

## Gideon Raath

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**From:** EIA Applications <EIAApplications@environment.gov.za>  
**Sent:** Monday, 09 November 2020 13:49  
**To:** Lunga Dlova  
**Cc:** Jo-Anne Thomas; Gideon Raath; Masina Litsoane  
**Subject:** 2020-11-0005  
**Attachments:** Highveld Steel pre-app 09.11.2020.pdf; 2020-11-0005 DB Output.pdf

Dear Lunga

Please note that you have been allocated an application:

**Type of Application:** Pre-Application Meeting Request;  
**Reference Number:** 2020-11-0005;  
**Date Received:** 09/11/2020;  
**Action Required:** Decide on meeting request.

Kindly let Ephron know which date the meeting is to be held, if it will be set.

\*EAP/Applicant: please use this reference number when submitting the application for EA/amendment application (page 1 of the application form), as well as attach the approved PP Plan if the application requires a PP process.

### EIA Applications

Integrated Environmental Authorisations  
Department of Environment, Forestry and Fisheries

**Please note that this email is for the receipt and processing of online applications only, and is not monitored for responses. All queries must be directed to [EIAAdmin@environment.gov.za](mailto:EIAAdmin@environment.gov.za).**

**You are advised that this mailbox has a 48 hour response time.**

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**From:** Gideon Raath [mailto:gideon@savannahsa.com]  
**Sent:** Monday, 09 November 2020 12:37  
**To:** EIA Applications <EIAApplications@environment.gov.za>  
**Cc:** Jo-Anne Thomas <joanne@savannahsa.com>  
**Subject:** Request For Pre-Application Meeting For the Fodere Zero Waste recovery project, Emalahleni, Mpumalanga  
**Importance:** High

Good Day EIA Applications,

Please find herewith attached the Pre-Application Meeting Request for the following:

- Proposed construction and operation of the Fodere Zero Waste recovery project, Emalahleni, Mpumalanga

The purpose of the meeting is to discuss and obtain approval of the proposed public participation plan. Note that a meeting is not considered essential. This form is submitting in order for the project to be registered with the Department and the Public Participation plan to be considered for approval.

Please confirm receipt of the request.

Kindly advise should you require any further information.

Thank you,



t: +27 (0)11 656 3237  
f: +27 (0) 86 684 0547

**Gideon Raath**  
Environmental & Permitting Consultant

e: [gideon@savannahsa.com](mailto:gideon@savannahsa.com)  
c: +27 [REDACTED]

SAWEA Award for Leading Environmental Consultant on Wind Projects in 2013 & 2015

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## Gideon Raath

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**From:** Lunga Dlova <LDlova@environment.gov.za>  
**Sent:** Tuesday, 10 November 2020 10:06  
**To:** Gideon Raath; Masina Litsoane  
**Cc:** Jo-Anne Thomas; Ephron Maradwa  
**Subject:** RE: 2020-11-0005 PRE APPLICATION MEETING

Good morning Gideon

### DEVELOPMENT OF THE FODERE TITANIUM ZERO WASTE RECOVERY SOLUTION NEAR KWA-GUQA MPUMALANGA PROVINCE

The Public Participation Plan for the Highveld Steel project is approved. As such, no pre-application meeting will take place.

Regards  
Lunga

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**From:** Gideon Raath [mailto:gideon@savannahsa.com]  
**Sent:** 09 November 2020 03:31 PM  
**To:** Lunga Dlova; Masina Litsoane  
**Cc:** Jo-Anne Thomas  
**Subject:** RE: 2020-11-0005 PRE APPLICATION MEETING  
**Importance:** High

Good day Lunga and Masina,

Thank you for getting back to us. In the interests of time please could I ask that you review the attached public participation plan for approval/modification prior to our meeting?

Thanks,

**Gideon Raath**  
Environmental and Permitting Consultant | Savannah Environmental (Pty) Ltd  
Tel: +27 (0)11 656 3237 | Cell: [REDACTED] | Fax: +27 (0)86 684 0547  
[SAWEA Award for Leading Environmental Consultant for Wind Projects in 2013 & 2015](#)

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**From:** Lunga Dlova <LDlova@environment.gov.za>  
**Sent:** Monday, 09 November 2020 14:01  
**To:** Gideon Raath <gideon@savannahsa.com>  
**Subject:** 2020-11-0005 PRE APPLICATION MEETING

Att: Gideon Raath

### DEVELOPMENT OF THE FODERE TITANIUM ZERO WASTE RECOVERY SOLUTION NEAR KWA-GUQA MPUMALANGA PROVINCE

You're required to organise the pre application meeting via Microsoft teams.

