

November 2, 2016

BACKGROUND INFORMATION DOCUMENT - APPLICATION FOR RECTIFICATION OF THE UNLAWFUL COMMENCEMENT AND CONTINUATION OF A LISTED ACTIVITY IN TERMS OF SECTION 24(G) OF THE NEMA, 1998, AS AMENDED: SOLAR MINING SERVICES BULK EMULSION AND DETONATOR ASSEMBLY PLANT

S24(G) APPLICATION REFERENCE NUMBER: 17/2/S24G-NK05/2016/17

This Background Information Document (BID) serves to inform you, as a potentially Interested and Affected Party, of the following: Solar Mining Services (Pty) Ltd has applied for rectification in terms of Section 24(G), read together with Section 24(F), of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998), as amended, for the unlawful establishment and continuation of their Bulk Emulsion and Detonator Assembly Plant on Erf 11066 of Middelburg Extension 33. The application was submitted to the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs [the Competent Authority (CA)] on the 7th of October 2016 and the application was accepted by the CA on the 28th of October 2016.

Labesh (Pty) Ltd has been appointed by the applicant, Solar Mining Services (Pty) Ltd, in terms of Regulation 12 of the Environmental Impact Assessment Regulations (GNR. 982 of 4 December 2014), as the independent Environmental Assessment Practitioner (EAP) tasked with conducting the above mentioned application process. Labesh complies with the necessary requirements of Regulation 13 of GNR. 982 of 4 December 2014.

PROJECT TITLE

Solar Mining Services Bulk Emulsion and Detonator Assembly Plant

BACKGROUND OF THE APPLICANT

Solar Mining Services is a South African company in which Solar Industries (India) has 30% shareholding.

DESCRIPTION OF CURRENT OPERATIONS

The construction of the Bulk Emulsion and Detonator Assembly Plant is currently being completed at the project site.

PROJECT DESCRIPTION

The project entails the establishment of a bulk emulsion explosives and detonator assembly factory to serve the local mining industry. Raw materials will be brought in and stored onsite. Non-sensitised emulsion will be produced and shock tube detonators will be assembled.

The project property is 9.8007ha in extent and the total physical size of the activity (sum of the footprint area and transformed area) is also 9.8007ha (i.e. the entire property). The project property is zoned for Industrial 2 use.

The following listed activities, in terms of the Environmental Impact Assessment Regulations of 4 December 2014, have been commenced with without first obtaining the necessary Environmental Authorisation from the Competent Authority:

Government Notice No. R983 (Listing Notice 1), Activity No. 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except 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.

The clearance of 9.8007ha of vegetation.

Government Notice No. R984 (Listing Notice 2), Activity No. 4: The development of facilities or infrastructure, for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.

The development includes the following dangerous goods storage volumes:

- Ammonium nitrate dense prills – 3 000 bags at 1 tonne per bag;
- Ammonium nitrate melt – 6 tanks of 40 tonnes;
- One 40m³ tank for heavy fuel oil for the boiler;
- Five 50m³ oil tanks (250m³), with two additional 50m³ tanks also proposed (100m³); and
- A 40m³ tank will also be used to store diesel for the fleet vehicles.

Government Notice No. R984 (Listing Notice 2), Activity No. 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.

The development requires a Water Use Licence for the following:

- Section 21(a): Taking of water from a water resource (groundwater); and
- Section 21(b): The storage of water (groundwater and municipal water).

Government Notice No. R985 (Listing Notice 3), Activity No. 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.

(c) In Mpumalanga:

- ii. Within critical biodiversity areas identified in bioregional plans.

The clearance of 9.8007ha of vegetation. The site lies within a Critical Biodiversity Area – Optimal according to the Mpumalanga Biodiversity Sector Plan.

The following reports are applicable to this application:

- An Environmental Impact Assessment Report in accordance with the EIA Regulations, 2014; and
- An Environmental Management Programme in accordance with the EIA Regulations, 2014.

