



Building No. 6, No. 7 Government Boulevard, Riverside Park, 1200, Mpumalanga Province

Private Bag X 11219, 1200

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Litiko Letekulima, Kutfutukiswa
Kwetindzawo Tasemakhaya, Temhlaba
Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuT huthukiswa kweeNdawo
zemaKhaya,

Enquiries : Ms. Thabile Mahlaku / Sindisiwe Mbuyane
Telephone : (017) 811 4830
Reference : 1/3/1/16/1 G-45
NEAS No. : MPP/EIA/0000214/2016

Hi-Fos (Pty) Ltd
P.O. Box 912
Standerton
2430

Attention : Attie van der Westhuizen
Fax : (017) 712 7025
Email : attie@sonskynkunsmis.co.za

Dear Sir,

ENVIRONMENTAL AUTHORISATION FOR PROPOSED PHOSPHORIC ACID PLANT IN STANDERTON ON PORTION 4 OF THE FARM HOLFONTEIN 399 IS, WITHIN THE JURISDICTION OF LEKWA LOCAL MUNICIPALITY: MPUMALANGA PROVINCE.

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the National Appeal Regulations, 2014..

Your attention is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, which regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (013) 766 6067/8

By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, No 7 Government Boulevard,
Riverside Park
Nelspruit
1200

PN

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours sincerely,



MS. P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 29/09/2017

cc: EAP Terra Pacis Environmental (Pty) Ltd
Paula Tolksdorff
paula@terrapacis.co.za



agriculture, rural development,
land & environmental affairs

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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Grond en Ongewing Sake

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zemaKhaya,

Environmental Authorisation

Authorisation register number: 1/3/1/16/1 G-45

NEAS No.: MPP/EIA/0000214/2016

Holder of Authorisation: HI-Fos (Pty) Ltd

Location of activity: Portion 4 of the farm Holfontein 399
IS within the jurisdiction of Lekwa
Local Municipality: Mpumalanga
Province *PN*

1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014, the Department hereby authorises:

Hi-Fos (Pty) Ltd
P.O. Box 912
Standerton
2430

Attention : Attie van der Westhuizen
Telephone : (017) 712 7020
Fax : (017) 712 7025
Email : attie@sonskynkunsmis.co.za

The To undertake the following activities (hereafter referred to as "the activity"): The proposed phosphoric acid plant in Standerton on Portion 4 of the farm Holfontein 399 IS within the jurisdiction of Lekwa Local Municipality: Mpumalanga Province. The site coordinates are 26° 52' 11.25" S 29° 01' 51.79" E.

Applicable Activities

GNR 983 Activity Number	Activity Description	Extent to which Activity is Authorised
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 roads where the entire road falls within an urban area. PN	Access road for the proposed plant PN

GNR 984 Activity Number	Activity Description	Extent to which Activity is Authorised
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.	Nitric acid and phosphoric acid maximum storage volume will be 80 tons respectively. Nitric acid and phosphoric acid are substances that hazard statements have been assigned to in accordance with the GHS. In light of the above Listed Activity 4 finds applicability to the proposed plant.
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 proposed plant requires an atmospheric emission licence (for the French drain) which is an authorisation in terms of legislation "governing the generation or release of emissions, pollution or effluent: thus, Listed Activity 6 finds applicability.
28	Commencing of an activity, which requires an atmospheric emission license in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), 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	The proposed plant requires an atmospheric emission licence in terms of section 21 of National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

PN

	<p>Management: Waste Act, 2008 applies; or</p> <p>(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.</p>	
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The granting of this environmental authorisation is subject to the conditions set out below:

3. Conditions of authorisation

Scope of authorisation

- 3.1 Environmental Authorisation of these activities is subject to the conditions contained in this authorisation that are part of the Environmental Authorisation and are legally binding on the holder of the authorisation.
- 3.2 The holder of the Environmental Authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the Authorisation.
- 3.3 A copy of this Environmental Authorisation must be made available on site at all times and all relevant staff, contractors and sub-contractors must be familiar with the contents of this authorisation.
- 3.4 These activities that are authorised may only be carried out at the property indicated above.
- 3.5 The Department may change or amend any of the conditions in this authorisation if, in the opinion of the Department is environmentally justified.
- 3.6 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7 These activities must commence within a period of five (5) years from the date of issue. If commencement of the activities does not occur within that period, the Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activities to be undertaken.
- 3.8 Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations 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 deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
- 3.9 This Environmental Authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities. *PN*

3.10 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).

