

06 January 2020

Dear Sir / Madam,

**HOTAZEL MANGANESE MINES (PTY) LTD: MAMATWAN MINE
INTEGRATED ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED MERGING OF THE MAMATWAN
SINTERFONTEIN WASTE ROCK DUMP AND TSHIPI EASTERN WASTE ROCK DUMP**

1. Background

South32 operates the opencast manganese Mamatwan Mine (MMT) (forms part of the legal entity Hotazel Manganese Mines (Pty) Ltd). Tshipi é Ntle Manganese Mining (Pty) Ltd (Tshipi) operates the Tshipi Borwa Mine located to the west of MMT. An 18m wide (on surface) boundary is located between the MMT and the Tshipi Borwa Mine. Tshipi and MMT have approval to mine the 18m wide boundary pillar. Additional capacity is required to store waste rock generated as part of mining the boundary pillar. To cater for the additional storage, it is proposed that the Mamatwan Sinterfontein and the Tshipi eastern Waste Rock Dump (WRD's) are merged to fill the void between the two dumps. In this regard, the Mamatwan Sinterfontein WRD would be extended in a north-westerly direction to merge with the Tshipi eastern WRD in order to fill the narrow void between these two WRDs.

MMT applied to the Department of Mineral Resources (DMR) to amend their approved Environmental Management Programme report (EMPr) to cater for the merging of the WRDs. SLR Consulting (South Africa) (Pty) Ltd, was appointed by MMT to manage the environmental assessment process in support of the application to amend the approved EMPr.

2. Granting of Environmental Authorisation

This letter serves to inform you, that on behalf of MMT, notice is hereby given that on **28 January 2020**, MMT was granted environmental authorisation (EA) by the DMR; for the above-mentioned project in terms of the National Environmental Management Act, 1998 (No. 107 of 1998) (as amended), the National Environmental Waste Act, 2008 (No 59 of 2008) (as amended) and the Environmental Impact Assessment (EIA) Regulations, 2014 (Government Notice No. R982 of 4 December 2014) (as amended). Notification of the DMR's decision was received by MMT on **28 January 2020**.

A copy of EA is attached as Appendix A. The EA outlines, the decision, the activities authorised, conditions of authorisation and reasons for the decision.

Should you wish to appeal the DMR's decision, your appeal must be lodged in terms of Chapter 2 of the National Appeal Regulations, 2014, as amended within 20 calendar days from the date of this notification. An appeal must be submitted to the Minister of Environmental Affairs Appeals Administrator in writing 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 at: Email: appealsdirector@environmental.gov.za. A copy of the appeal must also be submitted to the DMR.

An appeal must be lodged by means of the methods as prescribed in the table below.



SLR Consulting (South Africa) (Proprietary) Limited

Registered Address: Unit 7, Fourways Manor Office Park,
1 Macbeth Avenue, Fourways, 2191
Postal Address: PO Box 1596, Cramerview, 2060, South Africa

Reg. No: 2007/005517/07
Vat No: 4630242198

Directors: R Hounsborne, F Fredericks, D Junak

Fourways Office: Physical Address: Unit 7 & 9, Fourways Manor Office Park, 1 Macbeth Avenue, Fourways
Postal Address: PO Box 1596, Cramerview, 2060 ☎ +27 11 467 0945 📠 +27 11 467 0978

Cape Town Office: Physical Address: Unit 39, Roeland Square, 30 Drury Lane, Cape Town
Postal Address: PO Box 10145, Caledon Square, 7905 ☎ +27 21 461 1118 📠 +27 21 461 1120

Somerset West Office: Unit D3, Building 5, Fairways Office Park, Niblick Way, Somerset West
☎ +27 21 851 3348

Department of Environmental Affairs	
Attention:	Directorate Appeals and Legal Review
Email:	appealsdirectorate@environment.gov.za
By post:	Private Bag X447, Pretoria, 0001
By hand:	Environment House, Corner of Steve Biko and Soutpansberg Street, Arcadia, Pretoria, 0083
Department of Mineral Resources (a copy of the appeal)	
Attention:	Regional Manager: Northern Cape Region
Facsimile:	053 832 8593
Email:	Ntombi.Mayekiso@dmr.gov.za
By post:	Private Bag X 6093, Kimberley, 8300
By hand:	Telkom Building, 41 Schmidtsdrift Street, Kimberly 8300

The procedure pertaining to the administration and processing of appeals in terms of the National Appeal Regulations, 2014, as amended is outlined in Appendix B.