PROJECT LOCATION

Erf 11066 of Middelburg Extension 33 (SAE Business Park, off the R35, Middelburg). The project location is ±3km south of Middelburg, in the Steve Tshwete Local Municipality, Nkangala District Municipality, Mpumalanga Province. A locality map is attached to this BID.



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LEGISLATION RELEVANT TO THE PROJECT

The project entails the application for rectification in terms of Section 24(G), read together with Section 24(F), of the NEMA, 1998 (Act No. 107 of 1998), as amended, for the unlawful establishment and continuation of the Solar Mining Services Bulk Emulsion and Detonator Assembly Plant.

Through this application process, the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs will consider whether to grant Solar Mining Services rectification in terms of Section 24(G), read together with Section 24(F), of the NEMA, 1998 (Act No. 107 of 1998), as amended, and environmental authorisation in terms of the Environmental Impact Assessment Regulations of 4 December 2014 (Government Notice No. R983, 984 and 985).

PUBLIC PARTICIPATION PROCESSES

The public participation processes for the above mentioned application are conducted according to the requirements of Chapter 6 of the EIA Regulations of 4 December 2014. Should you wish to register as an Interested and Affected Party for the project and subsequently be kept informed of the progress of the application and all public participation opportunities as the application process proceeds, or should you wish to provide comments on the application, please complete the "Interested and Affected Party" registration form that forms part of this BID. Completed "Interested and Affected Party" registration forms should please be submitted to the EAP for the project, Lourens de Villiers, at the contact details provided below. Alternatively, you may also submit your name, contact information, interest in the matter and comments, in writing, to the EAP at the contact details provided. All comments should please also be copied to the official assigned to the Section 24(G) rectification application, Mr Kgomotso Shakwane, at the details provided below.

As required in the EIA Regulations, site notice boards have been placed on the project property boundary and a newspaper advertisement will be placed in the Middelburg Observer Newspaper on the 4th of November 2016.

The draft Environmental Impact Assessment Report will be made available to the public for review and commenting for a period of 30 days, in due course (exact dates will be communicated to the registered I&APs). Electronic copies of the report will be provided to registered Interested and Affected Parties via email or registered post. Please inform us should you require a hard copy of the report.

Should you require any additional information, please do not hesitate to contact the EAP at the details provided below.

