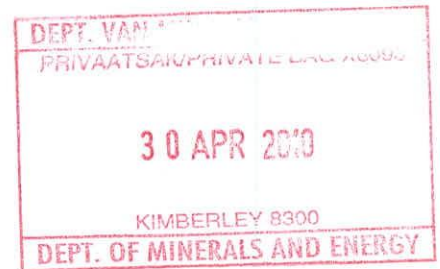


File number: NC 30/5/1/3/2/1826 MP

DEPARTMENT OF MINERALS AND ENERGY

ENVIRONMENTAL MANAGEMENT PLAN

Submitted in support of application for a Mining Permit.
Section 39 and Regulation 52 of the Minerals and Petroleum Resources Development
Act, 2002 (Act 28 of 2002)



Application for a:	Prospecting Right	
	Mining Permit	X

Applicant: J.E. MANN

Farm: A certain surveyed portion of the Remaining Extent of Farm No. 350

District: District of Barkly West, Northern Cape Province

Mineral: Diamond (Alluvial) (DA)

Date: 24 April 2010

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A.1 INTRODUCTION

This document aims to provide a simplified national standard for applicants for prospecting rights and mining permits to comply with the relevant legislation and environmental regulations as apply to their respective applications in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)(MPRDA).

Applicants in this sector of the mining industry typically disturb smaller surface areas of land, whether drilling boreholes, small trenches, or mining on a small area, less than 1,5 hectares of land, under a mining permit as contemplated in Section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)

A.2 SCOPE

This document is intended for use by applicants for mining permits and prospecting rights. Typically, operations in this sector of the mining industry:

- Use little or no chemicals to extract mineral from ore,
- Work on portions of land of 1,5 hectares in size or smaller,
- Disturb the topography of an area somewhat but have no significant impact on the geology

A.3 PURPOSE

This document aims to:

- Provide a national standard for the submission of Environmental Management Plans for the types of applications mentioned above.
- Ensure compliance with Regulation 52 of the MPRDA.
- Assist applicants by providing the information that the Department of Minerals and Energy (DME) requires in a simple language and in a structured, prescribed format, as contemplated in Regulation 52 (2) of the (MPRDA).
- Assist regional offices of the DME to obtain enough information about a proposed prospecting/ reconnaissance or mining permit operation to assess the possible environmental impacts from that operation and to determine corrective action even before such right is granted and the operation commences.

This document aims both to provide the DME regional offices with enough information about applicants for mining permits and applicants with guidance on environmental management matters pertaining to the mitigation of environmental impacts arising from their operations. Given this dual focus and the generic nature of the document, it might not be sufficient for all types of operations under various circumstances.

The document may therefore be altered or added to as the particular circumstances of the application in question may require.

A.4 USE OF THE DOCUMENT:

This document is designed for use by non-professionals and newcomers to the environmental management industry and it incorporates a *very simple* Environmental Impact Assessment (EIA). The EIA is contained in Section C of this document and was designed specifically with the target sectors of the mining industry (described in A.2 above) in mind.

The aim is ultimately to (a) gather information from applicants themselves; (b) to assess the impact of the operation based on that information and then (c) to guide the applicant to mitigate environmental impacts to limit damage to the environment.

Section B of the document gathers demographic information about the applicant. Section C gathers the information that will be used in the Environmental Impact Assessment. The applicant must complete the relevant sections of this document, but the regional office of the DME will do the scoring of these for the impact assessment rating in Section D.

Section F (the Environmental Management Plan) of the document is prescriptive and gives guidance to the miner or prospector on how to limit the damage of the operation on the environment. This part may be added to by the regional manager, who has the prerogative to decide whether this Environmental Management Plan will adequately address the environmental impacts expected from the operation or whether additional requirements for proper environmental management need to be set. Where these additional requirements are set, they will appear in Section G of this document. The Environmental Management Plan (Section F) of the document is legally binding once approved and, in the undertaking contained in Section H, the applicant effectively agrees to implement all the measures outlined in this Environmental Management Plan.

A.5 LEGISLATION/ REGULATIONS

The relevant sections of Mineral and Petroleum Resources Development Act and its supporting Regulations are *summarised below* for the information of applicants. The onus is on the applicant to familiarise him/herself with the provisions of the full version of the Mineral and Petroleum Resources Development Act and its Regulations.

Section of Act	Legislated Activity/ Instruction/ Responsibility or failure to comply	Penalty in terms of Section 99
5(4)	No person may prospect, mine, or undertake reconnaissance operations or any other activity without an approved EMP, right, permit or permission or without notifying land owner	R 100 000 or two years imprisonment or both
19	Holder of a Prospecting right must: lodge right with Mining Titles Office within 30 days; commence with prospecting within 120 days, comply with terms and conditions of prospecting right, continuously and actively conduct mining operations; comply with requirements of approved EMP, pay prospecting fees and royalties	R 100 000 or two years imprisonment or both
20(2)	Holder of prospecting right must obtain Minister's permission to remove any mineral or bulk samples	R 100 000 or two years imprisonment or both

Section of Act	Legislated Activity/ Instruction/ Responsibility or failure to comply	Penalty in terms of Section 99
26(3)	A person who intends to beneficiate any mineral mined in SA outside the borders of SA may only do so after notifying the Minister in writing and after consultation with the Minister.	R 500 000 for each day of contravention
28	Holder of a mining right or permit must keep records of operations and financial records AND must submit to the DG: monthly returns, annual financial report and a report detailing compliance with social & labour plan and charter	R 100 000 or two years imprisonment or both
29	Minister may direct owner of land or holder/applicant of permit/right to submit data or information	R 10 000
38(1)(c)	Holder of permission/permit/right MUST manage environmental impacts according to EMP and as ongoing part of the operations	R 500 000 or ten years imprisonment or both.
42(1)	Residue stockpiles must be managed in prescribed manner on a site demarcated in the EMP	A fine or imprisonment of up to six months or both
42(2)	No person may temporarily or permanently deposit residue on any other site than that demarcated and indicated in the EMP	A fine or imprisonment of up to six months or both
44	When any permit/right/permission lapses, the holder may not remove or demolish buildings, which may not be demolished in terms of any other law, which has been identified by the Minister or which is to be retained by agreement with the landowner.	Penalty that may be imposed by Magistrate's Court for similar offence
92	Authorised persons may enter mining sites and require holder of permit to produce documents/ reports/ or any material deemed necessary for inspection	Penalty as may be imposed for perjury
94	No person may obstruct or hinder an authorised person in the performance of their duties or powers under the Act.	Penalty as may be imposed for perjury
95	Holder of a permit/right may not subject employees to occupational detriment on account of employee disclosing evidence or information to authorised person (official)	Penalty as may be imposed for perjury
All sections	Inaccurate, incorrect or misleading information	A fine or imprisonment of up to six months or both
All sections	Failure to comply with any directive, notice, suspension, order, instruction, or condition issued	A fine or imprisonment of up to six months or both

A.6 OTHER RELEVANT LEGISLATION

Compliance with the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and its Regulations does not necessarily guarantee that the applicant is in compliance with other Regulations and legislation. Other legislation that may be immediately applicable includes, but are not limited to:

- National Monuments Act, 1969 (Act 28 of 1969).
- National Parks Act, 1976 (Act 57 of 1976)
- Environmental Conservation Act, 1989 (Act 73 of 1989)
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)

- The National Water Act, 1998 (Act 36 of 1998)
- Mine Safety and Health Act, 1996 (Act 29 of 1996)
- The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

A.7 WORD DEFINITIONS

In this document, unless otherwise indicated, the following words will have the meanings as indicated here:

Act (The Act)	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
Borehole	A hole drilled for the purposes of prospecting i.e. extracting a sample of soil or rock chips by pneumatic, reverse air circulation percussion drilling, or any other type of probe entering the surface of the soil.
CARA	The Conservation of Agricultural Resources Act
EIA	An Environmental Impact Assessment as contemplated in Section 38(1) (b) of the Act
EMP	an Environmental Management Plan as contemplated in Section 39 of the Act
Fauna	All living biological creatures, usually capable of motion, including insects and predominantly of protein-based consistency.
Flora	All living plants, grasses, shrubs, trees, etc., usually incapable of easy natural motion and capable of photosynthesis.
Fence	A physical barrier in the form of posts and barbed wire and/or "Silex" or any other concrete construction, ("palisade"- type fencing included), constructed with the purpose of keeping humans and animals within or out of defined boundaries.
House	any residential dwelling of any type, style or description that is used as a residence by any human being
NDA	National Department of Agriculture
NWA	National Water Act, Act 36 of 1998
Pit	Any open excavation
"Porrel"	The term used for the sludge created at alluvial diamond diggings where the alluvial gravels are washed and the diamonds separated in a water-and-sand medium.
Topsoil	The layer of soil covering the earth which- <ol style="list-style-type: none"> provides a suitable environment for the germination of seed; allows the penetration of water; is a source of micro-organisms, plant nutrients and in some cases seed; and is not of a depth of more than 0,5 metres or such depth as the Minister may prescribe for a specific prospecting or exploration area or mining area.
Trench	A type of excavation usually made by digging in a line towards a mechanical excavator and not pivoting the boom – a large, U-shaped hole in the ground, with vertical sides and about 6 – 8 metres in length. Also a prospecting trench.
Vegetation	Any and all forms of plants, see also Fauna
DWAF	The Department of Water Affairs and Forestry – both national office and their various regional offices, which are divided across the country on the basis of water catchment areas.
MPRDA	the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)
EMPlan	An Environmental Management Plan as contemplated in Regulation 52 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) – this document.

