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Department of Economic Development, Environment and Tourism

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Umgango WezokuThuthukiswa
KoMnotho, iBhoduluko nezamaVakatjho

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Environmental Authorisation

Application number: 17/2/3N-184

Holder of Authorisation: Anglo American Thermal Coal

NEAS reference number: MPP/EIA/0000471/2012

Location of activity: Remainder of Portion 28 of the farm Agewys 81 IS.



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 2006, the Department hereby authorises:

Anglo American Thermal Coal: Isibonelo Colliery
P.O Box 61587
Marshalltown
Johannesburg
2107

Attention: Mr. Kenneth Mokoena
Tel no: 011 361 1371
Fax no: 017 620 2759
Email: Kenneth.mokoena@angloamerican.com

To undertake the following activity (hereafter referred to as "the activity"): The proposed bulk fuel storage expansion project at Isibonelo Colliery, Anglo American Thermal Coal on Portion 28 of the farm Aangewys 81 IS, Emalahleni Local Municipality, Mpumalanga Province at the co-ordinates 26° 20' 41.32" S and 29° 16' 00.67" E (**Activity 28 and 42 of Government Notice R544 of 18 June 2010**).

The current onsite storage comprises two (2) 83 m³ diesel AST's located near the pit workshop and two (2) 14 m³ petrol underground storage tanks towards the main offices, totaling 194 m³. The proposed installation of an additional four (4) 83 m³ diesel AST near the existing AST site thus brings the total storage capacity on site to 526 m³. The length, breadth and height of the proposed project area which will be utilized for the additional four (4) fuel tanks is 19.3 m, 17 m and 3.8 m respectively and the proposed tanks will occupy an approximate area of 328.1 m².

The granting of this environmental authorisation is subject to the conditions set out below.

3. Conditions of Authorisation

Scope of authorisation

- 3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with these 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.
- 3.2.1 The activity which is authorised may only be carried out at the property indicated above.



- 3.3 Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
- 3.4 In the event that the impacts exceed the significance as predicted in the environmental impact report, authorisation may be suspended after proper procedures have been followed.
- 3.5 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.
- 3.6 The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.7 This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.8 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).
- 3.9 This authorisation does not negate the holder of the authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Appeal of authorisation

- 0.1. The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) days of the date of this decision, of the outcome of the application.
- 0.2. The notification referred to above, must –
 - a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations; and
 - c) Advise the interested and affected party to the manner in which the decision can be accessed;
 - d) Be published in the newspaper contemplated in Regulation 54(2)(c) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management and monitoring of the activity

- 3.10 The Environmental Management Programme (EMPr) dated 17 April 2013 and submitted as part of the environmental impact report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 0.3. The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr.
 - 0.3.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
 - 0.3.2. The ECO must oversee and monitor the success of all rehabilitation activities.



- 0.3.3. During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 0.3.4. The ECO must maintain the following on site:
 - A site diary
 - Copies of all reports submitted to the Department
 - A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints
- 0.3.5. The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.11 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.12 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

Commissioning and operation of the activity

- 3.13 Fourteen (14) days written notice must be given to the Department that the activity 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 activity will commence, and must include the name and contact details of the appointed ECO.
- 3.14 The ECO must ensure that all contractors and employees (site personnel) acknowledge their understanding of the EMP and Environmental responsibilities.
- 3.15 The road must also be maintained throughout the construction and operational phase.
- 3.16 No fires are permitted on site and the instruction informing site personnel of such, must be included in the site induction.
- 3.17 Firefighting equipment and associated signage must be placed on site.
- 3.18 Vehicles and heavy machinery must be regularly inspected to ensure their good/ safe working condition.
- 3.19 An adequate number of general waste receptacles must be placed around the construction site to minimise littering.
- 3.20 Hazardous waste must be disposed of using techniques appropriate to the situation as per IC's waste management procedure or agreement with the waste disposal contractor.
- 3.21 Hazardous waste bins must be clearly marked; colour-coded and have a drip tray and be covered.
- 3.22 Material safety data sheet (MSDS) for on-site chemicals, hydrocarbon materials and waste and hazardous substance must be readily available.
- 3.23 The requirement for a waste management license as per the National Environmental Management Waste Act (No. 59 of 2008) for temporary storage of waste including waste facilities must be adhered to.



- 3.24 The storage area floor must be an impermeable surface and suitably bunded so as to retain 110% of all the container volumes.
- 3.25 The spill must be cleaned as soon as practically possible using absorbent material.
- 3.26 The condition of the tanks, their piping and the monitoring wells must be inspected on a regular basis.
- 3.27 A spill contingency or Emergency response plan must be drawn up and must include the action that need to be taken in the event of spillages.
- 3.28 The storm water drainage networks must be designed and constructed in such a manner that storm water must be drain to the storm water attenuation dams before discharging into the municipal storm water system.
- 3.29 All disturbed areas must be fully rehabilitated and protected from erosion. Rehabilitation measures must be aimed at the prevention of soil erosion and the re-establishment of vegetation.
- 3.30 Any complaints received from the public during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned.

General

- 3.31 A copy of this authorisation must be kept at the property where the activity 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.
- 3.32 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 applicant must notify the Department as soon as the new details become known to the applicant.
- 3.33 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.
- 3.34 National government, provincial government, local authorities or committees appointed in terms of the conditions of this 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:


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 04.07.2013



Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, Anglo American Thermal Coal, applied for authorisation to carry out the following activity:

The proposed bulk fuel storage expansion project at Isibonelo colliery, Anglo American Thermal Coal. On Portion 28 of the farm Aangewys 81 IS, Emalahleni Local Municipality, Mpumalanga Province at the co-ordinates 26° 20' 41.32" S and 29° 16' 00.67" E (**Activity 28 and 42 Of Government Notice R544 of 18 June 2010.**

The current onsite storage comprises two (2) 83 m³ diesel AST's located near the pit workshop and two (2) 14m³ petrol underground storage tanks towards the main offices, totaling 194 m³. The proposed installation of an additional four (4) 83 m³ diesel AST near the existing AST site thus brings the total storage capacity on site to 526 m³. The length, breadth and height of the proposed project area which will be utilized for the additional four (4) fuel tanks is 19.3 m, 17 m and 3.8 m respectively and the proposed tanks will occupy an approximate area of 328.1 m².

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

WSP Environment & Energy
119 Bryanston Drive
Bryanston
2191

Contact person: Janna Bedford
Tel: 011 361 1371
Fax: 086 556 6336
Email: janna.bedford-owen@wsp.co.za

2. Information considered in making the decision.

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

- The information contained in the Basic Assessment Report and the EMP.
- 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); and
- The findings of the site visit undertaken by Martha Seshweni on 15 November 2012.

3. 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 which, in the Department's view, were of the most significance is set out below:

- The proposal is an expansion project and would therefore have minimal negative environmental impacts.
- During the construction phase of the proposed development, jobs will be created and thus reduce the unemployment rate of the area.



4. Findings

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

- a) According to the Basic Assessment report, all necessary services at the capacity required by the proposed development the Anglo American Coal are available on site.
- b) According to the Basic Assessment report, the proposed development is considered to be environmentally and economically sustainable.
- c) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Basic Assessment report and conditions of this environmental authorisation be implemented and adhered to.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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. 