



mineral resources

Department:
Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Tel: 027 712 8160, Fax: 086 590 9711
Hopley Building, Van der Stel Street, Springbok, 8240

Enquiries: Ms D. A. Karsten **Ref:** NCS30/5/1/2/3/2/1 (517) EM
E-Mail Address: Deidre.Karsten@dmr.gov.za
Sub-Directorate: Mine Environmental Management

REGISTERED MAIL

The Manager
Black Mountain Mining (Pty) Ltd
Private Bag x01
AGGENEYS
8893

Attention: Mr. Dave Payne

email: dpayne@vedentaresources.co.za

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED (NEMA) AND NATIONAL ENVIRONMENTAL MANAGEMENT: THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 ON REMAINING EXTENT AND PORTION 4 OF THE FARM ZUURWATER NO 62 WITHIN THE MAGISTERIAL DISTRICT OF NAMAQUALAND: 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 the 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 2014, 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

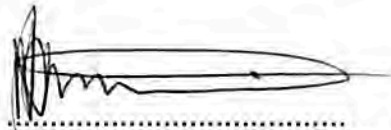
Attention : Directorate Appeals and Legal Review
Email : appealsdirector@environment.gov.za
By post : Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, Pretoria 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Northern Cape Region
By facsimile : (053) 807 1700
By post : Private Bag X 6093, **KIMBERLEY**, 8300
By hand : Telkom Building, 41 Schmidt Drift 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



.....
REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE
DATE: 26/08/2019



mineral resources

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Mineral Resources
REPUBLIC OF SOUTH AFRICA

Private Bag X 14, Springbok, 8240, Tel: 027 712 8160, Fax: 086 590 9711
Hopley Building, Van der Stel Street, Springbok, 8240

ENVIRONMENTAL AUTHORISATION

Reference number:	NCS30/5/1/2/3/2/1 (517) EM
Last amended:	First issue
Holder of authorisation:	Black Mountain Mining (Pty) Ltd
Location of activities:	Remaining extent and portion 4 of the farm Zuurwater no 62

DECISION

ACRONYMS

NEMA:	The National Environmental Management Act, 1998 (Act no 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
NHRA:	National Heritage Resources Agency
SAHRA:	South African Heritage Resources Agency
EIA REGULATIONS:	EIA Regulations, 2014
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) as amended
NEMA: WA:	National Environmental Management: Waste Act, 2008 (Act 59 of 2008) 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 EIA listed activity(ies) 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 grants an application for EA by **Black Mountain Mining (Pty) Ltd** with the following contact details –

Mr. Pieter Venter

1 Penge Road, Aggeneys 8893

Private Bag x1

AGGENEYS

8893

Tel no: (054) 983 9241

Fax no: (011) 784 2724

to undertake the following activities listed in the NEMA EIA Regulation.

NEMA: LISTED ACTIVITIES:

Listed activities on listing notice 1 of the EIA Regulations R. 983 of 2014 as:-

Activity 12- " The development of -

- (i) Dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) Infrastructure or structures with a physical footprint of 100 square metres or more;

Where development occurs-

- (a) Within a watercourse;
- (b) In front of a development setback; or
- (c) If no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -

Excluding-

- (aa) the development of infrastructure or structures within the existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 of Listing notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 of Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway line reserves, or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of commencement of development and where indigenous vegetation will not be cleared.

Activity 19- " The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation , removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

But excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (a) Will occur behind a development setback;
- (b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour, or
- (e) Where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity 24- " The development of a road-

- (i) For which and environmental authorization 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) With a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 5 meters;

But excluding a road-

- (a) Which is defined and included in activity 27 in Listing Notice 2 of 2014;
- (b) Where the entire road falls within an urban area; or
- (c) Which is 1 kilometre or shorter.