Please extend the invitation to people who are expected to attend and also Masina Litsoane  
([MLitsoane@environment.gov.za](mailto:MLitsoane@environment.gov.za))

**Meeting details:**

**Date:** 12 November 2020

**Time:** 09:30 -10:30

*Regards*

Mr Lunga Dlova

IEA: National Infrastructure Development

Department of Environment, Forestry and Fisheries

Environment House

473 Steve Biko Road

Arcadia - Pretoria

Tel: 012 399 8524

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

*"Nothing can dim the light which shines from within."*

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## environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA

Enquiries: EIAApplications  
E-mail: EIAApplications@environment.gov.za

TO	ALL STAKEHOLDERS
FROM	MR. SABELO MALAZA CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS
SUBJECT	TIMEFRAMES PRESCRIBED FOR ENVIRONMENTAL IMPACT ASSESSMENT, SECTION 24G AND INTEGRATED ENVIRONMENTAL AUTHORISATIONS DURING THE PERIOD INCLUDING 15 DECEMBER 2020 TO 05 JANUARY 2021
DATE OF LETTER	23 November 2020

### TO WHOM IT MAY CONCERN:

The Department of Environment, Forestry and Fisheries (DEFF) wishes to inform all stakeholders of the provision in the Environmental Impact Assessment (EIA) Regulations 2014, as amended, of the mandatory exclusion from 15 December to 05 January. Regulation 3(2) of the EIA Regulations, 2014 as amended, states that *"For any action contemplated in terms of these Regulations for which a timeframe is prescribed, the period of 15 December to 5 January must be excluded in the reckoning of days."*

Kindly be informed that the Chief Directorate: Integrated Environmental Authorisations in the DEFF **will not be receiving** applications for Environmental Authorisations (EA) in terms of Chapter 4 of the EIA Regulations, 2014, as amended; applications for amendments to EA's and Environmental Management Programme in terms of Chapter 5 of the EIA Regulations, 2014, as amended; or any other application/approval required in terms of the Regulations during the period of **15 December 2020 until 05 January 2021**. The above also applies in terms of NEMA Section 24G applications.

Decisions/comments on applications and their associated notifications will also not be issued between 15 December 2020 and 05 January 2021.

Any timeframes associated with the public participation process must exclude the period 15 December 2020 to 05 January 2021. The timeframe of 30 days for all Interested and Affected Parties to comment on applications must also exclude this period. In accordance with Regulation 3(3) of the EIA Regulations, 2014 as amended, only in exceptional circumstances and if agreed to by the Department, may the applicant conduct any public participation during this period.

The following applies to the online system for receiving of EIA applications (Novell S Flir), as well as the EIA Applications mailbox:

- The mailbox and online system (Novell S Flir), will be closed from 16h00 on 14 December 2020 till 08h00 on 06 January 2021.
- Stakeholders will not be able to upload documents to the online system (Novell S Flir), during this period. The system will be closed and no passwords will be issued.
- The mailbox will not process any emails during this period, and any emails sent during this period will only be considered on 06 January 2021. You are therefore requested to only submit emails after the closure period, to ensure that your requests are attended to accordingly. This will prevent emails/requests being unaccounted for during this period.

M.S

The CD: IEA of the DEFF will reopen for submission of applications and/or reports, and will only consider emails on the EIA Applications mailbox from the 06 January 2021.

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environment, Forestry and Fisheries**

Date: 23/11/2020



# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DEA Reference: 14/12/16/3/3/401

Enquiries: Mr Lunga Dlova

Telephone: 012 399 8524 E-mail: [LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)

Ms Jo-Anne Thomas  
Savannah Environmental (Pty) Ltd  
PO Box 148  
SUNNINGHILL  
2157

Telephone Number : 011 656 3237  
Email Address : [joanne@savannahsa.com](mailto:joanne@savannahsa.com)

## PER MAIL / E-MAIL

Dear Ms Thomas

### COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED ZERO WASTE RECOVERY PLANT AND ASSOCIATED INFRASTRUCTURE NEAR KWA-GUQA IN MPUMALANGA PROVINCE

The application for Integrated Environmental Authorisation and draft Scoping Report (SR) dated November 2020 and received by the Department on 20 November 2020, refer.