B. BIOGRAPHIC DETAILS OF THE APPLICANT:

B 1.1 Full name (and surname) of person or company applying for permit or right	Mr. John Edward Mann
B 1.2 ID number of person or company/ CC registration number	540611 5173 084
B 1.3 Postal address	P.O. Box 29039 DANHOF 9310
B 1.4 Physical/ residential address	Church Street DELPORSHOOP 8377
B 1.5 Applicant's telephone number	083 627 4111
B 1.6 Applicant's cellular phone number	083 627 4111
B 1.7 Alternative contact's name	Karien van der Merwe
B 1.8 Alternative contact's telephone/cell phone numbers	082 964 1667
B 2.1 Full name of the property on which mining operations will be conducted	A certain surveyed portion of the Remaining Extent of Farm No. 350¹
B 2.2 Name of the subdivision	Listed in B 2.1.
B 2.3 Approximate center of mining/mining area: Latitude	24° 22 min 00sec East
Longitude	28° 28 min 00 sec South
B 2.4 Magisterial district	Barkly West
B 2.5 Names of the registered owners of the property	Unregistered State land
B 2.6 His/her telephone number	Department of Public Works: 053 838 5200. Department of Rural Development and Land Reform: 053 831 4090.

¹ A plan of the mining area is attached hereto as Appendix A.

<p>B 2.7 His/ her postal address</p>	<p>Department of Public Works Attention: Mr. F. Paulsen Private Bag X5002 KIMBERLEY 8300</p> <p>Department of Rural Development and Land Reform Private Bag X5007 KIMBERLEY 8300</p>
<p>B 2.8 Current uses of surrounding areas</p> <p>The study area can be defined as unregistered State land, with no specific land use evident at present.</p> <p>A small number of the remaining members of the Longlands Community live approximately 400 m from the proposed mining site. (The largest portion of the community has, however, been relocated.)</p> <p>Alluvial diamond mining activities are taking place on the opposite side of the Vaal River, right across the proposed mining site.</p>	
<p>B 2.9 Are there any other, existing land uses that impact on the environment in the proposed mining area?</p>	
<p>Historic mining activities, of which the remnants are still visible, were conducted in the area in the 1930's.</p>	
<p>B 2.10 What is the name of the nearest town?</p>	
<p>Delportshoop is located approximately 12 km from the proposed mining site.</p>	

C. ENVIRONMENTAL IMPACT ASSESSMENT:

The information provided in this section will enable officials to determine how serious the impact of the mining operation will be.

DESCRIBE THE ENVIRONMENT THAT WILL BE AFFECTED BY THE PROPOSED MINING OPERATIONS UNDER THE FOLLOWING HEADINGS:

C.1 DESCRIPTION OF THE ENVIRONMENT LIKELY TO BE AFFECTED BY PROPOSED PROSPECTING/MINING OPERATIONS: (REGULATION 52(2)(a))			
ENVIRONMENTAL ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 1.1 What does the landscape surrounding the proposed operation look like? (Open veldt/ valley/ flowing landscape/ steep slopes)			
The landscape surrounding the proposed mining area can be described as an undulating plain, located at an altitude of approximately 1100 m above sea level.			
C 1.2 Describe the type of soil found on the surface of the site	Roikoppie gravels.		
	VALUE	TICK	OFFICE USE
C 1.3 How deep is the topsoil?	0 – 300mm		8
	300 – 600mm	X	4
	600mm +		2
The depth of topsoil varies throughout the study area. The maximum depth of topsoil is estimated to be 1.5 m.			
C 1.4 What <i>plants, trees and grasses</i> grow naturally in the area around the site?			
The proposed mining area is located in the Kimberley Thorn Bushveld Vegetation Type (Type No. 32) of the Savanna Biome of Southern Africa (Van Rooyen & Bredenkamp 1998) ² . The vegetation of this area can be described as an open savanna, with Umbrella Thorn <i>Acacia tortillis</i> being a dominant tree species. Other plant species recorded in the proposed mining area during a site visit conducted on 19 April 2010 include Buffalo Thorn <i>Ziziphus mucronata</i> , Wild Raisin <i>Grewia flava</i> , <i>Elionurus muticus</i> , <i>Opuntia</i> spp. and Mexican Poppy <i>Argemone ochroleuca</i> subsp. <i>ochroleuca</i> .			
No individuals of tree species protected in terms of Section 12 of the National Forests Act, 1998 (Act No. 84 of 1998), as amended, were recorded within the borders of the proposed mining area during a site visit conducted on 19 April 2010.			

² VAN ROOYEN, N. & G. BREDEKAMP. 1998. Kimberley Thorn Bushveld. In: LOW, A.B. & REBELO, A.G. (EDS.). *Vegetation of South Africa, Lesotho and Swaziland*. Dept. Environmental Affairs & Tourism, Pretoria.

C 1.5 What <i>animals</i> naturally occur in the area?			
<p>Wild animals are not known to frequent the proposed mining area as a result of the noises and human activity associated with the Longlands Community that was situated just a few hundred meters from the mining area before its relocation.</p> <p>The following mammal species are, however, still known to occur in the area (Mann, pers. Comm.): Cape Hare <i>Lepus capensis</i> and Meerkat <i>Suricata suricatta</i>.</p> <p>The applicant agrees that none of the above-listed species or any other animal species, including mammal, bird, amphibian and reptile species, will be killed or hurt by any employee either as part of the proposed mining operation, or by the setting of snares/traps or hunting for the purpose of obtaining food or for any other purpose. In addition to that, any snares or traps found in the area will be removed and destroyed immediately.</p> <p>Prior to the commencement of the proposed mining operation, all employees will be briefed on the total prohibition on the snaring, trapping, killing or hurting of any animal species found in the area.</p>			
	VALUE	TICK	OFFICE USE
C 1.6 Are there any <i>protected areas</i> (game parks/nature reserves, monuments, etc) close to the proposed operation?	Yes		4
	No	X	0
C 1.7 What mineral are you going to prospect or mine for?	Diamond (Alluvial) (DA)		
C 1.8 Describe the type of equipment that will be used:			
<p>The following equipment will be used as part of the proposed mining operation:</p> <ul style="list-style-type: none"> • 2 x Bell Dumper Trucks; • 2 x Back Actors; • 2 x Front-end Loaders; and • 3 x 10 Ft Pans. 			
C.2 HOW WILL THE PROPOSED OPERATION IMPACT ON THE NATURAL ENVIRONMENT? (REGULATION 52(2)(b))			
ENVIRONMENTAL ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 2.1 What will the ultimate depth of the proposed mining operations be?	0 – 5m	X	2
	6 – 10m		4
	10 – 25m		8

	25m +		10
C 2.2 How large will the <i>total</i> area of all excavations be?	Total mining area: 1.5 ha.		
C 2.3 How large will each excavation be before it is filled up?	<10 X 10m		2
	<20 X 20m		4
	>20 X 20m	X	8
C 2.4 How many <i>prospecting</i> boreholes will there be?	N/A		
	VALUE	TICK	OFFICE USE
C 2.5 Will employees prepare food on the site and collect firewood?	Yes		4
	No	X	0
Food will be prepared on gas equipment within a cleared area.			
C 2.6 Will water be extracted from a river, stream, dam or pan for use by the proposed operation?	Yes	X	4
	No		2
C 2.7 If so, what is the name of this water body?	Vaal River		
C 2.8 If water will not be extracted from an open surface source, where will it be obtained?	N/A		
	VALUE	TICK	OFFICE USE
C 2.9 How much water per day will the <i>mineral processing</i> operation require?	1000 – 10 000 Liters	X	2
	20 000 – 40 000 L		3
	40 000 – 60 000 L		5
	60 000 – 100 000L		8
	More		10
C 2.10 How far is the proposed operation from open water (dam, river, pan, lake)?	0 – 15m		8
	16 – 30m		6
	31 – 60m		4
	More than 60 metres	X	2
The mining area is located approximately 100 m from the Vaal River.			
C 2.11 What is the estimate depth of the water table/boreholes?	±10 m		

C 2.12 How much water per day will the proposed operation utilize <i>for employees</i> ?	±76 litres		
The latter figure was calculated by assuming that each individual employed by the proposed operation will require 3 liters of drinking water per day and the two individuals who will reside within the borders of the proposed mining area will require 20 liters of wash water each per day.			
C 2.13 What toilet facilities will be made available to workers?	None		8
	Pit latrine (longdrop)	X	4
	Chemical toilet		2
C 2.14 Would it be necessary to construct roads to access the proposed operations?	Yes		4
	No	X	0
Existing roads and tracks will be used.			
	VALUE	TICK	OFFICE USE
C 2.15 How long will these access road(s) be (from a public road to the proposed operations)	0 – 0,5 km	N/A	4
	0,6 – 1,5 km		2
	1,6 – 3 km		4
C 2.16 Will trees be uprooted to construct these access road(s)?	Yes		4
	No	X	0
C 2.17 Will any foreign material, like crushed stone, limestone, or any material other than the naturally occurring topsoil be placed on the road surface?	Yes		4
	No	X	0
C.3 TIME FACTOR			
C 3.1 For what time period will mining operations be conducted on this particular site?	0 – 6 months		2
	6 – 12 months		4
	12 – 18 months		6
	18 – 24 months	X	8
	>24 months		10

C.4 HOW WILL THE PROPOSED OPERATION IMPACT ON THE SOCIO-ECONOMIC ENVIRONMENT? (REGULATION 52(2)(b))			
ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 4.1 How many people will be employed?	• 12		
C 4.2 How many men?	• 12		
C 4.3 How many women?	• 0		
C 4.4 Where will employees be obtained? (Own or employed from local communities?)	Own		2
	Local	X	4
C 4.5 How many hours per day will employees work?	Sunrise → Sunset		4
	Less	X	2
	More		8
Employees will work ten hours per day.			
C 4.6 Will operations be conducted within 1 kilometer from a residential area?	Yes		6
	No	X	1
Although the proposed operation will not be conducted within 1 km of Delportshoop, the nearest town, it will be conducted within approximately 500 m of the remainder of the Longlands Settlement.			
C 4.7 How far will the proposed operation be from the nearest fence/windmill/house/dam/built structure?	0 – 50 metres		8
	51 – 100 metres		4
	150 or more metres	X	2
C.5 HOW WILL THE PROPOSED OPERATION IMPACT ON THE CULTURAL HERITAGE OF THE SURROUNDING ENVIRONMENT? REGULATION 52(2)(b)			
ELEMENT/ IMPACTOR	VALUE	TICK	OFFICE USE
C 5.1 Are there any graveyards or old houses or sites of historic significance within 1 kilometer of the area?	Yes		8
	No	X	0
No known sites of historic or archaeological significance are located within 1 km of the			

proposed mining site.