For any further queries please do not hesitate to contact the undersigned.

Yours sincerely



Natasha Smyth
Environmental Assessment Practitioner



APPENDIX A: ENVIRONMENTAL AUTHORISATION AMENDMENT



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538311314
41 Schimidsdrift Street, Telkom Building, Kimberley 8300

Enquiries: Vincent. Muila Ref No: NC 30/5/1/2/3/2 (252) MR
E-mail address: vincent.muila@dmr.gov.za
Mine Environmental Management

BY HAND

The Directors
Hotazel Manganese Mines (Pty) Ltd
P.O. Box 8186
Johannesburg
2000

Dear Sir / Madam

INTEGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) (AS AMMENDED) (NEMA) AND NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT 59 OF 2008) AS AMENDED (NEMWA), AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED):ACTIVITIES RELATED TO MINING RIGHT AND ASSOCIATED INFRASTRUCTURE ON PORTION 5 AND 6 OF THE FARM GOOLD 329, THE FARM SINTERFONTEIN 748, AND PORTION 16 AND 17 OF THE FARM MAMATWAN 331, PORTION 3 OF THE FARM MOAB 700 AND PORTION 4 OF THE FARM ADAMAS 328, SITUATED IN THE MAGISTERIAL DISTRICT OF KURUMAN, NORTHERN CAPE REGION.

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24 L 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 2017, 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 (Northern Cape 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 : appealsdirector@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: Northern Cape Region

By facsimile : (053) 8328 593

E-mail : Ntombi.Mayekiso@dmr.gov.za

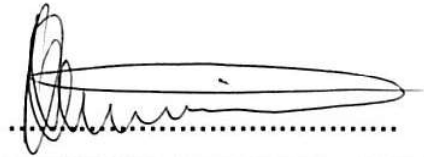
By post : Private Bag X 6093, **Kimberley**, 8300

By hand : Telkom Building, 41 Schmidtsdrift Street, **Kimberley**, 8300

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

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a series of loops and a long horizontal stroke.

REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGIONAL OFFICE

DATE: ..28 | 01 | 2020



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593
41 Schmidtsdrift Street, Telkom Building, Kimberley 8300

INTEGRATED ENVIRONMENTAL AUTHORISATION

Reference number: NC 30/5/1/2/3/2/1 (252) EM
Last amended: First issue
Holder of authorisation: Hotazel Manganese Mines (Pty) Ltd
Location of activities: On portion 5 and 6 of the farm Goold 329, the farm Sinterfontein no. 748, and portion 16 and 17 of the farm Mamatwan 331, portion 3 of the farm Moab 700 and portion 4 of the farm Adamas 328, magisterial district of Kuruman.

DECISION

ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
DEPARTMENT: Department of Mineral Resources.
EA: Environmental Authorisation.
EMPr: Environmental Management Programme
BAR: Basic Assessment Report
I&AP: Interested and Affected Parties
ECO: Environmental Control Officer
SAHRA: South African Heritage Resources Agency
EIA REGULATIONS: EIA Regulations, 2017
MPRDA: Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended

EIA: Environmental Impact Assessment.

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA** and **EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" 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 to **Hotazel Manganese Mines (Pty) Ltd** with the following contact details

The Directors

Hotazel Manganese Mines (Pty) Ltd

P.O. Box 8186

Johannesburg

2000

To undertake the following activities listed in the NEMA and EIA Regulation.

LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA

1. Listing notice 1, Activity 27(GNR983).

The clearance of an area of 1 ha 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.

2. Listing notice 1, Activity 34(GNR983).

The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or license 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.

3. Activity 13 in Category A (GNR 921)

The expansion of waste management activity listed in Category A or B of this Schedule, which does not trigger an additional waste management activity of this Schedule.