This letter serves to inform you that the following information must be included to the final Scoping Report:

#### Undertaking under Oath or Affirmation

1. The Department has noted that the undertaking under oath or affirmation from the specialist - Wouter Fourie (from PGS Heritage Pty Limited) is not administered by a Commissioner of Oaths as per Regulation 16(1)(b)(iv) and Appendix 2(2)(1)(i) and (j) of the NEMA EIA Regulations, 2014, as amended.
2. You are required to submit the above with the final Scoping Report and also note that the Department's *undertaking under oath* form can be downloaded from the following link:  
<https://www.environment.gov.za/documents/forms>.

#### Public Participation Process

3. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended and as specified in the approved Public Participation Plan.
4. Please ensure that all issues raised and comments received during the circulation of the draft SR from registered Interested and Affected Parties (I&APs) and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final SR.
5. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the final SR.
6. Proof of correspondence with the various stakeholders must be included in the final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41 (2) (b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the SR for comment.
7. All issues raised and comments received during the circulation of the draft SR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final

- SR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).
8. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied *verbatim* and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to an I&AP's comments.
  9. The attendance register and minutes of any (virtual) meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final SR.
  10. Please submit a legible copy of the newspaper advert(s).

#### **Coordinates**

11. You are required to provide coordinate points for the corners of the proposed Zero Waste Recovery Plant and associated infrastructure, and must be in degrees minutes and seconds.

#### **General**

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

*"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"*

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environment, Forestry and Fisheries**  
**Letter signed by: Dr. Danie Smit**  
**Designation: Deputy Director: National Infrastructure Projects**  
**Date: 05/12/2020**

Cc	Anette Pocock	Anglo African Metals (PTY) Ltd	Email: <a href="mailto:anettepocock@foderegroup.com">anettepocock@foderegroup.com</a>
	Mr Erald Nkabinde	eMalahleni Local Municipality	Email: <a href="mailto:nkabindeel@emalahleni.gov.za">nkabindeel@emalahleni.gov.za</a> / <a href="mailto:911980@emalahleni.gov.za">911980@emalahleni.gov.za</a>
	Mr Vellie C Makedama	eMalahleni Local Municipality	Email: <a href="mailto:makedamav@emalahlenilm.gov.za">makedamav@emalahlenilm.gov.za</a>





# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEFF Reference: 14/12/16/3/3/2/401

Enquiries: Mr Lunga Dlova

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Ms Jo-Anne Thomas  
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PO Box 148  
**SUNNINGHILL**  
2157

Telephone Number : 011 656 3237  
Email Address : [joanne@savannahsa.com](mailto:joanne@savannahsa.com)

## PER MAIL / E-MAIL

Dear Ms Thomas

### **ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED ZERO WASTE RECOVERY PLANT AND ASSOCIATED INFRASTRUCTURE NEAR KWA-GUQA IN MPUMALANGA PROVINCE.**

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated January 2021 and received by the Department on 08 January 2021, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated January 2021 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIA:

#### **(a) Air Quality**

##### **(i) Atmospheric Emission License –**

- According to the information provided the Atmospheric Emission License will be a new licence for the facility, which must comply with new plant Minimum Emission Standards (MESS) as per AQA for facilities operating in Air Priority Areas.
- Kindly note that these are the preliminary findings, based on the information provided. Therefore, the facility will have an opportunity to make representations on the AEL type during processing of the AEL application.

##### **(iii) Air Quality Dispersion Modelling -**

- Air dispersion modelling exercise must be done in accordance with the Regulations regarding Air Dispersion Modelling – Regulations No.533 of 11 July 2014, issued in terms of the NEM: AQA,

- The dispersion modelling can provide reliable information, if for example, the 1<sup>st</sup> case considers baseline for all current emitters in the surrounding environment (excluding proposed development); the 2<sup>nd</sup> case considers the proposed development in isolation of the current emitters; and the 3<sup>rd</sup> case to combine the baseline plus proposed development (cumulative). The study should have more noticeable impacts.