C.6 SPECIFIC REGULATORY REQUIREMENTS

C.6.1 Air quality Management and Control (Regulation 64)

Describe how the operation will impact on the quality of the air, taking into account the predominant wind direction and other affected parties in the downwind zone:

As excavated soils and gravels are anticipated to be wet, dust formation is not anticipated to be problematic during the excavation process. Gravel roads frequented by mining vehicles and machinery may, however, give rise to dust pollution.

The mitigation measures listed in Table C6.7 and C6.8 will be applied to limit dust emission by the activities associated with the proposed mining operation.

C.6.2 Fire Prevention (Regulation 65)

Applicants for permits, rights or permissions involving coal or bituminous rock must:

- Indicate on a plan where the coal or rock discard dump will be located

(If applied for a permit to mine or prospect for coal or bituminous rock, indicate the exact location of the discard dump on the plan and write "EMPlan C6.2" next to it)

Although this is not an application for a permit, right or permission involving coal or bituminous rock, the measures listed in Table C6.7 and C6.8 will be implemented with regard to fire prevention and –control.

C.6.3 Noise control (Regulation 66)

Indicate how much noise the operation will generate, and how it will impact on the surrounding environment, who might be influenced by noise from your operation.

Noises resulting from the operation of the mining equipment listed in Section C 1.8 are anticipated as a result of the proposed mining operation.

The measures listed in Table C6.7 and C6.8 will be implemented to limit noise emission by the activities associated with the proposed mining operation.

C.6.4 Blasting, vibration and shock (Regulation 67)

Please indicate whether any blasting operations will be conducted.

Blasting:	No	How often? N/A
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No blasting activities will form part of the proposed mining operation.

<p>C.6.7 If significant impacts on any element of the environment mentioned in Section C 1 to C 6.6 above have been identified, summarise all of them here: (Regulation 52(2)(c))</p>	<p>C.6.8 How will the negative impacts on the environment be mitigated or managed (as described in C 6.11 to the left)? (Regulation 57(2)(c))</p>
<p>1. Section C6.1: Some degree of dust formation is anticipated as a result of certain activities to be associated with the proposed mining operation.</p>	<p>1 (a) All roads within the proposed mining area used by mining machinery and -vehicles will be sprayed with water or an environmentally friendly dust allaying agent on a daily basis to ensure that dust is adequately suppressed if any complaints are received in this regard; (b) The speed of vehicles used will be strictly controlled to avoid excessive dust or the excessive deterioration of the roads being used; (c) All cleared, disturbed or exposed areas will be revegetated as soon as possible to prevent the formation of additional sources of dust; and (d) If any complaints regarding dust pollution are received from the public or a state department, a fall-out and nuisance dust monitoring study will be conducted. The results of this study will be compiled into monthly reports and forwarded to the Director of Health and Safety, Department of Minerals and Energy.</p>
<p>2. Section C6.2: Fire prevention and –reporting measures.</p>	<p>2 (a) Food will be prepared on gas equipment within a cleared area; (b) Major fires or explosions, as defined by Section 30(a) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) will be reported through the most effective means reasonably available to the following parties:</p> <ul style="list-style-type: none"> • The Director-General; • The South African Police Services; • The local fire prevention service; • The relevant provincial head of department or municipality; and • All persons whose health may be affected by the incident. <p>Such a report will include the nature of the incident; any risks posed by the incident to public health, safety and property; the toxicity of substances or by-products released by the incident; and any steps that would be taken in order to avoid or minimize the effects of the incident to public health and the environment.</p> <p>(c) As is required by Section 30(5) of NEMA, an incident as described in Section 30(a) of the said Act will furthermore be reported to the Director-General, provincial head of department of the Department of Tourism, Environment and Conservation, and the Dikgatlong Local Municipality via an emergency incident report.</p>

<p>C.6.7 If significant impacts on any element of the environment mentioned in Section C 1 to C 6.6 above have been identified, summarise all of them here: (Regulation 52(2)(c))</p>	<p>C.6.8 How will the negative impacts on the environment be mitigated or managed (as described in C 6.11 to the left)? (Regulation 57(2)(c))</p>
<p>3. Section C6.3: Noise emission is anticipated as a result of some of the activities associated with the proposed mining operation.</p>	<p>3 (a) All vehicles in operation will be in good working order and adhere to the relevant noise requirements in terms of the Road Traffic Act, 1997 (Act No. 93 of 1997); (b) All vehicles in operation will be equipped with a silencer on its exhaust system; (c) Where appropriate, lubricants will be applied to ensure that surfaces which interact during mechanical movement do not generate undesirable noise levels; d) When the equivalent noise exposure, as defined in the South African Bureau of Standards Code of Practice for the Measurement and Assessment of Occupational Noise for Hearing Conservation Purposes, SABS 083 as amended, at or in any operation or works where persons may travel or work, exceeds 85 dB, the applicant will take the necessary steps to reduce the noise below this level; (e) Hearing protection will be made available to all employees where attenuation cannot be implemented; (f) Noise disturbance that may have an effect on persons lawfully living in the vicinity or neighbours or animals will be kept to a minimum; (g) Safety measures which generate noise, such as the reverse gear alarms on large vehicles, will be appropriately calibrated or adjusted; and (h) Mining activities will be limited to 10 hours per day.</p>
<p>4. Section C6.5: Waste production is anticipated as a result of the proposed mining operation.</p>	<p>4 (a) A pit latrine will be provided for employees; (b) No person will pollute the workings with faeces or urine, misuse the facilities provided or inappropriately foul the surrounding environment with faeces or urine. Acceptable hygienic and aesthetic practices will be adhered to; (c) Non-biodegradable refuse such as glass bottles, plastic bags, etc. will be sorted and stored in separate lockable containers at a central point. It will then be disposed of at a recognized disposal facility once a week; (d) Biodegradable refuse generated from the mining area will be handled as indicated in (c) above; (e) Precautions will be taken to prevent refuse from being dumped in the vicinity of the proposed mining area via the strategic placement of an adequate number of covered refuse bins; (f) The contents of refuse bins will be transported to the Delportshoop Waste Dump once a week; (f) Vehicles and equipment will only be washed and serviced in a properly bunded vehicle wash bay/maintenance area; (g) Oils, grease and other petrochemicals will be stored in properly bunded facilities (also refer to Section C6.6.3 of this EMP); (h) Hazardous waste will be stored separately from domestic waste in a properly bunded facility and will be removed by a certified contractor, e.g. Oilkol, on a regular basis.</p>
<p>5</p>	<p>5</p>

C.6.5 Disposal of waste material (Regulation 69)

Indicate on your plan where waste will be dumped in relation to the beneficiation works. Also indicate below how domestic waste material will be managed.

Waste generated as part of the proposed mining operation will be handled as indicated in Tables C6.7 and C6.8 in order to lessen the impact of such material on the environment.

C.6.6 Soil pollution and erosion control (Regulation 70)

6.6.1 Indicate how topsoil will be handled on the area.

Topsoil (where present) will be removed from all areas where physical disturbance of the surface will occur.

The removed topsoil will be stored in a bund wall on the high ground of the proposed mining area outside the 1:50 year floodline, but within the boundaries of the mining area.

Topsoil will be kept separate from overburden and will not be used for the building or maintenance of access roads.

The topsoil stored in the bund wall will be adequately protected from being eroded or blown away and will be used in the process of rehabilitation.

6.6.2 Describe how spills of oil, grease, diesel, acid or hydraulic fluid will be dealt with.

The applicant will familiarize himself with the contents of Section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) ("Control of emergency incidents") prior to the commencement of the proposed mining operation.

