



BACKGROUND INFORMATION DOCUMENT

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS (MINING RIGHT), WATER USE LICENSE (WULA) AND WASTE MANAGEMENT LICENSE (WML) APPLICATION FOR THE PROPOSED DEVELOPMENT OF THE "SPITVALE PROJECT (SPV)" AND ASSOCIATED INFRASTRUCTURE AT SPITSKOP 333 KT (PTN 24, 25, 26 AND 28) AND KENNEDY'S VALE 361 KT (PTN 8 AND 22, SOUTH WEST OF STEELPOORT IN LIMPOPO PROVINCE

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide background information to the proposed project and to obtain comments and contributions from stakeholders with regards to potential environmental impacts – which includes, but not limited to: ecological, social, economic, physical, aesthetic, etc.

When an applicant proposes to undertake a listed activity, an application must be made for environmental authorisation. The application must be supported by a report, which has been compiled as a result of an assessment process. After the competent authority has made a decision on the application, an appeal may be made against the decision, or parts thereof.

Ecoleges, as the independent Environmental Consultant, has been appointed by the EAP (Environmental Assessment Practitioner), **Environmental Management Assistance (EMA) (Pty) Ltd**, to manage the Public Participation Process as part of compiling the Scoping and Environmental Impact Report (EIR). This report serves as part of the application on behalf of the proponent/applicant, **BCR Minerals (Pty) Ltd**, in order to obtain a mining permit, a Waste Management License (WML), and a Water Use License (WUL) which will be reviewed by the relevant competent authorities (the Department of Minerals and Resources (DMR), and the Department of Water and Sanitation (DWS), respectively).

The aim of the reports is to ensure that the environmental impacts are taken into consideration, to ensure stakeholder engagement, and to provide decision makers with sufficient information to make an informed decision on the proposed activities.

The Departments' decision whether to grant or refuse an Environmental Authorisation (EA), Waste Management License and WUL will be based on information provided in the report.

YOUR COMMENTS WILL FORM PART OF THE EIA, WUL & WML APPLICATION REPORTS

APPLICABLE LEGISLATION

Notice is given in terms of Regulations 21(1) and 40 (1)(b) of GN No. R. 982, 4 December 2014, made under sections 24(5), 24 (5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

In terms of EIA Regulations published in Government Notice R982, R983, R984 and R985 of 4 December 2014 under Section 24 (5) of the National Environmental Management (NEMA) the application for a Mining Right is subject to an Application for Environmental Authorisation. Government Notice R983, R984 and R985 schedules listed activities which require environmental authorisation. The proposed mining operation triggers the following activity(s) under GNR 984 which is subject to a Scoping and EIA process:

- Listed activity 17: *“Any activity including the operation of that activity which requires a mining right as contemplated in Section 22 of the Mineral and Petroleum Resources Development Act, 28/2002, including such infrastructure, structures and earthworks, directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of Section 106 of MPRD Act 28/2002”*
- Listed activity 21: *“Any activity including the operation of that activity associated with the primary processing of a mineral resource including winning, reduction, extraction, classifying, concentrating, crushing, screening and washing but excluding the smelting, beneficiation, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.”*

The EIA process is a planning and decision-making tool that is used to identify, predict and evaluate the potential and actual environmental impacts of a proposed development or project. It is conducted in compliance with Chapter 5 of the National Environmental Management Act, 1998 (NEMA), as amended. The EIA regulations, 2014 identify a list of activities for which an EIA must be conducted.

In addition to the application for a mining right the following two application processes will form part of this integrated Scoping and EIA application process:

➤ **Water Use License Application (WULA)**

An Integrated Water Use License Application (**IWULA**) under the provisions of the National Water Act No. 36 of 1998 (NWA) is required for the mining operations. IWULA will be applied for and submitted to the Department of Water and Sanitation (DWS).

Water use is defined in terms of Section 21 of the NWA. There are 11 water impacting activities, which must be authorised. It is anticipated that SVP managed by BCR Minerals (Pty) Ltd will require water for industrial and potable use. There is a drainage network from North West to East South bisecting the proposed mining right area and associated tributaries and wetlands. The development of the mine would therefore be within 500m of a wetland.

An integrated WULA application will be followed for the following water uses:

- Section 21(a): taking water from a water resource (water will be sourced via a borehole);
- Section 21 (c) - Impeding or diverting the flow of water in a watercourse (the mine operation will take place within 500m of a wetland);

- Section 21 (g) – disposing of waste in a manner which may detrimentally impact on a water resource (construction and development of a tailings dam);
- Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse (wetlands on mining area, operation to take place within 500m); and
- Section 21 (j) – removing, discharging, or disposing of water found underground if it is necessary for efficient continuation of an activity or for the safety of people.