(iv) Emission Control Technology -

- Detailed information on air pollution abatement equipment to be used in order to comply, including its performance, efficiency, availability and the expected emission concentration in mg/Nm<sup>3</sup> (under normal condition of 273K, 101.3kPa, dry gas) for pollutants such as NO<sub>x</sub>, PM, SO<sub>2</sub>, and some metals, depending on reactions in terms of Section 21 of NEM: AQA (Act 39 of 2004) listed activities.

(v) Health Impact Assessment (Sensitive Receptor focussed) -

- The Health Impact Assessment must be conducted and amongst others must provide of the details:
  - Methodology;
  - Exposure assessment, and
  - Dose exposure assessment.

(vi) Compliance -

- Dust emission is anticipated from both the line and area source, as such the facility should commit to control of dust in terms of section 32 (a); (b) and (c) of the National Environmental Management: Air Quality Act, 2004 (Act No.39 of 2004) and the National Dust Control Regulations of 2013.
- It is recommended that a Fugitive Emission Management Plan for the anticipated fugitive emissions that might occur onsite must be developed.

**(b) Public Participation**

- Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr. This includes but is not limited to the provincial Department of Agriculture, SANRAL, eMalaheni Local Municipality, the Nkangala District Municipality, the Department of Water and Sanitation (DWS), the South African Heritage Resources Agency (SAHRA), the Department of Mineral Resources, the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs, the Department of Rural Development and Land Reform, and the Department of Environment, Forestry and Fisheries: Directorate Biodiversity and Conservation should be submitted via E-mail: [BCAdmin@environment.gov.za](mailto:BCAdmin@environment.gov.za) for attention of Mr Seoka Lekota.
- Public participation process should be carried out in compliance with section 57 (1) (2) (3) (4) of the act.
- It is also advised that complaint register at the local authority be perused for any air quality related complaints in the vicinity of the proposed project.
- The public participation process documents related to Air Quality for review and queries should be submitted to the Directorate: Climate Change & Air Quality Management - Email: [MNgcobo@environment.gov.za](mailto:MNgcobo@environment.gov.za) for attention of Mr Mthobisi Ngcobo.
- Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAr from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAr. Proof of correspondence with the various stakeholders must be included in the final EIAr. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs

must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to I&AP's comments.

- Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.
- The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAR.

### **General**

- (i) The EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.
- (ii) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.
- (iii) Should a Water Use License be required, proof of application for a license needs to be submitted.
- (iv) The EAP must provide landowner consent for all farm portions affected by the proposed project, whether the project component is linear or not, i.e. all farm portions where the Zero Waste Recovery Plant and associated infrastructure is to be located.
- (v) A construction and operational phase EMP that includes mitigation and monitoring measures must be submitted with the final EIAR.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours faithfully



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environment, Forestry and Fisheries**

**Signed by: Ms Masina Litsoane**

**Designation: Control Environmental Officer: National Infrastructure Projects**

**Date: 18/02/2021**

Cc	Anette Pocock	Anglo African Metals (PTY) Ltd	Email: <a href="mailto:anettepocock@foderegroup.com">anettepocock@foderegroup.com</a>
	Mr Erald Nkabinde	eMalahleni Local Municipality	Email: <a href="mailto:nkabindee@emalahleni.gov.za">nkabindee@emalahleni.gov.za</a> / <a href="mailto:911960@emalahleni.gov.za">911960@emalahleni.gov.za</a>
	Mr Velile C Makedama	eMalahleni Local Municipality	Email: <a href="mailto:makedamav@emalahlenilm.gov.za">makedamav@emalahlenilm.gov.za</a>

**Annexure 1**

Format for Comments and Response Trail Report:

<b>Date of comment, format of comment name of organisation/I&amp;AP</b>	<b>Comment</b>	<b>Response from EAP/Applicant/Specialist</b>
27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe)	Please record C&R trail report in this format  Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K  EAP: Details of provincial authority have been updated, see page 16 of the Application form