Minor spills will be dealt with as follows:

- **The applicant will ensure that there is always a sufficient supply of absorbent material (sand, earth or a spill control material) readily available to absorb minor spillages.**
- **Minor spills will be cleaned up by absorbing or containing the spilled liquid with an absorbent material.**
- **The spillage, together with any contaminated soil and absorbent material, will be shoveled up and placed in a labeled, sealable container for subsequent safe disposal at a recognized disposal facility by a recognized collector or contractor in accordance with current applicable laws and regulations. The competence of the collector/contractor will be established before the commencement of the proposed activity.**
- **Spillages will not be disposed of in the environment, in ditches, in drains or in water courses.**

Major spills will be dealt with as follows:

- All possible sources of heat or ignition in the areas surrounding the spill will be removed immediately.
- The leak will be stopped if without risk.
- Personnel will immediately be evacuated from the area.
- Any contaminated clothing will be taken off immediately.
- Care will be taken to avoid contact with the skin, eyes and clothing in the process of cleaning up the spill.
- The following personal protective wear will be worn during the clean-up process: impervious overalls, PVC or nitrile rubber gloves, safety shoes or boots, and chemically resistant monogoggles.
- Larger spills will be transferred to a labeled, sealable container for product recovery or safe disposal. The same procedure listed for the treatment of minor spills will subsequently be followed.
- Spillages will not be disposed of in the environment, in ditches, in drains or in water courses.
- The relevant local authorities will be notified immediately if a significant spillage cannot be contained.
- As is required by Section 30(3) of NEMA, an incident as is described in Section 30(a) (including the nature of the incident; any risks posed by the incident to public health, safety and property; the toxicity of substances or by-products released by the incident; and any steps that would be taken in order to avoid or minimize the effects of the incident to public health and the environment) will be reported through the most effective means reasonably available to the following parties:
 - The Director-General;
 - The South African Police Services;
 - The local fire prevention service;
 - The relevant provincial head of department or municipality; and
 - All persons whose health may be affected by the incident.
- As is required by Section 30(5) of NEMA, an incident as described in Section 30(a) of the said Act will furthermore be reported to the Director-General, provincial head of department of the Department of Tourism, Environment and Conservation, and the relevant local municipality via an emergency incident report.
- Should fauna or flora show any signs of deterioration or death as a result of such spill, specialist ecological advice will be sought on the appropriate treatment and remedial procedures to be followed.

6.6.3 Briefly describe the storage facilities available for the above fluids:

It is not anticipated that fuel will be stored on site. If, however, the need arises to store fuel and other petrochemicals on site, it will be done in the following manner:

Fuel and other petrochemicals will be stored in steel receptacles that comply to SANS 10089-1:2003 (SABS 089-1:2003) standards.

An adequate bund wall, 110% of volume of the largest storage receptacle, will be provided for fuel and diesel areas to accommodate any spillage or overflow of these substances. The area inside the bund wall will be impervious to prevent infiltration of the fuel into the soil.

The following signs, all of which will conform to the requirements set by SANS 1186-1:2003 (SABS 1186-1:2003), will be clearly displayed in the vicinity of the fuel and diesel receptacles:
a) No Smoking and b) No Fire or Open Lights.

A fire extinguisher in a weatherproof casing will be installed in close proximity to fuel and diesel storage receptacles and will be well maintained.

C.7 Financial provision: (Regulation 54)

The amount that is necessary for the rehabilitation of damage caused by the operation, both sudden closure during the normal operation of the project and at final, planned closure will be estimated by the regional office of the DME, based on the information supplied in this document. This amount will reflect how much it will cost the Department to rehabilitate the area disturbed in case of liquidation or abscondence.

Enter the amount of financial provision required here: **R50 000.00**

What method will be used to furnish DME with this financial provision?

Cash deposit	
Bank guarantee	X
Trust Fund	
Other: (specify) (Note: other methods must be approved by the Minister)	

The standard formats for each of these types of guarantees are available from your regional office of the DME.

C.8.1 Monitoring and performance assessment.

Regulation 55 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) clearly describes the process and procedure as well as requirements for monitoring and auditing of the performance of this plan to adequately address environmental impacts from the operation. The following information must be provided:

<p>C.8.2 Please describe how the adequacy of this programme will be assessed and how any inadequacies will be addressed. (Regulations 55(1) and 52(2)(e))</p>
<p>Within 30 days of the end of each twelve-month period calculated from the date of granting of the Mining Permit, an independent environmental consultant will furnish the applicant with a report reflecting:</p> <p>(a) Evaluation of all aspects of the Environmental Management Plan; (b) An assessment of the compliance of mitigation measures proposed in the previous twelve-month period; and (c) Measures to rectify non-compliance of proposed mitigation measures.</p>

<p>C.9 Closure and Environmental objectives: (Regulation 52(2)(f)) Clearly state the intended end use for the area prospected after closing of operations</p>
<p>Rehabilitation and the re-establishment of vegetation will endeavour to mimic that which was present in the proposed mining area prior to the disturbance of the land.</p>
<p>C.9.1 Describe, in brief terms, what the environment will look like after a closure certificate has been obtained.</p>
<p>The environment will briefly look as follows after closure:</p> <ul style="list-style-type: none"> • Waste material of any description will be removed entirely from the mining area and disposed of at a recognised landfill facility. It will not have been buried or burned on site; • All infrastructure, equipment, plant and other items used during the mining period will be removed from the site after consultation with the land owner; • Rehabilitation and the re-establishment of vegetation will endeavour to mimic that which was present in the proposed mining area prior to the disturbance of the land.

Note: The proposed end-state of your area must be consulted with interested and affected parties in terms of Regulation 52(2)(g). Details of the acceptability of the end-state must appear in the section below.

C 10 CLOSURE

Regulations 56 to 62 outline the entire process of mine closure, and these are copied in Section F of this document, both as a guide to applicants on the process to be followed for mine closure, and also to address the legal responsibility of the applicant with regard to the proper closure of his operation. In terms of Section 37 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), the holder of a permit is liable for any and all environmental damage or

degradation emanating from his/her operation, until a closure certificate is issued in terms of Section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).

C.11 Public Participation: (Regulation 52(2)(g))

In terms of the above regulation consultation with interested and affected person or persons must take place prior to the approval of the environmental management plan. This regulation is quoted below for ease of reference.

"a record of the public participation undertaken and the results thereof"

- C 11.1** Any comments lodged by an interested and affected person or persons in terms of section 10(1)(b) of the Act, must be in writing and addressed to the relevant Regional Manager.
- C 11.2** Any objections lodged by an interested and affected person or persons against the application for a right or permit in terms of the Act, must set out clearly and concisely the facts upon which it is based and must be addressed to the relevant Regional Manager in writing.
- C 11.3** The Regional Manager must make known by way of publication in a local newspaper or at the office of the Regional Manager, that an application for a right or permit in terms of the Act has been received.

In the table below, please list the names of people or organisations likely to be influenced by the proposed operations (these might include neighbours, other water users, etc.). Kindly indicate how these people were consulted (eg. By letter or by phone) *and provide proof* of that consultation. What were the main concerns/ objections raised by the interested and affected parties to the proposed operation?

Name of interested/ affected party	Contact details: Address & telephone number	How did consultation take place? ³	What were his/her main concerns about the operation?
1. Dikgatlong Local Municipality	The Municipal Manager Private Bag X5 BARKLY WEST 8375 053 531 0671 053 531 0624 (fax)	Written notification via registered letter.	No comments received to date.
2. Frances Baard District Municipality	Private Bag X6088 KIMBERLEY 8300 053 838 0911	Written notification via registered letter.	No comments received to date.
3. ESKOM	Mr. A. Cloete P.O. Box 606 KIMBERLEY 8300 053 830 5911	Written notification via registered letter.	Foresees no problem with the proposed operation. Did, however, list the following conditions: <ul style="list-style-type: none"> • Where Eskom assets have to be removed or re-routed, it will be for the account of the requestor. • Eskom power lines must be regarded as being alive 24/7. • Eskom's servitude of 15.5 m on either side of the centre line of a power line must be strictly adhered to. • The burning of plant material within the servitude is strictly prohibited.

³ Proof of consultation with interested and/or affected parties is attached as Appendix B. Please note that any correspondence received from interested and/or affected parties after the lodgment of this EMP will be forwarded to DME immediately.

Name of interested/ affected party	Contact details: Address & telephone number	How did consultation take place? ⁴	What were his/her main concerns about the operation?
4. Department of Public Works	Mr. F. Paulsen Department of Public Works Private Bag X5002 KIMBERLEY 8300	Written notification via registered letter.	Indicated that the Department of Local Government & Housing is currently busy with a housing project in the area. The letter of notification has been forwarded to this Department and the applicant will be informed of any potential objections as soon as possible.
5. Department of Rural Development and Land Reform	M. Botha Private Bag X5007 KIMBERLEY 8300	Written notification via registered letter.	No comments received to date.
6. The Regional Land Claims Commissioner	The Regional Land Claims Commissioner P.O. Box 2458 KIMBERLEY 8300	Written notification via registered letter.	No comments received to date.

⁴ Proof of consultation with interested and/or affected parties is attached as Appendix B. Please note that any correspondence received from interested and/or affected parties after the lodgment of this EMP will be forwarded to DME immediately.

D SCORING OF EIA– FOR OFFICIAL USE ONLY

Instructions for officials:

In this table, complete the totals of each section indicated below and do the calculation. **Remember to first add all the values of sections C 1,2,4 and 5 and then to multiply it by the time factor in Section C 3**

Note that the value for the time factor element of the impact rating appears in Section C3. This is the total amount of time that the operation is expected to impact on the environment and all other factors are MULTIPLIED by this value. Compare the score (Impact rating) with the table below to help you make a decision on the total impact of the operation and also on the sufficiency of this programme to address all expected impacts from the operation on the environment.

D 1.1 CALCULATION TABLE

Section C 1 Total	+	Section C 2 Total	+	Section C 4 Total	+	Section C 5 Total	=	<u>Subtotal</u>	X	Time Factor Section C 3	=	Score (Impact rating)
	+		+		+		=		X		=	

D 1.2 IMPACT RATING SCALE

SCORE ATTAINED	IMPACT RATING	REMARKS
46 – 300	Low	No additional objectives needed – this programme is sufficient
301 – 800	Medium	Some specific additional objectives to address focal areas of concern may be set.
801 – 1160	High	Major revision of Environmental Management Plan for adequacy and full revision of objectives.

