avoid contamination of underground water and environmental damage.
- 3.16 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or **North West Heritage Resource Agency (NWHRA)** (in accordance with the applicable legislation). Heritage remains uncovered or

disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA).

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 3.17 Care must be taken to ensure that any material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.18 Hydraulic fluid or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.
- 3.19 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works.
- 3.20 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.21. This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.



- 3.22. The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.23. This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.24. The holder of EA must note that in terms Section 43A of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the Environmental Management Plan or Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Plan or Environmental Management Programme.
- 3.25. The holder of EA must note that in terms Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management licence is issued in respect of that activity if licence is required.
- 3.26. An appeal under Section 43 (7) of the National Environmental Management Act ( NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.27. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.28 The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.

- 3.29 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rainwater from getting in contact with the waste.
- 3.30 Any storage of hydrocarbons must have bund walls with adequate capacity to contain the maximum volume that is stored in the area. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site.
- 3.31. The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
- 3.32 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

#### **4. MANAGEMENT OF ACTIVITY (IES)**

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activity (ies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies).
- 4.2. The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.4 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority.

- 4.5 A buffer zone of 100 metres between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.6 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.7 The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities licenced to handle such wastes and all recyclable waste are collected by licenced waste management facilities for recycling, reuse or treatment.
- 4.8 The holder of the EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
- 4.9 Non-compliance with any condition of this EA or EMPr may result in the issuing of a directive in terms of section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.10 Only listed activities that are expressly specified in the EMPr that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr.
- 4.11 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.12 The Holder of EA must ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr.

#### 4.13 The ECO must:

- 4.13.1. Keep and maintain a detailed incident register (including any spillages of fuels, chemicals or any other material
  - 4.13.2. Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
  - 4.13.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
  - 4.13.4. Keep copies of all environmental reports submitted to the Department.
  - 4.13.5. Keep the records of all permits, licences and authorisations required by the operation.
  - 4.13.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.14 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA
- from the legal obligations in terms of the NEMA
- 4.15 The footprint of the activity (ies) must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 4.16. Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
- 4.17. The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.

- 4.18. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

## **5 REPORTING TO THE DEPARTMENT**

### **5.1 The holder of EA must:**

- 5.1.1 submit an Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and must the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;
  - 5.1.2 identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
  - 5.1.3 identify shortcomings in the EMPr/closure plan, if applicable;
  - 5.1.4 identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr/closure plan;
  - 5.1.5 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
  - 5.1.6 specify the name of the auditor and
  - 5.1.7 be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 Any complaint received from the Interested & Affected Parties during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.

- 5.4 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.5 The holder of the EA must, within 24 hours of incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.6 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
- 5.6.1.1 Correct the impact resulting from the incident;
  - 5.6.1.2 Prevent the incident from causing any further impact; and
  - 5.6.1.3 Prevent a recurrence of a similar incident.
- 5.7 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the EA.

## **6. SITE SECURITY AND ACCESS CONTROL**

- 6.1 The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2 Weatherproof, durable and legible notices in at least three official languages applicable in the area must be displayed at each entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the EA and the person responsible for the operation of the site.

## **7. EMERGENCY PREPAREDNESS PLAN**

- 7.1 The holder of the EA must maintain and implement an emergency preparedness plan and review it biennially when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
- 7.1.1 Site Fire
  - 7.1.3 Spillage
  - 7.1.3 Natural disasters such as floods
  - 7.1.4 Industrial action
  - 7.1.5 Contact details of police, ambulances and any emergency centre closer to the site.
- 7.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

## **8. INVESTIGATIONS**

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may

be specified by the Competent Authority.

8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

8.4. Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.

## **9. COMMISSIONING AND DECOMMISSIONING**

9.1 The commissioning and decommissioning of individual activity within the overall listed Mining activity must take place within the phases and timeframes as set out in EMPr.

## **10. SITE CLOSURE**

10.1 The holder of EA must apply for a closure certificate in terms of Section 34 of Mineral and Petroleum Resources Development Act (Act 49 of 2008), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.

10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 34 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.

10.3 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes.

10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water,



compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

## **11. NEMA PRINCIPLES**

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## **12. DISCLAIMER**

The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-

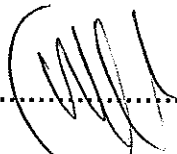
compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

### **13. RECOMMENDATIONS**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activity/ies can be mitigated to acceptable levels. The authorisation is accordingly granted.

Your interest in the future of our environment is appreciated.

Kind Regards



CHIEF DIRECTOR

NORTH WESTERN REGION

MINERAL REGULATION

NORTH-WEST REGIONAL OFFICE

DATE...11/01/2022.....