PROPERTY DESCRIPTION AND LOCATION

A listed activities will take place on the farm Sinterfontein no. 748, situated in the magisterial district of Kuruman, Northern Cape. The area of interest is located approximately 25km south of the town Hotazel.

The SG digit codes are: C04100000000074800000

:

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Natasha Smyth

SLR Consulting (SA) (Pty) Ltd

P.O. Box 1596

Cramerview

2060

E. CONDITIONS OF AUTHORISATION

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the 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 it 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 holders of the EA contact details change including the name of the responsible person, physical/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 the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The holder of the EA must implement an Emergency Preparedness Plan and review it bi-annually when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.

2 APPEAL OF AUTHORISATION

- 2.1** The holder of EA must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with EIA Regulation 4(2)-
- 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 this Annexure 2 (Departmental Standard Conditions).
- 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.

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 signaling 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(s) 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 Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.6 The holder of EA must note that in terms of the National Forest Act, 1998 (Act No .84 of 1998) protected plant species, also listed in Northern Cape Nature Conservation (NCNCA) Act no. 9 of 2009 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.
- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 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 operation. It is the applicant's 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.

- 3.11 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, 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.
- 3.12 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.13 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.14 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.
- 3.15 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 Northern Cape Heritage Resource Agency (NCHRA) (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) and or Northern Cape Heritage Resource Agency (NCHRA).

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.

- 3.16 Since the Department did not receive the comment from SAHRA, is still your responsibility to ensure compliance regarding any comment that SAHRA can issue after the granting of this EA.

- 3.17 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.18 Hydraulic fluids 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, 1998 (Act 36 of 1998) must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies). The holder of the EA shall note that in terms of Section 19 (1) of the national Water Act, 1998 (Act No. 36 of 1998). "An owner of land , a person who occupies or uses the land on which – (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring."

Therefore any pollution incident (s) associated with the proposed project shall be reported to the relevant Regional Office of the DMR and Department of Water and Sanitation within 24 hours.

- 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(s) 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 approved EMPr. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the approved EMPr.
- 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 license is issued in respect of that activity if license 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/continue 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. Environmental Management Inspector or Environmental Management Resource Inspector within his or her mandate in terms of section 31D, may – question any person; issue a written notice inspect any document (books or record or any written or electronic information); copy or make extracts from any document (book or record or written or electrical information); take photographs or make audio- visual recordings; dig or bore into the soil or take samples and carry out any other prescribed duty not

inconsistent with this Act and any other duty that may be prescribed in terms of a specific environmental management Act. Environmental Management Inspector or Environmental Management Resource Inspector without a warrant may enter and search any vehicle, vessel or aircraft or search any pack-animal or any other mechanism of transport, on reasonable suspicion.

- 3.29 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rain water from getting in contact with the waste.
- 3.30 The 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 You shall not store any fuel either above or underground, with a combined capacity of 80 cubic metres or more without an authorisation in each of the above mentioned sites. All fuels and lubricants that are allowed to be stored in the sites must be stored inside a bounded area.
- 3.32 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid right is issued provided that this activity must commence within 10 years. If the commencement of the proposed activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken.
- 3.33 The commissioning and decommissioning of individual activity within the overall listed prospecting activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.34 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 authorization is suspended until such time as the appeal is finalized.

- 3.35 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.
- 3.36 If the EA holder is not the surface owner must before commencement of the mining activities consult with the land owners for reasonable compensation of damages such as loss of grazing, stock theft, fire hazard that may be associated with the listed activity/ies.
- 3.37 Notwithstanding the provision of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having refused to perform any work if the person is good faith and reasonable believed at the time of the refusal that the performance of the work would result in an imminent and serious threat to the environment.

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 (lies) 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). Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMP must be available on site to the aforesaid authorised official on request at all times.
- 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.
- 4.3. 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.
- 4.4 A buffer zone of 100 meters between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.

- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6 The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.
- 4.7 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.
- 4.8 Mining vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.
- 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 Should it be discovered or come to the attention of the Department that the EA has been obtained through fraud, non-disclosure of information or misrepresentation of a material fact, the Department will suspend your EA in terms of the provisions of regulation 38(1) of the EIA Regulations.
- 4.11 Only listed activities that are expressly specified in the section B that forms part of this EA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the EA and authorised by the Department 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.
- 4.12 Any changes to or deviations from the activity description set out above must be approved in writing by the competent authority before such changes or

deviations may be effected. In assessing whether to grant such approval or not, the competent authority may request information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the EA holder to apply for further authorization in terms of the regulations.

- 4.13 Rehabilitation of the disturbed surface caused by the operation at all times must comply with the conditions set in the approved EMPr. The historical liability in the mining area form part of mining permit.
- 4.14 The holder of the EA must ensure that the names 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.
- 4.15 The ECO must:
- 4.15.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material;
 - 4.15.2. 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;
 - 4.15.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials;
 - 4.15.4. Keep copies of all environmental reports submitted to the Department;
 - 4.15.5. Keep the records of all permits, licences and authorisations required by the operation; and
 - 4.15.6. Compile a monthly monitoring report and make it available to the Department if requested.

- 4.16 The duties and responsibilities of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA and NEMWA
- 4.17 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.
- 4.18 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.
- 4.20 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.
- 4.21 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.
- 4.22 The holder of the environmental authorization 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.
- 4.23 The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
- 4.24 A person convicted of an offence of failure to comply with compliance notice is liable to a fine not exceeding five million rand or to imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.

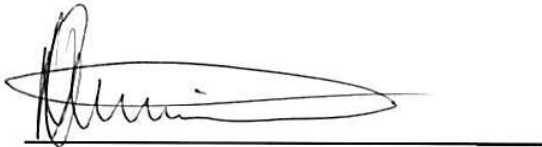
- 4.25 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 4.26 Should the holder of the Authorisation ever cease, he/she must take required actions as prescribed by legislation at the time and comply with all the relevant legal requirements administered by any relevant and competent authority at that time.
- 4.27 If any soil contamination is noted during mining period of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of the competent authority and Department of Water and Sanitation. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this competent authority must be informed in this regard.
- 4.28 Notwithstanding the Companies Act, 2009 (Act No.71 of 2008) or the Close Corporations Act, 1984 (Act No.69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation or pollution.

G. 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



Regional Manager: Mineral Regulation (Northern Cape)

DATE OF DECISION: 28/01/2020

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

NC 30/5/1/2/3/2/1 (252 EM)

REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the following:

- a) The information contained in the, Environmental Authorisation application form received by the competent authority on **March 2019**, the Basic Assessment Report (BAR) received by the competent authority on the **02nd of May 2019**.
- b) Relevant information contained in the Departmental information base, including, the Department's circular on the One Environmental Management System dated 8 December 2014;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA");
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the EMPR dated **24 April 2019**;
- e) This application was submitted in terms of the 2014 NEMA Environmental Impact Assessment Regulations ("EIA Regulations");
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures;
- g) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit; and
- h) The financial provision to the amount of **R1, 934, 647.24** provided in the form of bank guarantee, which is in line with mining activities for the rehabilitation and/ or management of negative environmental impact.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues

which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Exemption

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority. No Public Participation Process ("PPP") in accordance with Regulation 4(3) in terms of the National Exemption Regulations and Regulation 41 in terms of the EIA Regulation 2014 was conducted by the Department of Mineral Resources; the applicant and the Environmental Assessment Practitioner did the PPP and the Department was satisfied with the documentation that was submitted as a proof of the whole process.

2. Public Participation

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R. 326.

The PPP conducted as part of the EMP process included:

- Newspaper advert
- Sending of registered letters
- fixing a notice board at the site and any alternative site where the listed activity/ies;

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP/closure plan to adequately address the concerns raised.

3. Alternatives

No alternatives, the no-go alternative would mean that the Sinterfontein WRD is not extended. This would restrict the mine's ability to realise the economic benefits associated with extracting the mineral resources from the barrier pillar.

4. Impacts, assessment and mitigation measures

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management plan mitigation measures.

5. 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.

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, 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.

-END-

APPENDIX B: NATIONAL APPEAL REGULATIONS, 2014 (AS AMENDED) – CHAPTER 2

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 organs 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.