Additional Objectives:

Based on the information provided by the applicant and the regional office's assessment thereof, combined with the interpretation of the scoring and impact rating attained for the particular operation above, the Regional Manager of the regional office of the DME may now determine additional objectives /requirements for the mine owner/manager to comply with. *These measures will be specific and will address specific issues of concern that are not adequately covered in the standard version of this document.* These requirements are not listed here, but are specified under Section G of this document, so as to form part of the legally binding part of this Environmental Management Plan.

E UNDERTAKING:

I, **JOHN EDWARD MANN (ID NO.: 540611 5173 084)**, the applicant for a **MINING PERMIT** hereby declare that the above information is true, complete and correct. I undertake to implement the measures as described in Sections F and G hereof. I understand that this undertaking is legally binding and that failure to give effect hereto will render me liable for prosecution in terms of Section 98 (b) and 99 (1)(g) of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). I am also aware that the Regional Manager may, at any time but after consultation with me, make such changes to this plan as he/she may deem necessary.

Signed on this 23 day of **APRIL 2010** at **KIMBERLEY**.


.....
Signature of applicant

F. ENVIRONMENTAL MANAGEMENT PLAN:

INTRODUCTION

This Environmental Management Plan contains guidelines, operating procedures and rehabilitation/pollution control requirements which will be binding on the holder of the mining permit/ prospecting permission/ reconnaissance permission after approval of the Environmental Management Plan. It is essential that this portion be carefully studied, understood, implemented and adhered to at all times.

F 1 GENERAL REQUIREMENTS

F 1.1 MAPPING AND SETTING OUT

F 1.1.1 LAYOUT PLAN

- A copy of the layout plan as provided for in Regulation 2.2 must be available at the prospecting/mining site for scrutiny when required.
- The plan must be updated on a regular basis with regard to the actual progress of the establishment of surface infrastructure, mining operations and rehabilitation (a copy of the updated plan shall be forwarded to the Regional Manager on a regular basis).
- A final layout plan must be submitted at closure of the mine or when operations have ceased.

NOTE: Regulation 2.2 of the regulations promulgated in terms of the Act requires:

"An application contemplated in sub-regulation (1) must be accompanied by a plan that must contain –

- (a) *the co-ordinates of the land or area applied for;*
- (b) *the north point;*
- (c) *the scale to which the plan has been drawn;*
- (d) *the name, number and location of the land or area covered by the application;*
and
- (e) *in relation to farm boundaries and surveyed points-*
 - (i) *the size and shape of the proposed area;*
 - (ii) *the boundaries of the land or area comprising the subject of the application concerned;*
 - (iii) *the layout of the proposed reconnaissance, prospecting, exploration, mining or production operations;*
 - (iv) *surface structures and servitudes;*
 - (v) *the topography of the land or area; "*

F 1.1.2 DEMARCATING THE MINING/ MINING AREA

- The mining/ mining area must be clearly demarcated by means of beacons at its corners, and along its boundaries if there is no visibility between the corner beacons.
- Permanent beacons as indicated on the layout plan or as prescribed by the Regional Manager must be firmly erected and maintained in their correct position throughout the life of the operation.

- Mining/ prospecting and resultant operations shall only take place within this demarcated area.

F 1.1.3 DEMARCATING THE RIVER CHANNEL AND RIVERINE ENVIRONMENT

The following is applicable if operations are conducted within the riverine environment (See F 3.2):

- Beacons as indicated on the layout plan or as prescribed by the Regional Manager must be erected and maintained in their correct position throughout the life of the operation.
- These beacons must be of a permanent nature during the operations and must not be easily removable, especially those in a river channel. The beacons must, however, be removed at the end of the operations.
- The mining of and prospecting for any mineral shall only take place within this demarcated mining area.
- If riverine vegetation is present in the form of reeds or wetland vegetation, the presence of these areas must be entered in Part C 1.45 of the EMPlan and indicated on the layout plan.
- The holder of the mining permit/ prospecting right will also be required to permanently demarcate the areas as specified in F 1.1.2.

F 1.2 RESTRICTIONS ON MINING/ PROSPECTING

- On assessment of the application, the Regional Manager may prohibit the conducting of mining or mining operations in vegetated areas or over portions of these areas
- In the case of areas that are excluded from mining or prospecting, no operations shall be conducted within 5 m of these areas.

F 1.3 RESPONSIBILITY

- The environment affected by the mining/mining operations shall be rehabilitated by the holder, as far as is practicable, to its natural state or to a predetermined and agreed to standard or land use which conforms with the concept of sustainable development. The affected environment shall be maintained in a stable condition that will not be detrimental to the safety and health of humans and animals and that will not pollute the environment or lead to the degradation thereof.
- It is the responsibility of the holder of the mining permit/ prospecting right to ensure that the manager on the site and the employees are capable of complying with all the statutory requirements which must be met in order to mine, which includes the implementation of this EMP.
- If operations are to be conducted in an area that has already been disturbed, the holder must reach specific agreement with the Regional Manager concerning the responsibilities imposed upon himself/herself pertaining to the rehabilitation of the area and the pollution control measures to be implemented.

F 2 INFRASTRUCTURAL REQUIREMENTS

F 2.1 TOPSOIL

- Topsoil shall be removed from all areas where physical disturbance of the surface will occur.
- All available topsoil shall be removed after consultation with the Regional Manager prior to the commencement of any operations.
- The topsoil removed, shall be stored in a bund wall on the high ground side of the mining/mining area outside the 1:50 flood level within the boundaries of the mining area/ prospecting.
- Topsoil shall be kept separate from overburden and shall not be used for building or maintenance of access roads.
- The topsoil stored in the bund wall shall be adequately protected from being blown away or being eroded.

F 2.2 ACCESS TO THE SITE

F 2.2.1 Establishing access roads on the site

- The access road to the mining/mining area and the camp-site/site office must be established in consultation with the landowner/tenant and existing roads shall be used as far as practicable.
- Should a portion of the access road be newly constructed the following must be adhered to:
 - The route shall be selected that a minimum number of bushes or trees are felled and existing fence lines shall be followed as far as possible.
 - Water courses and steep gradients shall be avoided as far as is practicable.
 - Adequate drainage and erosion protection in the form of cut-off berms or trenches shall be provided where necessary.
- If imported material is used in the construction or upgrading of the access road this must be listed in C 2.17
- The erection of gates in fence lines and the open or closed status of gates in new and existing positions shall be clarified in consultation with the landowner/tenant and maintained throughout the operational period.
- No other routes will be used by vehicles or personnel for the purpose of gaining access to the site.

NOTE: The design, construction and location of access to provincial roads must be in accordance with the requirements laid down by the Provincial or controlling authority.

F 2.2.2 Maintenance of access roads

- In the case of dual or multiple use of access roads by other users, arrangements for multiple responsibility must be made with the other users. If not, the maintenance of access roads will be the responsibility of the holder of the mining permit/ prospecting right.
- Newly constructed access roads shall be adequately maintained so as to minimise dust, erosion or undue surface damage.

F 2.2.3 Dust control on the access and haul roads

- The liberation of dust into the surrounding environment shall be effectively controlled by the use of, inter alia, water spraying and/or other dust-allaying agents. The speed of haul trucks and other vehicles must be strictly controlled to avoid dangerous conditions, excessive dust or excessive deterioration of the road being used.

F 2.2.4 Rehabilitation of access roads

- Whenever a mining permit/ prospecting right is suspended, cancelled or abandoned or if it lapses and the holder does not wish to renew the permit or right, any access road or portions thereof, constructed by the holder and which will no longer be required by the landowner/tenant, shall be removed and/or rehabilitated to the satisfaction of the Regional Manager.
- Any gate or fence erected by the holder which is not required by the landowner/tenant, shall be removed and the situation restored to the pre mining/ prospecting situation.
- Roads shall be ripped or ploughed, and if necessary, appropriately fertilised (based on a soil analysis) to ensure the regrowth of vegetation. Imported road construction materials which may hamper regrowth of vegetation must be removed and disposed of in an approved manner prior to rehabilitation.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/mining operation, be corrected and the area be seeded with a seed mix to the Regional Manager's specification.

F 2.3 OFFICE/CAMP SITES

F 2.3.1 Establishing office / camp sites

- Office and camp sites shall be established, as far as is practicable, outside the flood plain, above the 1 in 50 flood level mark within the boundaries of the mining/ mining area.
- The area chosen for these purposes shall be the minimum reasonably required and which will involve the least disturbance to vegetation. Topsoil shall be handled as described in F 2.1 above

- No camp or office site shall be located closer than 100 metres from a stream, river, spring, dam or pan.
- No trees or shrubs will be felled or damaged for the purpose of obtaining firewood, unless agreed to by the landowner/tenant.
- Fires will only be allowed in facilities or equipment specially constructed for this purpose. If required by applicable legislation, a fire-break shall be cleared around the perimeter of the camp and office sites.
- Lighting and noise disturbance or any other form of disturbance that may have an effect on the landowner/tenant/persons lawfully living in the vicinity shall be kept to a minimum.