ANNEXURE B  
THE APPEAL PROCEDURE IN TERMS OF THE NATIONAL ENVIRONMENTAL  
MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998): NATIONAL APPEAL REGULATIONS  
993 OF 2014  
CHAPTER 2, REGULATION 4  
ADMINISTRATION AND PROCESSING OF APPEALS

#### 4. Appeal Submission

- 1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:
  - a. the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
  - b. the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be -
  - a. submitted in writing in the form obtainable from the appeal administrator; and
  - b. accompanied by -
    - I. a statement setting out the grounds of appeal;
    - II. supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

#### 5. Responding Statement

The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

#### 6. Appeal Panel

- 1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- 2) The appeal panel contemplated in sub regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;

- 3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

## 7. Recommendations and Decisions on Appeals

- 1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- 2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- 3) The appeal authority must reach a decision on an appeal, and notify the appellant , applicant , and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator .
- 4) The decision contemplated in sub regulation (3) must contain written reasons for the decision.

## 8. Communication

- 1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- 2) In order to meet the time periods determined in these regulations, the person referred to in sub regulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

## ANNEXURE C: AFFIDAVIT

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## AFFIDAVIT

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I, the undersigned,

**ANNAH NTHOBE KGASWANE**

do hereby make oath and state:

1. I am an adult female Head: Environmental employed by Impala Platinum Ltd (Impala) with its head office situated at 2 Fricker Road, Illovo, Johannesburg, South Africa, 2196.
2. The facts and circumstances set out in this affidavit are within my personal knowledge and belief, except where the context indicates otherwise, and are both true and correct.
3. The need for this affidavit arises from the following unique set of circumstances:
  - 3.1. During July 2020, Impala appointed SLR Consulting (Africa) (Pty) Ltd (SLR), an independent firm of environmental assessment practitioners, to manage Impala's application for Environmental Authorisation (EA) to increase the flash drying capacity at its Smelter Complex in Rustenburg (the project).
  - 3.2. Pursuant to their appointment, on 29 March 2021 SLR applied for Environmental Authorisation for the project which application was issued with reference number NW 30/5/1/2/3/2/1/130, 131, 132 and 133EM.
  - 3.3. The draft Basic Assessment Report (dBAR) was made available for review and comment by registered interested and affected parties (I&APs) and the Competent Authority for a period of 30 days from 1 April to 5 May 2021. All comments received to date were incorporated into the Final BAR.
  - 3.4. On 28 May 2021, and subsequent to the public participation process, two hard copies and one electronic copy of the Final BAR were submitted to the

Department of Mineral Resources and Energy (DMRE) for final review and assessment by the Competent Authority.

- 3.5. As per a request received from the DMRE, electronic copies of the Final BAR were also submitted to the DMRE for the purpose of uploading the same to SAMRAD, which process was completed on 22 June 2021.
- 3.6. On 7 July 2021 Impala received a further request from the DMRE to submit financial provisioning for the project, which financial provisioning was duly submitted on 26 July 2021 to the DMRE in the form of a bank guarantee.
- 3.7. It is therefore evident that both SLR and Impala have, throughout the EA application process, complied with all applicable legislation, any timeframes provided for therein and any requests made by the DMRE.
- 3.8. On 4 February 2022 SLR received an email from the DMRE enclosing a copy of the EA for the project. Upon review of the EA, it was noted that the EA had been signed and dated by the Chief Director: North West Office on 11 January 2022, approximately 25 days prior to the receipt of the EA by SLR.
- 3.9. The 25-day delay by the DMRE in sending the EA to SLR rendered it factually impossible for Impala to comply with regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 which places a legal obligation on Impala to bring the content of the Chief Director's decision on the EA to the attention of all I&APs within 14 days of the decision being made (not 14 days from the date of receipt of the decision).
- 3.10. The DMRE was subsequently notified on 7 February 2022 that the EA was received by Impala outside the 14-day notification period.
- 3.11. On 8 February 2022, Impala submitted a formal request to the DMRE to reissue the EA so that the DMRE could place Impala in a position whereby it would be factually possible for Impala to comply with regulation 4(2).
- 3.12. Pursuant to such request the DMRE confirmed on 16 February 2022 that the EA would be reprinted for the Chief Director's signature so that all relevant regulations and timeframes could be complied with. Despite such undertaking, no further communication has been received from the DMRE in this regard.