Other required Section 21 water uses will be detailed in the EIR and EMPr Report for public review.

➤ **Waste Management License (WML) Application**

A Waste Management License (**WML**) under the provisions of the National Environmental Management: Waste Act (Act 59 of 2008) (NEMWA), as amended is required as part of the application for environmental authorisation. An integrated application for EA and a WML will be submitted to DMR.

Under section 19 of NEMWA a list of waste management activities have been published under Government Notice R921 of 29 November 2013 (as amended by Government Notice R332 of 2 May 2014 and as amended by GNR633 of 24 July 2015). GNR 633 inserts residue stockpiles as a Category B activity which requires a WML and is subject to a Scoping and EIA process. It is inserted as:

- Listed WML Activity 11 – *“The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a mining right in terms of the MPRDA (Act 28 of 2002).”*

Other additional listed activities under NEMA

The proposal includes the following additional potential listed activities (According to listed activities under the 2014 EIA regulations):

➤ **EIA Regulations LN 1 of 2014 (R983):**

- Listed activity 9: *“The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water- (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or (b) where such development will occur within an urban area.”*
- Listed activity 10: *“The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes - (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where- (a) such infrastructure is for bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve; or (b) where such development will occur within an urban area.”*
- Listed activity 22: *“The decommissioning of any activity requiring - (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the*

activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.”

- Listed activity 24: “The development of- (i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding- (a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or (b) roads where the entire road falls within an urban area.”
- Listed activity 25: “The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2000 cubic metres but less than 15000 cubic metres.”
- Listed activity 28: “Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:
 - (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
 - (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.”

➤ **EIA Regulations LN 2 of 2014 (R984):**

- Listed activity 6: “The development of facilities or infrastructure for any process or activity which requires a permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding (i) activities which are identified and included in Listing Notice 1 of 2014; (ii) activities which are 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; or (iii) the development of facilities or infrastructure for the treatment of effluent, wastewater or sewage where such facilities have a daily throughput capacity of 2000 cubic metres or less.”
- Listed activity 15: “The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.”
- Listed activity 17: “Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).”
- Listed activity 21: “Any activity including the operation of that activity associated with the primary processing of a mineral resource including winning, reduction, extraction, classifying, concentrating, crushing, screening and washing but excluding the

smelting, beneficiation, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.”

- Listed activity 25: *“The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of 15000 cubic metres or more.”*

➤ **EIA Regulations LN 3 of 2014 (R985):**

The National Environmental Management: Biodiversity Act (Act 10 of 2004) provides for the listing of protected or threatened ecosystems. SVP is located within the Sekhukhune centre of endemism declared as a CBA (Critical Biodiversity Area). Therefore the following listed activities will be triggered by the proposed Chrome Ore mining activities:

- Listed activity 4: *“The development of a road wider than 4 metres with a reserve less than 13,5 metres. (a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces: ii. Outside urban areas, in: (aa) A protected area identified in terms of NEMPAA, excluding disturbed areas; (bb) National Protected Area Expansion Strategy Focus areas; (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an International Convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or iii. In urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose; or (cc) Seawards of the development setback line or within urban protected areas.”*
- Listed activity 12: *“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (a) In Eastern Cape Free State, Gauteng, Limpopo, North West and Western Cape provinces: i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas; or iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.”*
- Listed activity 14: *“The development of- (i) canals exceeding 10 square metres in size ;(ii) channels exceeding 10 square metres in size; (iii) bridges exceeding 10 square metres in size; (iv) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area exceeds 10 square metres in size; (vi) bulk storm water outlet structures exceeding 10 square metres in size; (x) buildings exceeding 10 square metres in size; (xi) boardwalks exceeding 10 square metres in size; or (xii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs- (a) within a watercourse; (b) in front of a*