F 2.3.2 Toilet facilities, waste water and refuse disposal

- As a minimum requirement, the holder of a mining permit/ prospecting right shall, at least, provide pit latrines for employees and proper hygiene measures shall be established.
- Chemical toilet facilities or other approved toilet facilities such as a septic drain shall preferably be used and sited on the camp site in such a way that they do not cause water or other pollution.
- The use of existing facilities must take place in consultation with the landowner/tenant.
- In cases where facilities are linked to existing sewerage structures, all necessary regulatory requirements concerning construction and maintenance should be adhered to.
- All effluent water from the camp washing facility shall be disposed of in a properly constructed French drain, situated as far as possible, but not less than 200 metres, from any stream, river, pan, dam or borehole.
- Only domestic type wash water shall be allowed to enter this drain and any effluents containing oil, grease or other industrial substances must be collected in a suitable receptacle and removed from the site, either for resale or for appropriate disposal at a recognised facility.
- Spills should be cleaned up immediately to the satisfaction of the Regional Manager by removing the spillage together with the polluted soil and by disposing of them at a recognised facility.
- Non-biodegradable refuse such as glass bottles, plastic bags, metal scrap, etc., shall be stored in a container at a collecting point and collected on a regular basis and disposed of at a recognised disposal facility. Specific precautions shall be taken to prevent refuse from being dumped on or in the vicinity of the camp site.
- Biodegradable refuse generated from the office/camp site, processing areas vehicle yard, storage area or any other area shall either be handled as indicated above or be buried in a pit excavated for that purpose and covered with layers of soil, incorporating a final 0,5 metre thick layer of topsoil (where practicable). Provision should be made for future subsidence of the covering.

F 2.3.3 Rehabilitation of the office/camp site

- On completion of operations, all buildings, structures or objects on the camp/office site shall be dealt with in accordance with section 44 of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), which states:
 - (1) *When a prospecting right, mining right, retention permit or mining permit lapses, is cancelled or is abandoned or when any prospecting or mining operation comes to an end, the holder of any such right or permit may not demolish or remove any building, structure, object -*
 - (a) *which may not be demolished in terms of any other law;*
 - (b) *which has been identified in writing by the Minister for purposes of this section; or*
 - (c) *which is to be retained in terms of an agreement between the holder and the owner or occupier of the land, which agreement has been approved by the Minister in writing.*
 - (2) *The provision of subsection (1) does not apply to bona fide mining equipment which may be removed*
- Where office/camp sites have been rendered devoid of vegetation/grass or where soils have been compacted owing to traffic, the surface shall be scarified or ripped.
- Areas containing French drains shall be compacted and covered with a final layer of topsoil to a height of 10cm above the surrounding ground surface.
- The site shall be seeded with a vegetation seed mix adapted to reflect the local indigenous flora.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/mining operation be corrected and the area be seeded with a vegetation seed mix to his or her specification.
- Photographs of the camp and office sites, before and during the mining/ mining operation and after rehabilitation, shall be taken at selected fixed points and kept on record for the information of the Regional Manager.

F 2.4 VEHICLE MAINTENANCE YARD AND SECURED STORAGE AREAS

F 2.4.1 Establishing the vehicle maintenance yard and secured storage areas

- The vehicle maintenance yard and secured storage area will be established as far as is practicable, outside the flood plain, above the 1 in 50 flood level mark within the boundaries of the mining/mining area.
- The area chosen for these purposes shall be the minimum reasonably required and involve the least disturbance to tree and plant life. Topsoil shall be handled as described in F 2.1 above.

- The storage area shall be securely fenced and all hazardous substances and stocks such as diesel, oils, detergents, etc., shall be stored therein. Drip pans, a thin concrete slab or a facility with PVC lining, shall be installed in such storage areas with a view to prevent soil and water pollution.
- The location of both the vehicle maintenance yard and the storage areas are to be indicated on the layout plan.
- No vehicle may be extensively repaired in any place other than in the maintenance yard.

F 2.4.2 Maintenance of vehicles and equipment

- The maintenance of vehicles and equipment used for any purpose during the mining/mining operation will take place only in the maintenance yard area.
- Equipment used in the mining/prospecting process must be adequately maintained so that during operations it does not spill oil, diesel, fuel, or hydraulic fluid.
- Machinery or equipment used on the mining/mining area must not constitute a pollution hazard in respect of the above substances. The Regional Manager shall order such equipment to be repaired or withdrawn from use if he or she considers the equipment or machinery to be polluting and irreparable.

F 2.4.3 Waste disposal

- Suitable covered receptacles shall be available at all times and conveniently placed for the disposal of waste.
- All used oils, grease or hydraulic fluids shall be placed therein and these receptacles will be removed from the site on a regular basis for disposal at a registered or licensed disposal facility.
- All spills should be cleaned up immediately to the satisfaction of the Regional Manager by removing the spillage together with the polluted soil and by disposing of them at a recognized facility.

F 2.4.4 Rehabilitation of vehicle maintenance yard and secured storages areas

- On completion of mining/mining operations, the above areas shall be cleared of any contaminated soil, which must be dumped as referred to in section F 2.4.3 above.
- All buildings, structures or objects on the vehicle maintenance yard and secured storage areas shall be dealt with in accordance with section 44 of the Mineral and Petroleum Resources Development Act, 2002.
- The surface shall then be ripped or ploughed to a depth of at least 300mm and the topsoil previously stored adjacent the site, shall be spread evenly to its original depth over the whole area. The area shall then be fertilised if necessary (based on a soil analysis).
- The site shall be seeded with a vegetation seed mix adapted to reflect the local indigenous flora.

- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analyzed and any deleterious effects on the soil arising from the mining/mining operation be corrected and the area be seeded with a seed mix to his or her specification.

F 3 OPERATING PROCEDURES IN THE MINING AREA

F 3.1 Limitations on mining/prospecting

- The mining of or prospecting for precious stones shall take place only within the approved demarcated mining or mining area.
- Mining/ prospecting may be limited to the areas indicated by the Regional Manager on assessment of the application.
- The holder of the mining permit/ prospecting right shall ensure that operations take place only in the demarcated areas as described in section F 1.1.2 above.
- Operations will not be conducted closer than one and a half times the height of the bank from the edge of the river channel and in such manner that the stability of the bank of the river is affected.
- Precautions shall also be taken to ensure that the bank of the river is adequately protected from scouring or erosion. Damage to the bank of the river caused by the prospectin operations, shall be rehabilitated to a condition acceptable to the Regional Manager at the expense of the holder.
- Restrictions on the disturbance of riverine vegetation in the form of reeds or wetland vegetation must be adhered to. The presence of these areas must be entered in Part of the programme and indicated on the layout plan.

F 3.2 Mining/ mining operations within the riverine environment

NOTE: The Department of Water Affairs and Forestry may impose additional conditions which must be attached to this EMP. In this regard, please see the Best Practice Guideline for small scale mining developed by DWAF (BPG 2.1)

(available from <http://www.dwaf.gov.za>)

- The mining of or prospecting for precious stones in the river or the banks of the river will be undertaken only after the Regional Manager has consulted with the Department of Water Affairs and Forestry.
- The canalisation of a river will not be undertaken unless the necessary permission has been obtained from the Department of Water Affairs and Forestry. Over and above the conditions imposed by the said Department, which conditions shall form part of this EMPlan, the following will also apply:
 - ❖ The canalisation of the flow of the river over different parts of the river bed shall be constructed in such a manner that the following are adhered to at all times:
 - ◆ The flow of the river may not be impeded in any way and damming upstream may not occur.

- ◆ The canalisation of the flow may not result in scouring or erosion of the river-bank.
 - ◆ Well points or extraction pumps in use by other riparian users may not be interfered with and canalisation may not impede the extraction of water at these points.
- Access to the riverbed for the purpose of conducting excavations in the river-bed, shall be through the use of only one access at a time. The location of the access to the river channel across the river-bank shall be at a point of the river-bank where the least excavation and damage to vegetation will occur and shall not be wider than is reasonably required. The position of the river access together with all planned future access points, must be indicated on the layout plan.

F 3.2.1 Rehabilitation of access to river-bed

- When rehabilitating the access point, the original profile of the river-bank will be re-established by backfilling the access point with the original material excavated or other suitable material.
- The topsoil shall then be returned over the whole area to its original depth and if necessary fertilised and the vegetation allowed to grow.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/mining operation be corrected and the area be seeded with a seed mix to his or her specification.
- In the event of damage from an occurrence where high flood waters scour and erode access points in the process of rehabilitation over the river-bank or an access point currently in use, repair of such damage shall be the sole responsibility of the holder of the mining permit or prospecting right.
- Repair to the river-bank to reinstate its original profile to the satisfaction of the Regional Manager must take place immediately after such event has occurred and the river has subsided to a point where repairs can be undertaken.
- Final acceptance of rehabilitated river access points will be awarded only after the vegetation has re-established to a point where the Regional Manager is satisfied that the river-bank is stable and that the measures installed are of durable nature and able to withstand high river-flow conditions.

F 3.2.2 Rehabilitation of mining/mining area in the bed of the river

- The goal of rehabilitation with respect to the area where mining/prospecting has taken place in the river-bed is to leave the area level and even, and in a natural state containing no foreign debris or other materials and to ensure the hydrological integrity of the river by not attenuating or diverting any of the natural flow.
- All scrap and other foreign materials will be removed from the bed of the river and disposed of as in the case of other refuse (see section F 2.3.2 above), whether these accrue directly from the mining/mining operation or are washed on to the site from upstream.