Listed activities on listing notice 3 of the EIA Regulations R. 985 of 2014 as

Activity 4- " the development of a road wider than 4 meters with a reserve less than 136.5meters in Northern Cape:

- (i) In an estuary;
- (ii) Outside urban area;
- (aa) a protected area identified in terms of NEMPAA, excluding disturbed areas;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.
- (dd) Sites or areas identified in terms of an international convention
- (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (ff) Core areas in biosphere reserves;

- (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any protected areas identified in terms of NEMPA or from the core areas of a biosphere reserve, excluding disturbed areas, or
- (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

Activity 12- " the clearance of an area of 300 square metres or of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance plan.

- (i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004.
- (ii) Within critical biodiversity areas identified in bioregional plans;
- (iii) Within the littoral active zone or 100metres inland from high water mark of the sea or an estuary , whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas; or

On land, where, at the time of the coming to effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

The proposed EA application entails the following activities:

- Construction of a new haul road. The new haul road will be 8m wide to allow for 2-way truck traffic and 1.2km long. Additional fill, if required will be sourced from BMM's existing (approved) borrow-pit south –east of the processing area.
- Establishment of laydown areas: Laydown areas will be located within the existing disturbed footprint of the weighbridge area and WRD.
- Installation of river crossings. The proposed haul road will cross 11 ephemeral drainage lines, requiring the installation of eleven pre-cast cement culverts and / or construction of low-level drift crossings; and
- Alterations to existing power line: An existing 66kV power line is located in close proximity to and over the proposed haul road. BMM will raise the power line to ensure heavy vehicles can pass safely beneath.

The granting of this EA is subject to the conditions set out below (site specific) and in **Annexure 2** (Departmental standard conditions). The Environmental Management Programme (EMPr) attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the operation.

EA SITE SPECIFIC CONDITIONS

1. Protected plant species must not be removed (disturbed, cut and destroy their products which may not be possessed, collected, removed, transported, exported, donated, purchased or sold) unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries (DAFF).
2. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones
3. An Integrated Water Use License (IWUL) must be obtained from the Department of Water and Sanitation (DWS) prior commencement of activity.
4. Wetland and riverine areas are to be considered as no go zones unless authorisation is obtained. Ensure that construction activities are outside the demarcated wetland area. No activity should be allowed to encroach on to wetland system.

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

- 1.1 Black Mountain Mining (Pty) Ltd has an existing Mining Right issued in terms of Section 27 of the MPRDA, valid from the 19th August 2008 to 18th August 2038, with the purpose to mine lead, copper, zinc and associated minerals. The EMPr for this Mining Right was approved on 19th August 2008.
- 1.2 The company lodged an application for an EA listed activities in terms of Section 24 of National Environmental Management Act, 1998 (act 107 of 1998) read with Regulation 19 of the Environmental Impact Assessment (EIA) Regulations, 2014 on the **26th November 2018** for a haul road to Swartberg mine area on the above-mentioned property.
- 1.3 The EA application lodged is an amendment to the approved EMPr which is deemed as an EA in terms of the NEMA. The company had to apply for an EA as this amendment falls under, Part 2: Amendment where a change in scope occurs in terms of regulation 31 of the EIA regulations. The applicant submitted a **Basic Assessment Report (BAR)** and **Environmental Management Programme (EMPr)** on the **14th March 2019** as required by **Regulation 19(1)(a)** of 2014 EIA regulation. The BAR and EMPr was perused by the Mine Environmental Management Sub- Directorate for compliance with the relevant provisions of the NEMA.

Listed activities on listing notice 1 of the EIA Regulations R. 983 of 2014 as:-

Activity 12- " The development of -

- (iii) Dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (iv) Infrastructure or structures with a physical footprint of 100 square metres or more;

Where development occurs-

- (d) Within a watercourse;
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- (f) If no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -

Excluding-

- (aa) the development of infrastructure or structures within the existing ports or harbours that will not increase the development footprint of the port or harbour;
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- (ee) where such development occurs within existing roads, road reserves or railway line reserves, or
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But excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (f) Will occur behind a development setback;
- (g) Is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (h) Falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (i) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour, or
- (j) Where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

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- (iv) With a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 5 meters;

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- (aa) a protected area identified in terms of NEMPAA, excluding disturbed areas;

- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.
- (dd) Sites or areas identified in terms of an international convention
- (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (ff) Core areas in biosphere reserves;
- (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any protected areas identified in terms of NEMPA or from the core areas of a biosphere reserve, excluding disturbed areas, or
- (hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

Activity 12- " the clearance of an area of 300 square metres or of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance plan.