Appeal of Authorisation

3.11 The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) days, of receiving notice of the Department's decision to authorise the activities.

3.12 The notification referred to above must:

- a) Specify the date on which the authorisation was issued;
- b) Inform the interested and affected parties of the appeal procedure provided for in the National Appeal Regulations, 2014; and
- d) Be published in the newspaper contemplated in Regulation 41 (2) (c) and (d) and which newspaper was used for the placing of advertisements as part of public participation process.

Management and Monitoring of the activities

3.13 The Environmental Management Programme (EMPr) incorporated in the Final Environmental Impact Assessment Report dated May 2017 is hereby approved.

3.14 The holder of the authorisation must submit a post-construction environmental audit report to the Department within 30 (thirty) days after completion of the authorised activities on site. The audit report must be compiled by an independent auditor.

3.15 The applicant must appoint an Environmental Control Officer (ECO) who will have the responsibility to implement the EMPr approved and ensure compliance with the conditions of this environmental authorisation

3.16 The ECO must maintain the following on site:

- a) Strict compliance of the development to the conditions of the Environmental Authorisation.
- b) Discuss and advise the contractor on site in respect of environmental compliance before and during construction of such activities in finding environmentally responsible solutions to problems.
- c) Monitor and implement the approved EMPr.
- d) Undertake regular inspections of the site in order to monitor compliance with the EMPr.
- e) Conduct monthly inspections during construction of activities.
- f) Ensure that environmental audits are undertaken on the project implementation process.
- g) Monthly audits for the duration of the contract must be conducted and monthly audit reports must be submitted to the Department.
- h) Keep a site diary.
- i) Keep copies of all reports submitted to the Department.
- j) Keep a complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints. *PN*

- 3.17 The findings of the Soil Investigation prepared by KBK Engineers (Pty) Ltd dated 01 November 20015 attached as Appendix 4 as incorporated in the Final Environmental Impact Assessment Report dated May 2017 must be adhered to.
- 3.18 The conclusions and recommendations of the Archaeological Impact Assessment prepared by Mr. J. Van der Walt of HCAC-Heritage Consultants dated December 2016 attached as Appendix 5 as incorporated in the Final Environmental Impact Assessment Report dated May 2017 must be adhered to.
- 3.19 The findings of the Atmospheric Impact Report prepared by N. Van Reiche of Airshed Planning Professionals attached as Appendix 16 dated April 2017 incorporated in the Environmental Impact Assessment Report dated May 2017 must be adhered to.
- 3.20 The Department retains the right to monitor and or inspect the proposed project during both construction and operational phases.

Commissioning and operation of the activities

- 3.21 Fourteen (14) days written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activities will commence.
- 3.22 The conditions stipulated in this Environmental Authorisation and mitigation measures contained in the Environmental Management Programme are legally binding components of any contract and are therefore legally enforceable.
- 3.23 An atmospheric emission Licence must be obtained from the Gert Sibande District Municipality prior to the commencement of the activities.
- 3.24 The Department of Water and Sanitation must be consulted prior to any extraction of water source takes place.
- 3.25 Waste management systems must be adopted as issued in terms of National Environmental Management: Waste Act, No. 59 of 2008.
- 3.26 Measures must be taken to ensure the prevention or minimization of erosion during construction. Such measures must take into account the period in which construction takes place.
- 3.27 Dust suppression measures must be implemented during the construction phase of the project.
- 3.28 It is the responsibility of the holder of the Environmental Authorisation to rectify any source of pollution from their undertaking and to take appropriate measures to prevent any pollution of surface as well as ground water.
- 3.29 Mixing of cement must take place on impermeable surfaces.
- 3.30 Machinery on site must be kept in a proper working condition to avoid oil spills.
- 3.31 All hazardous materials must be stored in designated, lined and bunded areas. PN