**Annexure 2: Sample of technical details for the proposed facility**

<b>Component</b>	<b>Description / dimensions</b>
Height of PV panels	
Area of PV Array	
Number of inverters required	
Area occupied by inverter / transformer stations / substations	
Capacity of on-site substation	
Area occupied by both permanent and construction laydown areas	
Area occupied by buildings	
Length of internal roads	
Width of internal roads	
Proximity to grid connection	
Height of fencing	
Type of fencing	



# forestry, fisheries & the environment

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REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DFFE Reference: 14/12/16/3/3/3/401

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Ms Jo-Anne Thomas  
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Telephone Number: 011 656 3237  
Email Address: [joanne@savannahsa.com](mailto:joanne@savannahsa.com)

## PER MAIL / E-MAIL

Dear Ms Thomas

### COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED ZERO WASTE RECOVERY PLANT AND ASSOCIATED INFRASTRUCTURE NEAR KWA-GUQA IN MPUMALANGA PROVINCE

The Application for Environmental Authorisation and Draft Environmental Impact Assessment Report (EIAr) received by the Department on 20 November 2020 and 16 April 2021, respectively refer.

This letter serves to inform you that the following information must be included in the final EIAr:

#### (a) Listed Activities

- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description. Only activities applicable to the development must be applied for and assessed.
- If the activities applied for in the application form differ from those mentioned in the final EIAr, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
- It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

#### (b) Air Quality

- The project area is located within the footprint demarcated as the Highveld Priority Area (HPA), therefore the applicant will have to comply with all requirements, such as emission reduction strategies and intervention programmes to improve air quality in HPA.

- The incremental and cumulative potential impact associated with the operation phase of the Zero-Waste Recovery plant must apply all mitigation measures as indicated in Table 25 of the Air Impact Report (AIR).
- And incremental and cumulative potential impact associated with the construction and decommissioning of the Zero-Waste Recovery plant to apply all mitigation measures as indicated in Table 27 & 28 of the AIR.
- It is required that after the issuance of the Environmental Authorisation, the facility must apply for and be in possession of a Provisional Atmospheric Emission Licence (PAEL) issued by the Minister for Forestry, Fisheries & the Environment for all proposed activities that are listed in terms of Section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) before operation.
- The PAEL application must be submitted on the online application system, the South African Atmospheric Emission Licencing & Inventory Portal (SAAELIP).
- It is therefore recommended the best available technologies be employed to mitigate point source and fugitive particulate emissions.
- A Revised Specialist Air Quality Impact Assessment Report (or AIR) that addresses the issues raised above must be submitted in support of the PAEL application.
- It is recommended that the above inputs be taken into account during the final phase of the EIA process, or during finalisation of the application.
- Should these issues not be addressed during EIA process, the applicant will be expected to address these issues fully during the PAEL application process.
- Approval of EIA process with air quality issues addressed shouldn't be misconstrued as automatic satisfaction of PAEL process.
- The Department also reserves the right to make more findings in the PAEL application and attachment thereof.

**(c) Licensing**

- The applicant had applied for activities in terms of the National Environmental Management: Waste Act, 2008 and the Environmental Impact Regulations, 2014 for Government Notice 921, Category B3, B4 and B10.
- The applicant may continue with the process of drafting and following the Environmental Impact Regulations (EIR).

**(d) Public Participation Process**

- The following information must be submitted with the final EIAR:
  - a) A list of registered interested and affected parties as per Regulation 42 of the NEMA EIA Regulations, 2014, as amended;
  - b) Copies of all comments received during the draft EIAR comment period; and
  - c) A comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the draft EIAR. Please note that comments received from this Department must also form part of the comment and response report.
- Please ensure that all issues raised and comments received during the circulation of the draft EIAR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section (including the following Department's Directorate; Air Quality Management, Waste Licensing and/or Biodiversity) in respect of the proposed activity are adequately addressed in the final EIAR.
- Proof of correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

**(e) Environmental Management Programme**

- The EMPr must also include the following:
  - All recommendations and mitigation measures recorded in the EIAr and the specialist studies conducted.
  - An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
  - Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.

**General**

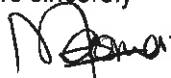
The EIAr must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.

Please also ensure that the final EIAr includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Forestry, Fisheries and the Environment**

**Signed by: Ms Masina Litsoane**

**Designation: Control Environmental Officer: National Infrastructure Projects**

**Date: 18/05/2021**

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