- (iv) Within any critically endangered or endangered ecosystem listed in terms of section 52 of NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004.
- (v) Within critical biodiversity areas identified in bioregional plans;
- (vi) Within the littoral active zone or 100metres inland from high water mark of the sea or an estuary , whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas; or

On land, where, at the time of the coming to effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

Black Mountain Mining (Pty) Lt appointed SRK Consulting (Pty) Ltd to undertake the Basic Assessment Report as required by Regulation 19 of the EIA Regulations.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the application form received by the Department on 26 November 2018;
- b) The information contained in the BAR received by the Department on 14 March 2019;

- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP) attached in *(Appendix C)* of the EMPr;
- e) The Rehabilitation Plan (Impact management) described in the EMPr; and
- f) The Environmental Awareness Plan described in the EMPr.
- g) The Ecological Impact Assessment was prepared by Dr Noel van Rooyen and Prof Gretel van Rooyen, both from EcoTrust for Black Mountain Mining (Pty). They concluded that base on the low sensitivity (Chapter 8), unmodified or approximated natural conditions for PES (Chapter 10), low marginal for EIS (Chapter 11) and low Risk Assessment (Chapter 12), the project could be approved provided that all mitigation measures are applied.
- h) The Archaeological Specialist Study was prepared by CTS Heritage in association with SRK and Ubique Heritage Consulting. It was recommended that the project can continue and no mitigation measures. No archaeological features or objects were identified or located on this site. Pedestrian / foot surveys were conducted throughout the site.

3. Key factors considered in making the decision

All the information presented to the Department was taken into account upon the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance are set out below.

- a. A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R 982 of 2014 for public involvement,
- b. The environmental impacts associated with the proposed activity will be addressed by the proposed mitigation measures outlined from page 92-103 of the EMPr which is compiled by Chrizette Neethling of Endemic Vision Environmental Services (Pty) Ltd;
- c. The Rehabilitation Plan (Impact management) described in the EMPr; and
- d. The Environmental Awareness Plan described in the EMPr.

4. Findings

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

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures are outlined as per page 54-71 of the EMPr.
- b) Public Participation Process (PPP) attached in (*Appendix C*) of the BAR and EMPr complied with Chapter 6 of the EIA Regulations R.982 of 2014. The PPP included, *inter-alia*, the following:
 - Notices were placed at the project site;
 - Notices were sent to all key stakeholders and the registered interested and affected parties;
 - Registration on a database for Background Information Documents (BID);
 - No objection was received from the consulted interested and affected parties;
 - Comments and issues raised by interested and affected parties were adequately addressed.

ANNEXURE 2

DEPARTMENTAL STANDARD CONDITIONS

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 is deemed 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 holder of the EA contact details change including name of the responsible person, physical or 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 EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of IEA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
- 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 Departmental Standard Conditions on Annexure 2.
- 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.
- 2.5 Provide the registered I&APs with:
- 2.5.1 Name of the holder (entity) of this EA
 - 2.5.2 Name of the responsible person for this EA
 - 2.5.3 Postal address of the holder;
 - 2.5.4 Telephonic and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

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 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.
- 3.4 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.
- 3.5 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.
- 3.6 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 project. 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.

- 3.7 All vehicle must be serviced and maintained in the manner whereby no excessive smokes and 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.
- 3.8 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.9. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.10 **The protection of all historical and pre-historical cultural resources must remain on site and no prospecting activity/-ies is/are allowed within 100 diameters from those resources.** 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). 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).

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; maddens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artcrafts 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.

- 3.11 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.12 Hydraulic fluid or chemicals 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.
- 3.13 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.