- 3.32 Storm water drainage measures should be implemented on site to control runoff and prevent erosion and storm water berms must be constructed that will channel storm water appropriately.
- 3.33 Ponding of water must be prevented on site in order to prevent pollution of ground water and accident to human beings and animals.
- 3.34 The construction camp must be established on an area that has previously been disturbed.
- 3.35 Construction workers and vehicles movement must be limited to the construction area only and must be enforced in terms of the contracts of appointment.
- 3.36 Appropriate measures must be implemented to ensure the construction workers will not cause any unnecessary disturbances due to unacceptable behaviour.
- 3.37 Appropriate ablution facilities must be provided for the construction team.
- 3.38 Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.39 All waste generated during the construction of the Phosphoric Plant must be stored, handled and disposed of at a registered landfill site.
- 3.40 Applicable notification signs must be erected to warn the public of the dangers around the construction site.
- 3.41 Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during construction, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.
- 3.42 Any complaints received from the employees or anyone within the immediate vicinity of the site during the construction and operational phases of the activities must be attended to as soon as possible and addressed to the satisfaction of all involved.

General

- 3.43 A copy of this Environmental Authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.44 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details; the Department must be notified as soon as the new details become known to the applicant.
- 3.45 The holder of the Environmental Authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this Environmental Authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. *PN*

- 3.46 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 3.47 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:



MS. P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 29/09/2017

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

The applicant Hi-Fos (Pty) Ltd applied for Environmental Authorisation for the following:

The proposed phosphoric acid plant in Standerton on Portion 4 of the farm Holfontein 399 IS within the jurisdiction of Lekwa Local Municipality: Mpumalanga Province. The site coordinates are 26° 52' 11.25" S 29° 01' 51.79" E.

Applicable Activities

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GNR 984 Activity Number	Activity Description	Extent to which Activity is Authorised
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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	The proposed plant requires an atmospheric emission licence (for the French drain) which is an authorisation in terms of legislation "governing the generation or release

	<p>generation or release of emissions, pollution or effluent, excluding-</p> <ul style="list-style-type: none"> (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. 	<p>of emissions, pollution or effluent: thus, Listed Activity 6 finds applicability.</p>
28	<p>Commencing of an activity, which requires an atmospheric emission license in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), excluding -</p> <ul style="list-style-type: none"> (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. 	<p>The proposed plant requires an atmospheric emission licence in terms of section 21 of National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).</p>

2. The applicant appointed the following Environmental Assessment Practitioner to undertake the Environmental Assessment process:

Consultant Name: Terra Pacis Environmental (Pty) Ltd
Address: P.O. Box 41409
 Craighall
 Johannesburg
 2024

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Contact Person: Paula Tolksdorff
Telephone: (011) 781 7800
Fax: (011) 447 7100
Email: paula@terrapicis.co.za

3. Information considered in making a decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the Final Environmental Assessment Report dated May 2017.
- b) The findings of the site visit conducted by Thabile Mahlaku from the Department with Paula Tolksdorff from Terra Pacis Environmental (Pty) Ltd on 28 February 2017.
- c) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

4. Key factors considered in making the decision.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues that, in the Department's views, were of the most significance is set out below:

- a) Need and desirability;
- b) Alternatives considered;
- c) Ecological value of the site;
- d) The physical environment to be affected; and
- e) Public Participation Process.

5. Findings

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

- a) The proposed activities will contribute towards the local economic development through job creation.
- b) The development is considered to be environmentally, economically and socially sustainable.
- c) The Environmental Management Programme addresses the potential impacts and provides mitigation measures.
- d) Comments, issues and concerns received from Interested and affected parties were addressed to their satisfactory.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activities will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted.

PN