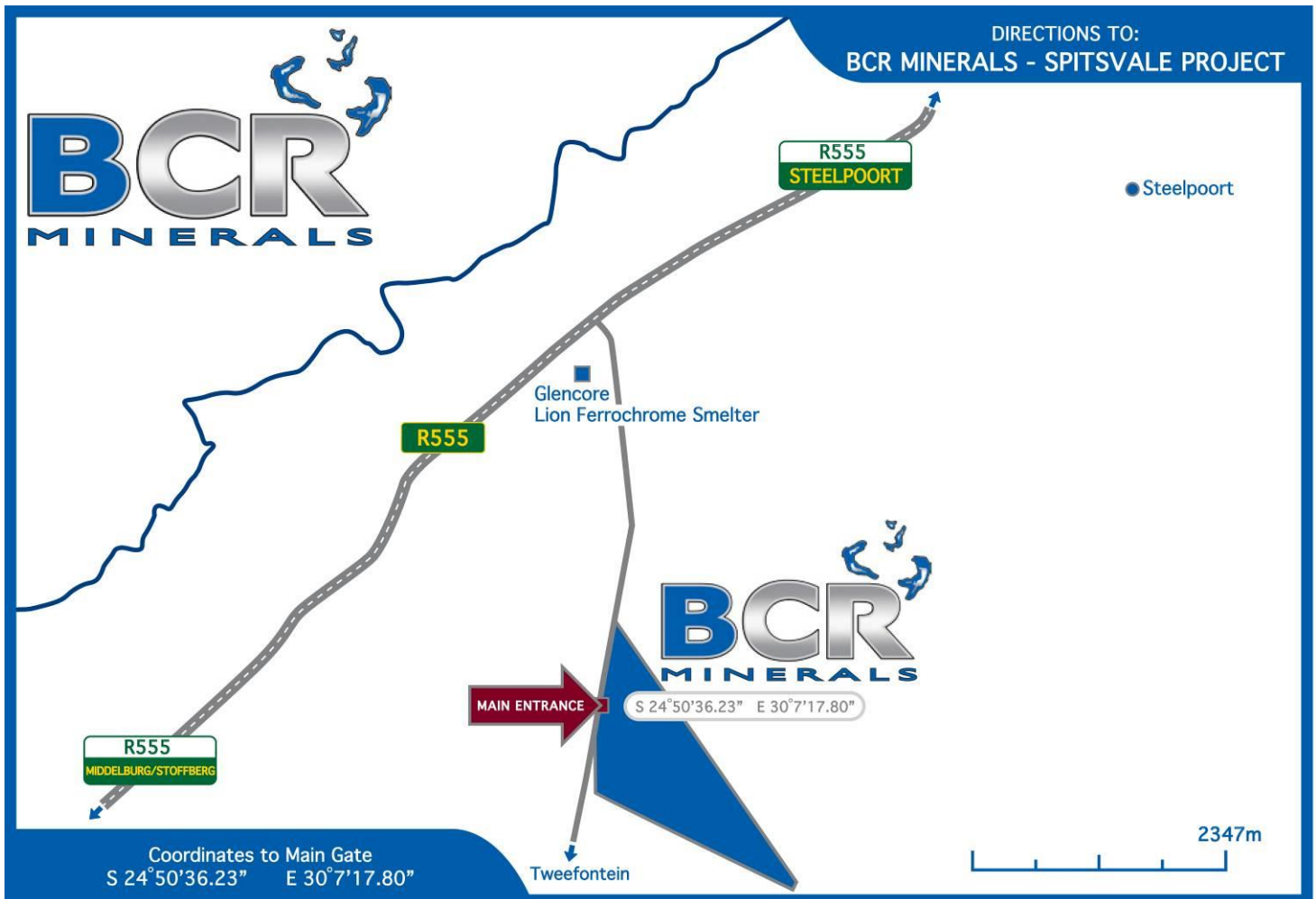
development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour. (a) In Free State, Limpopo, Mpumalanga and Northern Cape: i. In an estuary; ii. Outside urban areas, in: (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas identified in terms of an International Convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or iii. In urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or (cc) Areas seawards of the development setback line.”

- Listed activity 18: “The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. (a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces: i. In an estuary; ii. Outside urban areas, in:(aa) A protected area identified in terms of NEMPAA, excluding conservancies;(bb) National Protected Area Expansion Strategy Focus areas;(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (dd) Sites or areas identified in terms of an International Convention; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (ff) Core areas in biosphere reserves; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; (hh) Areas seawards of the development setback line”

OBJECTIVE OF THE PROJECT/PROCESS

The overall objective is to undertake and complete a robust and defensible EIA process that will serve to inform the Department of Mineral and Resources (DMR) and allow for a decision on the environmental acceptability of the proposed development. The proposed development involves the construction, operation and decommissioning/rehabilitation SVP Chrome mining activity managed by BCR Minerals (Pty) Ltd, situated in the Greater Tubatse Local Municipality, Sekhukhune District Municipality, Limpopo Province.

LOCATION



PROJECT DESCRIPTION

Currently BCR Minerals (Pty) Ltd operates and manages a prospecting and bulk sampling operation (DMR reference number LP30/5/1/1/2/10624PR and LP30/5/1/1/2/10603PR) situated South West of Steelpoort, Greater Tubatse, Limpopo Province. This application process relates to the application for a Mining right over portions 24, 25, 26, and 28 on farm Spitskop 333 KT and portions 8 and 22 on farm Kennedy's Vale 361 KT. The main purpose of this application is to mine the mineral chromite and associated minerals (in particular the MG0, MG1, MG2, MG3, and MG 4 Package chromite seams) on the properties mentioned.