- 3.13. A representative of Impala, Mr Dumisani Qina, Mining Rights Advisor, met with the Regional Manager of DMRE: North West on 16 March 2022, and obtained final verbal confirmation that no new EA will be issued by the Chief Director and that Impala must proceed to notify all I&APs.
- 3.14. Impala has since submitted a formal request to the DMRE to obtain written confirmation that, due to the failure by the Chief Director to timeously provide Impala with a copy of the EA, the 14-day notification period only became effective from 16 March 2022, being the date upon which Impala was provided with final confirmation that no new EA will be issued by the Chief Director.
- 3.15. Impala received such written confirmation from the DMRE on 30 March 2022, a copy of which is attached hereto as **Annexure 1**. It is on the basis of the content of this written confirmation received from the DMRE that Impala has now notified all I&APs of the granting of the EA for the project and which notification has taken place within 14 days of the receipt of the written notification.
4. But for the failure by the DMRE to timeously supply Impala with a copy of the EA, I am of the reasonable opinion that Impala would have complied with regulation 4(2) and notified all I&APs within the original 14-day time period. I am further of the reasonable opinion that the inability of Impala to comply with the original 14-day time period was not as a result of any act or omission by Impala and that all necessary steps have since been taken by it to resolve the situation without causing prejudice to any party, including all I&APs.
5. Based on the above unique set of factual circumstances I am of the view that that no prejudice has been suffered by any party, including all I&APs, as Impala has not taken any steps to commence with any activities authorised in terms of the EA. In addition, Impala will also not take any steps to commence with any of the authorised activities within, at the very least, the 20 days following the date of the notification received by I&APs.





Phokeng

DEPONENT

The Deponent has acknowledged that the Deponent knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at Phokeng on this 30 day of March 2022, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.

[Signature]  
COMMISSIONER OF OATHS  
CERTIFIED TO BE A TRUE  
Full name: 21149506 COPY OF THE ORIGINAL  
Address:  
Capacity: Jack Dantjie FULL NAME  
COMMISSIONER OF OATHS  
EX OFFICIO SECURITY OFFICER

**Bidvest**  
PROTEA COIN  
2022 -03- 30  
IMPALA  
RUSTENBURG

## ANNEXURE 1: LETTER FROM THE DMRE



mineral resources  
& energy

Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

Private Bag A1, Klerksdorp, 2570

Tel: (018) 487 4300 Fax: 018 487 4350

Enquiries: Percy Makamu E-Mail: Desmond.Makamu@dmre.gov.za

Sub Directorate: Mine Environmental Management

Reference: NW30/5/1/2/3/2/1/130/131, 132 and 133EM

Impala Platinum Limited  
Private Bag X18  
Northlands  
2116

Attention: Mark Munroe

Email:munroe@implats.co.za

**RE: ENVIRONMENTAL AUTHORISATION (REF. NO. NW 30/5/1/2/3/2/1/130, 131, 132 AND 133EM) FOR THE BASIC ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAMME FOR THE PROPOSED INCREASE OF THE FLASH DRYER CAPACITY AND ASSOCIATED FEED CIRCUIT MODIFICATIONS AT THE IMPALA RUSTENBURG SMELTER COMPLEX.**

Reference is hereby made to your letter dated 24 March 2022.

On 11 January 2022 the Chief Director: North Western Region issued Impala Platinum with an Environmental Authorisation (EA) for the proposed increase of the flash dryer capacity and associated feed circuit modifications at its Rustenburg Smelter Complex. Despite being issued on 11 January 2022, a copy of the EA was only sent to Impala's appointed environmental assessment practitioner on 4 February 2022 which is approximately 25 days after the EA was issued. Due to the delay in the dispatching of the EA, by the Department of Mineral Resources and Energy (DMRE) Impala Platinum could not comply with regulation 4(2) of the Environmental Impact Assessment Regulations which requires Impala Platinum to bring the content of the EA decision to the attention of all registered interested and affected parties (I&APs) within 14 days of the decision.

However, in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations No 993 of December 2014-

➤ Regulations 4(1) "an appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of State with interest in the matter within 20 days from":

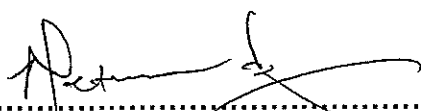
(a) "the date that the notification of the decision for an application of environmental authorization or a waste management licence was sent to the registered and affected parties by the applicant"; or

(b) "the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a)".

In our view, the fact the EA was not dispatched on time by the competent authority does not prejudice the applicant or the interested and affected parties anyhow. The appeal Regulations have made a provision that interested and affected parties can still lodge the appeal within 20 days from the date of being notified. This time period is not affected by any delays that may have occurred to dispatch the document on time by the competent authority.

In light of the above, the DMRE hereby directs Impala to ensure that all I&APs are notified of the Chief Director's decision to grant the EA. The DMRE will not re-issue another EA as the one issued remains valid.

Kind Regards

  
.....  
**REGIONAL MANAGER:**  
**MINERAL REGULATION**  
**NORTH WEST REGION**  
**DATE:** 30/03/2022 .....