Labesh (Pty) Ltd - Lourens de Villiers

Tel: 082 789 6525

Email: admin@labesh.co.za

Fax to Email: 086 552 6837

Postal Address: PostNet Box #469, Private Bag X504, Sinoville, 0129

DETAILS OF THE COMPETENT AUTHORITY FOR THIS APPLICATION

Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs

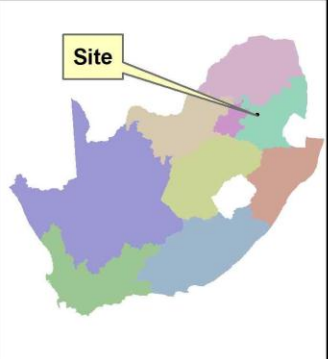
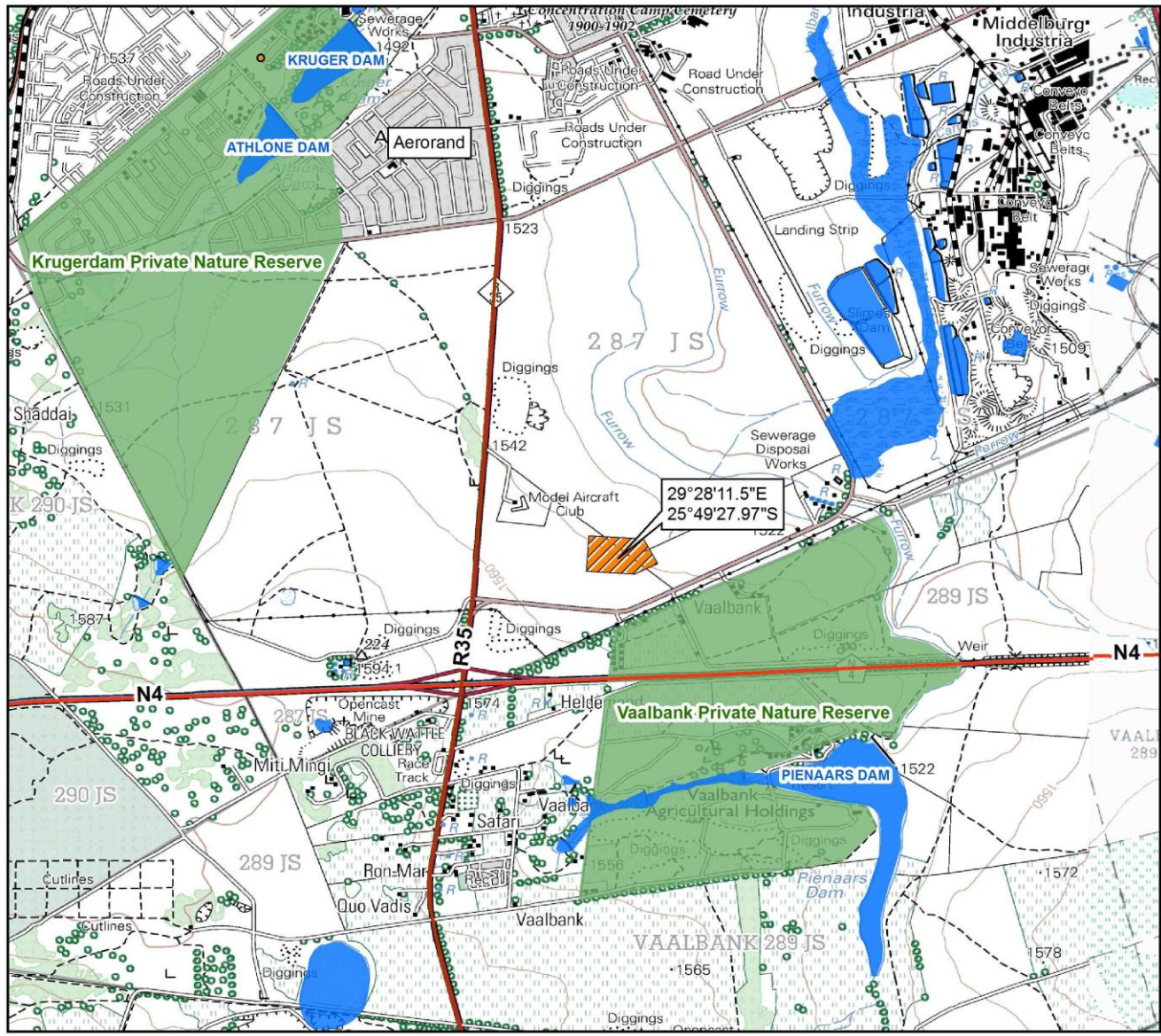
Compliance and Enforcement (eMalahleni Office)

Official assigned to the application: Mr Kgomotso Shakwane

Tel: 013 692 6300

Email: kqshakwane@mpg.gov.za

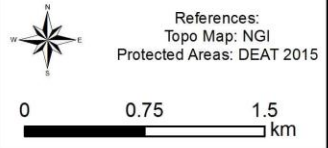
Postal Address: Private Bag x 7255, Witbank, 1035



SOLAR MINING SERVICES LOCALITY MAP

Legend

- Railway Lines
- National Route
- Arterial Route
- Main Road
- Site Boundary
- Waterbodies
- Protected Areas





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INTERESTED AND AFFECTED PARTY REGISTRATION FORM

**SOLAR MINING SERVICES (PTY) LTD - S24(G) APPLICATION REFERENCE NUMBER:
17/2/S24G-NK05/2016/17**

**TO REGISTER AS AN INTERESTED AND AFFECTED PARTY, SUBMIT THIS COMPLETED FORM TO THE EAP
(PREFERABLY VIA EMAIL OR FAX)**

Labesh (Pty) Ltd

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