The associated activities of this opencast Chrome Ore mining operation will entail the following:

- Establishment of associated infrastructure such as access roads, offices, workshops etc;
- Drilling and blasting using a single benching method;
- Processing of ore through screening;
- Stockpiling of residue material;
- Stockpiling of ore material; and
- Bulk road transport of processed ore.

Whilst alternatives are being investigated, no reasonable or feasible alternatives existed at the time of this advertisement.

DESCRIPTION OF TASKS

- An advertisement will be placed in the **Steelburger News**, local newspapers, on 11th December 2015.
- Stakeholders, including adjacent landowners, neighbours within a 100 m radius, and the relevant authorities will be notified of the proposed development in writing on the 09th December 2015.
- Notice boards advertising the applications will be placed at the site.
- A Public meeting will be held at a place, date & time to be confirmed at a later stage

ANTICIPATED ISSUES

Issues that may be addressed in the Scoping Report could include, but not limited to the following:

- Human health risks associated with the mining activities;
- Impacts on possible Wetlands and/or non-perennial watercourses (including 1:100 yr floodline);
- Impacts on the terrestrial Ecology;
- Bat survey;
- Avifauna survey
- Visual Impact;
- Topographical function including gradient;
- Soil functions and impacts;
- Impact of storm water runoff on areas downstream of the development.
- Impacts on surface water as well as underground hydrology;
- Contributing impacts on the air quality of the mining area and its surroundings; and
- Associated noise impacts.

YOU'RE COMMENTS PLEASE!

Your comments on the proposed projects, the public participation process, and issues needing investigation, will assist the technical studies and the authorities in their consideration of the relevant environmental and social aspects.

You are invited to register as an Interested and Affected Party (I&AP) and to assist us in:

- identifying possible impacts of the proposed developments on the environment,
- making suggestions for mitigation and/or alternatives, and
- considering the “need” and “desirability”.

Mitigations

Mitigation measures will be developed for the anticipated issues. Stakeholders are however welcome to comment on these issues and provide additional observations.

Alternatives

Consideration of Alternatives is one of the most critical elements of the Scoping and EIA process. Its role is to provide a framework for sound decision-making based on the principle of sustainable development.

Alternatives should be identified as early as possible in the project cycle.

Ecoleges not only welcomes stakeholders' input/suggestions, but also urges the public to submit possible alternatives.

It is important to note that an alternative is defined as a different means of meeting the general purpose and requirements of the activity, which may include alternatives to-

- (a) the property on which or location where it is proposed to undertake the activity;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

When submitting alternatives, the recommended alternative must be:

- Practicable,
- **Feasible**,
- Relevant,
- **Reasonable** and
- Viable.

Need and Desirability

'Need and desirability' is determined by considering the broader societal/community needs and interests. The general meaning of need and desirability refers to time and place, respectively, i.e. is this the right time and is it the right place for locating the proposed activity.

In order to ensure that you are registered as an interested and/or affected party, please complete the enclosed REGISTRATION AND COMMENT SHEET and forward it to the address, fax or email provided below, on or before **08th January, 2016**.

Postal Address:

P.O Box 9005
Nelspruit
1200

OR

P.O. Box 516
Machadodorp
1170

Fax: 086 697 9316

E-mail: justin@ecoleges.co.za

OR For any enquiries or further information

Visit us at:

Physical address:

2 Generaal Street
Machadodorp
1170

Cell: 082 451 5608



REGISTRATION AND COMMENT SHEET

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS (MINING RIGHT), INTEGRATED WATER USE LICENSE (IWULA) AND WASTE MANAGEMENT LICENSE (WML) APPLICATION FOR THE PROPOSED DEVELOPMENT OF THE “SPITSVALE PROJECT (SPV)” AND ASSOCIATED INFRASTRUCTURE AT SPITSKOP 333 KT (PTN 24, 25, 26 AND 28) AND KENNEDY’S VALE 361 KT (PTN 8 AND 22, SOUTH WEST OF STEELPOORT IN LIMPOPO PROVINCE. ECOLEGES REFERENCE: 2015_003P

Title _____ Name _____

Surname _____

Company Name / Interest Group _____

Postal or Residential Address _____

Town/City _____

Postal Code _____

Tel () _____

Cell _____

Fax () _____

E-mail address _____

In accordance with EIA Regulations, 2014 – Regulation 56 (1) - A registered interested and affected party is entitled to comment, in writing, on all written submissions including draft reports made to the competent authority... provided that - (c) the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application. Please supply such information in the space provided below