- Removal of these materials shall be done on a continuous basis and not only at the start of rehabilitation.
- Where reeds or other riverine vegetation have been removed from areas, these shall be re-established systematically in the approximate areas where they occurred before mining/prospecting.
- An effective control programme for the eradication of invader species and other exotic plants, shall be instituted on a regular basis over the entire mining/mining area under the control of the holder of the mining permit/ prospecting right, both during mining/prospecting and at the stage of final rehabilitation.

2. THE WATER USE LICENCE

The National Water Act, (Act 36 of 1998), is based on the principles of sustainability, efficiency and equity, meaning that the protection of water resources must be balanced with their development and use.

In addition to being issued with a prospecting right or mining permit a small-scale miner may also need to get a **water use licence** for the proposed water uses that will take place, except in certain cases.

NOTE: The Department of Water Affairs and Forestry (DWAF) developed specific Best Practice Guideline for small scale mining that relates to stormwater management, erosion and sediment control and waste management. Copies of these guidelines can be obtained from the regional office of DME or DWAF.

Applications for a water use licence must be made in good time, such that approval can be granted before a water use activity can begin. The appropriate licence forms for each kind of expected water use should be completed together with supporting documentation. The main supporting document required is a technical report. To make the technical report easier, you can refer to sections in this EMPlan, as most of what the technical report requires has already been done in the EMPlan. If you refer to the EMPlan it must be attached to the technical report.

F 3.3 EXCAVATIONS

F 3.3.1 Establishing the excavation areas

- Whenever any excavation is undertaken for the purpose of locating and/or extracting ore bodies of all types of minerals, including precious stone-bearing gravels, the following operating procedures shall be adhered to:
 - ❖ Topsoil shall, in all cases (except when excavations are made in the river-bed), be handled as described in F 2.1 above.
 - ❖ Excavations shall take place only within the approved demarcated mining/mining area.
 - ❖ Overburden rocks and coarse material shall be placed concurrently in the excavations or stored adjacent to the

- excavation, if practicable, to be used as backfill material once the ore or gravel has been excavated.
- ❖ Trenches shall be backfilled immediately if no ore or precious stone-bearing gravel can be located.

F 3.3.2 Rehabilitation of excavation areas

The following operating procedures shall be adhered to:

- The excavated area must serve as a final depositing area for the placement of tailings during processing.
- Rocks and coarse material removed from the excavation must be dumped into the excavation simultaneously with the tailings.
- Waste, as described in paragraph F 2.3.2 above, will not be permitted to be deposited in the excavations.
- Once excavations have been refilled with overburden, rocks and coarse natural materials and profiled with acceptable contours and erosion control measures, the topsoil previously stored, shall be returned to its original depth over the area.
- The area shall be fertilised if necessary to allow vegetation to establish rapidly. The site shall be seeded with a local or adapted indigenous seed mix in order to propagate the locally or regionally occurring flora.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analysed and any deleterious effects on the soil arising from the mining/ mining operation, be corrected and the area be seeded with a vegetation seed mix to his or her specification.

F 3.4 PROCESSING AREAS AND WASTE PILES (DUMPS)

F 3.4.1 Establishing processing areas and waste piles

- Processing areas and waste piles shall not be established within 100 metres of the edge of any river channel or other water bodies.
- Processing areas should be established, as far as practicable, near the edge of excavations to allow the waste, gravel and coarse material to be processed therein.
- The areas chosen for this purpose shall be the minimum reasonably required and involve the least disturbance to vegetation.
- Prior to development of these areas, the topsoil shall be removed and stored as described in paragraph F 2.1 above.
- The location and dimensions of the areas are to be indicated on the layout plan and once established, the processing of ore containing precious stones shall be confined to these areas and no stockpiling or processing will be permitted on areas not correctly prepared.
- Tailings from the extraction process must be so treated and/or deposited that it will in no way prevent or delay the rehabilitation process.

F 3.4.2 Rehabilitation of processing areas

- Coarse natural material used for the construction of ramps must be removed and dumped into the excavations.
- On completion of mining/mining operations, the surface of the processing areas especially if compacted due to hauling and dumping operations, shall be scarified to a depth of at least 300mm and graded to an even surface condition and the previously stored topsoil will be returned to its original depth over the area.
- Prior to replacing the topsoil the material that was removed from the processing area will be replaced in the same order as it originally occurred.
- The area shall then be fertilized if necessary to allow vegetation to establish rapidly. The site shall be seeded with a local, adapted indigenous seed mix.
- If a reasonable assessment indicates that the re-establishment of vegetation is unacceptably slow, the Regional Manager may require that the soil be analyzed and any deleterious effects on the soil arising from the mining/mining operation be corrected and the area be seeded with a seed mix to his or her specification.

F 3.5 TAILINGS DAM(S) (SLIMES DAM)

The permission of the Regional Manager must be obtained should a tailings dam be constructed for the purpose of handling the tailings of the mining/mining operations. The construction, care and maintenance of tailings dams have been regulated and the relevant regulation is copied herewith, both for your information and as a guideline to the commissioning, management, operation, closing and aftercare of a tailings deposition facility.

Regulation 73 promulgated under the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) requires the following:

Management of residue stockpiles and deposits

56. (1) *The assessment of impacts relating to the management of residue stockpiles and deposits, where appropriate, must form part of the environmental impact assessment report and environmental management programme or the environmental management plan.*
- (2) *Residue characterisation*
- (a) *Mine residue must be characterised to identify any potentially significant health and safety hazard and environmental impact that may be associated with the residue when stockpiled or deposited at the site(s) under consideration.*
- (b) *Residue stockpiles and deposits must be characterised in terms of its –*
- (i) *physical characteristics, which may include -*
- (aa) *the size distribution of the principal constituents;*
 - (bb) *the permeability of the compacted material;*
 - (cc) *void ratios of the compacted material;*
 - (dd) *the consolidation or settling characteristics of the material under its own weight and that of any overburden;*
 - (ee) *the strength of compacted material;*
 - (ff) *the specific gravity of the solid constituents; and*

- (gg) *the water content of the material at the time of deposition, after compaction, and at other phases in the life of the deposit.*
- (ii) *chemical characteristics, which may include -*
- (aa) *the toxicity;*
 - (bb) *the propensity to oxidize and /or decompose;*
 - (cc) *the propensity to undergo spontaneous combustion;*
 - (dd) *the pH and chemical composition of the water separated from the solids;*
 - (ee) *stability and reactivity and the rate thereof; and*
 - (ff) *neutralising potential.*
- (iii) *mineral content, which include the specific gravity of the residue particles and its impact on particle segregation and consolidation;*
- (3) *Classification of residue stockpiles and deposits*
- (a) *All residue stockpiles and deposits must be classified into one or a combination of the following categories -*
- (i) *the safety classification to differentiate between residue stockpiles and deposits of high, medium and low hazard on the basis of their potential to cause harm to life or property; and*
 - (ii) *the environmental classification to differentiate between residue stockpiles and deposits with -*
 - (aa) *a potentially significant impact on the environment due to its spatial extent, duration and intensity of potential impacts; or*
 - (bb) *no potentially significant impact on the environment.*
- (b) *All mine residue stockpiles and deposits must be classified by a suitably qualified person(s).*
- (c) *The classification of residue stockpiles and deposits shall determine the -*
- (i) *level of investigation and assessment required;*
 - (ii) *requirements for design, construction, operation, decommissioning, closure and post closure maintenance; and*
 - (iii) *qualifications and expertise required of persons undertaking the investigations, assessments, design, construction thereof.*
- (d) *The safety classification of residue stockpiles and deposits shall be based on the following criteria -*

<i>Number of residents in zone of influence</i>	<i>Number of workers in zone of influence</i>	<i>Value of third party property in zone of influence</i>	<i>Depth to underground mine workings</i>	<i>Classification</i>
<i>0</i>	<i>< 10</i>	<i>0 – R2 m</i>	<i>> 200m</i>	<i>Low hazard</i>
<i>1 – 10</i>	<i>11 – 100</i>	<i>R 2 m – R20 m</i>	<i>50 m – 200 m</i>	<i>Medium hazard</i>
<i>> 10</i>	<i>> 100</i>	<i>> R20 m</i>	<i>< 50 m</i>	<i>High hazard</i>

- (e) *A risk analysis must be carried out and documented on all high hazard residue stockpiles and deposits.*
- (f) *The environmental classification of residue stockpiles and deposits must be undertaken on the basis of -*
- (i) *the characteristics of the residue;*
 - (ii) *the location and dimensions of the deposit (height, surface area);*
 - (iii) *the importance and vulnerability of the environmental components that are at risk; and*
 - (iv) *the spatial extent, duration and intensity of potential impacts.*