- 3.14 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.15. 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.
- 3.16. The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.17. 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.
- 3.18. 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 Environmental Management Plan or Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Plan or Environmental Management Programme.
- 3.19. 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 licence is issued in respect of that activity if licence is required.
- 3.20. 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.
- 3.21 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.22 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.

- 3.23 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.
- 3.24 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 granted 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.
- 3.25 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.26 This EA will only be effective on the event that a corresponding right is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without right.
- 3.27 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 authorisation is suspended until such time as the appeal is decided.
- 3.28 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.

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).
- 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 metres 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 licenced 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 Non-compliance with any condition of this IEA 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.
- 4.9 This EA only authorises activities specified in the EMPr /closure plan and a new authorisation must be applied for in respect of any new activity not specified as part of the EMPr
- 4.10 Only listed activities that are expressly specified in the EMPr that forms part of this EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, removal or updating of any detail in the aforesaid EMPr.
- 4.11 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.12 The Holder of EA must ensure that the name 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.
- 4.13 The ECO must:
 - 4.13.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material
 - 4.13 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.
 - 4.13.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.13.4. Keep copies of all environmental reports submitted to the Department.
 - 4.13.5. Keep the records of all permits, licences and authorisations required by the operation.
 - 4.13.6. Compile a monthly monitoring report and make it available to the Department if requested.

- 4.14 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA
- 4.15 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.
- 4.16 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.
- 4.17. 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.
- 4.18. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

5 REPORTING TO THE DEPARTMENT

5.5.1 The holder of EA must:

- 5.1.1. submit and Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and must the audit report must specify whether conditions of this environmental authorisation and EMP/closure plan are adhered to;
- 5.1.2 identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
- 5.1.3 identify shortcomings in the EMP/closure plan, if applicable;
- 5.1.4. Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMP/closure plan;
- 5.1.5 if applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
- 5.1.6 Specify the name of the auditor and
- 5.1.7 Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.

- 5.2 Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendation to amend the EMP/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 5.4 The holder of the EA 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.
- 5.5 The holder of the EA must, within 24 hours of incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.6 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
 - 5.6.1.1 Correct the impact resulting from the incident;
 - 5.6.1.2 Prevent the incident from causing any further impact; and
 - 5.6.1.3 Prevent a recurrence of a similar incident.
- 5.7 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the IEA.

6. SITE SECURITY AND ACCESS CONTROL

- 6.1 The holder of the EA must ensure effective access control on the site to reasonably prevent unauthorised entry. Signs indicating the risks involved in unauthorised entry must be displayed at each entrance.
- 6.2 Weather proof, durable and legible notices in at least three official languages applicable in the area must be displayed at each entrance to the Site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the holder of the IEA and the person responsible for the operation of the site.

7. EMERGENCY PREPAREDNESS PLAN

7.1 The holder of the IEA must maintain and implement an emergency preparedness plan and review it biennially when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:

7.1.1. Site Fire

7.1.2. Spillage

7.1.3 Natural disasters such as floods

7.1.4 Industrial action

7.1.5 Contact details of police, ambulances and any emergency centre closer to the site.

7.2 The holder of EA must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

8. INVESTIGATIONS

8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem.

8.2. If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the EA must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by the Competent Authority.

8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.

8.4. Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the EA must submit mitigation measures to the satisfaction of the Competent Authority.

9. COMMISSIONING AND DECOMMISSIONING

9.1 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.

10. SITE CLOSURE

- 10.1 The holder of an EA must submit an annual rehabilitation plan, a decommissioning and closure plan as contemplated in the Regulations pertaining to the financial provision for prospecting, exploration, mining or production operations in terms of the National Environmental Management Act, 1998 (Act no 107 of 1998).
- 10.2 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.3 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- 10.4 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes.
- 10.5 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

12. 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.

13. 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.

14. RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this EA, 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 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. **The authorisation is accordingly granted.**

Your interest in the future of our environment is appreciated.

Kind Regards



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REGIONAL MANAGER: MINERAL REGULATION

NORTHERN CAPE REGIONAL OFFICE

DATE 06/08/2019.....