- (g) *An assessment of the environmental impacts shall be done on all environmental components which are significantly affected.*
 - (h) *The assessment of impacts and analyses of risks shall form part of the environmental assessment and management programme.*
- (4) *Site selection and investigation:*
- (a) *The process of investigation and selection of a site must entail -*
 - (i) *the identification of a sufficient number of possible candidate sites to ensure adequate consideration of alternative sites;*
 - (ii) *qualitative evaluation and ranking of all alternative sites;*
 - (iii) *qualitative investigation of the top ranking sites to review the ranking done in (ii);*
 - (iv) *a feasibility study to be carried out on the highest ranking site(s), involving -*
 - (aa) *a preliminary safety classification;*
 - (bb) *an environmental classification;*
 - (cc) *geotechnical investigations; and*
 - (dd) *groundwater investigations.*
 - (b) *The geotechnical investigations may include-*
 - (i) *the characterization of the soil profile over the entire area to be covered by the residue facility and associated infrastructure to define the spatial extent and depth of the different soil horizons;*
 - (ii) *the characterization of the relevant engineering properties of foundation soils and the assessment of strength and drainage characteristics.*
 - (c) *The groundwater investigations may include-*
 - (i) *the potential rate of seepage from the residue facility;*
 - (ii) *the quality of such seepage;*
 - (iii) *the geohydrological properties of the strata within the zone that could potentially be affected by the quality of seepage;*
 - (iv) *the vulnerability and existing potential use of the groundwater resource within the zone that could potentially be affected by the residue facility.*
 - (d) *From these investigations, a preferred site must be identified.*
 - (e) *Further investigation on the preferred site, shall include -*
 - (i) *land use;*
 - (ii) *topography and surface drainage;*
 - (iii) *infrastructure and man-made features;*
 - (iv) *climate;*
 - (v) *flora and fauna;*
 - (vi) *soils;*
 - (vii) *ground water morphology, flow, quality and usage; and*
 - (viii) *surface water.*
 - (f) *The investigations, laboratory test work, interpretation of data and recommendations for the identification and selection of the most appropriate and suitable site for the disposal of all residue that have the potential to generate leachate that could have a significant impact on the environment and groundwater must be carried out by a suitably qualified person.*
- (5) *Design of residue stockpile and deposit*
- (a) *The design of the residue stockpile and deposit shall be undertaken by a suitably qualified person.*

- (b) *An assessment of the typical soil profile on the site is required for residue stockpiles and deposits which -*
- (i) *have a low hazard potential; and*
 - (ii) *have no significant impact on the environment.*
- (c) *The design of the residue stockpile and deposit must take into account all phases of the life cycle of the stockpile and deposit, from construction through to closure and must include -*
- (i) *the characteristics of the mine residue;*
 - (ii) *the characteristics of the site and the receiving environment;*
 - (iii) *the general layout of the stockpile or deposit, whether it is a natural valley, ring dyke, impoundment or a combination thereof and its 3-dimensional geometry at appropriate intervals throughout the planned incremental growth of the stockpile or deposit;*
 - (iv) *the type of deposition method used; and*
 - (v) *the rate of rise of the stockpile or deposit.*
- (d) *Other design considerations, as appropriate to the particular type of stockpile and deposit must be incorporated -*
- (i) *the control of storm water on and around the residue stockpile or deposit by making provision for the maximum precipitation to be expected over a period of 24 hours with a frequency of once in a 100 years, in accordance with the regulations made under section 8 of the National Water Act, 1998;*
 - (ii) *the provision, throughout the system, of a freeboard of at least 0.5 m above the expected maximum water level, in accordance with regulations made under the National Water Act, 1998, to prevent overtopping;*
 - (iii) *keeping the pool away from the walls; where there are valid technical reasons for deviating from this, adequate motivation must be provided and the design must be reviewed by a qualified person as required in terms of sections 9(6) or 9(7) of the Mine Health and Safety Act, 1996;*
 - (iv) *the control of decanting of excess water under normal and storm conditions;*
 - (aa) *the retention of polluted water in terms of polluted water in terms of GN R991(9), where measures may be required to prevent water from the residue deposit from leaving the residue management system unless it meets prescribed requirements;*
 - (bb) *the design of the penstock, outfall pipe, under-drainage system and return water dams;*
 - (cc) *the height of the phreatic surface, slope angles and method of construction of the outer walls and their effects on shear stability;*
 - (dd) *the erosion of slopes by wind and water, and its control by (ee) vegetation, berms or catchment paddocks; and*
 - (ee) *the potential for pollution.*
- (e) *A design report and operating manual shall be drawn up for all residue stockpiles and deposits which -*
- (i) *have a medium to high hazard; and*
 - (ii) *have a potentially significant impact on the environment.*
- (f) *Relevant information must be included in the draft environmental management programme or environmental management plan.*
- (6) *Construction and operation of residue deposits:*
- (a) *The holder of any right or permit in terms of the Act, must ensure that-*

- (i) *the residue deposits, including any surrounding catchment paddocks, is constructed and operated in accordance with the approved environmental management programme or environmental management plan;*
 - (ii) *the design of the residue deposit is followed implicitly throughout the construction thereof, and that any deviations from the design be approved by the Regional Manager and the environmental manage programme and environmental management plan be amended accordingly;*
 - (iii) *as part of the monitoring system, measurements of all residues transported to the site and of all surplus water removed from the site are recorded;*
 - (iv) *the provision for appropriate security measures be implemented to limit unauthorised access to the site and intrusion into the residue deposit;*
 - (v) *specific action be taken in respect of any sign of pollution;*
 - (vi) *adequate measures be implemented to control dust pollution and erosion of the slopes; and*
 - (vii) *details of rehabilitation of the residue deposit be provided in the draft environmental management programme or environmental management plan.*
- (b) *A system of routine maintenance and repair in respect of the residue deposit must be implemented to ensure the ongoing control of pollution, the integrity of rehabilitation and health and safety maters at the site.*
- (7) *Monitoring of residue stockpiles and deposits:*
- (a) *A monitoring system for residue stockpiles and deposits with respect to potentially significant impacts as identified in the environmental assessment must be included in the environmental management programme or environmental management plan.*
 - (b) *In the design of a monitoring system for a residue stockpile or deposit, consideration must be given to –*
 - (i) *baseline and background conditions with regard to air, surface and groundwater quality ;*
 - (ii) *the air, surface and groundwater quality objectives;*
 - (iii) *residue characteristics;*
 - (iv) *the degree and nature of residue containment;*
 - (v) *the receiving environment and secifically the climatic, local geological, hydrogeological and geochemical conditions;*
 - (vi) *potential migration pathways;*
 - (vii) *potential impacts of leachate;*
 - (viii) *the location of monitoring points and the prescribed monitoring protocols; and*
 - (ix) *the reporting frequency and procedures.*
- (8) *Decommissioning, closure and after care:*
- (a) *The decommissioning, closure and post closure management of residue deposits must be addressed in the closure plan, which must contain the following -*
 - (i) *the environmental classification, including assumptions on which the classification were based;*
 - (ii) *the closure objectives, final land use or capability;*
 - (iii) *conceptual descpription and details for closure and post closure management;*
 - (iv) *cost estimates and financial provision for closure and post-closure management; and*
 - (v) *residual impacts, monitoring and requirements to obtain mine closure in terms of the Act.*

F 3.6 FINAL REHABILITATION

- All infrastructure, equipment, plant, temporary housing and other items used during the mining period will be removed from the site (section 44 of the MPRDA).
- Waste material of any description, including receptacles, scrap, rubble and tyres, will be removed entirely from the mining area and disposed of at a recognised landfill facility. It will not be permitted to be buried or burned on the site.
- Final rehabilitation shall be completed within a period specified by the Regional Manager.

F 4 MONITORING AND REPORTING

F 4.1 Inspections and monitoring

- Regular monitoring of all the environmental management measures and components shall be carried out by the holder of the prospecting right, mining permit or reconnaissance permission in order to ensure that the provisions of this programme are adhered to.
- Ongoing and regular reporting of the progress of implementation of this programme will be done.
- Various points of compliance will be identified with regard to the various impacts that the operations will have on the environment.
- Inspections and monitoring shall be carried out on both the implementation of the programme and the impact on plant and animal life.
- Visual inspections on erosion and physical pollution shall be carried out on a regular basis.

Regulation 55 promulgated in terms of the MPRDA requires the following:

Monitoring and performance assessments of environmental management programme or plan

- (1) *As part of the general terms and conditions for a prospecting right, mining right or mining permit and in order to ensure compliance with the approved environmental management programme or plan and to assess the continued appropriateness and adequacy of the environmental management programme or plan, the holder of such right must-*
 - (a) *conduct monitoring on a continuous basis;*
 - (b) *conduct performance assessments of the environmental management programme or plan as required; and*
 - (c) *compile and submit a performance assessment report to the Minister to demonstrate adherence to sub-regulation (b).*
- (2) *The frequency of performance assessment reporting shall be-*
 - (a) *in accordance with the period specified in the approved environmental management programme or plan, or, if not so specified;*
 - (b) *as agreed to in writing by the Minister; or*
 - (c) *biennially (every two years).*
- (3) *The performance assessment report, shall be in the format provided in guidelines that will from time to time be published by the Department and shall as a minimum contain-*
 - (a) *information regarding the period that applies to the performance assessment;*
 - (b) *the scope of the assessment;*
 - (c) *the procedure used for the assessment;*

- (d) *the interpreted information gained from monitoring the approved environmental management programme or plan;*
 - (e) *the evaluation criteria used during the assessment;*
 - (f) *the results of the assessment; and*
 - (g) *recommendations on how and when deficiencies that are identified and/or aspects of non-compliance will be rectified.*
- (4) *The holder of a prospecting right, mining right or mining permit may appoint an independent qualified person(s) to conduct the performance assessment and compile the performance assessment report provided that no such appointment shall relieve the holder of the responsibilities in terms of these regulations.*
- (5) *Subject to section 30(2) of the Act, the performance assessment report submitted by the holder shall be made available by the Minister to any person on request.*
- (6) *If upon consideration by the Minister, the performance assessment executed by the holder is not satisfactory or the report submitted by the holder is found to be unacceptable, the holder must-*
- (a) *repeat the whole or relevant parts of the performance assessment and revise and resubmit the report; and/or*
 - (b) *submit relevant supporting information; and/or*
 - (c) *appoint an independent competent person(s) to conduct the whole or part of the performance assessment and to compile the report.*
- (7) *If a reasonable assessment indicates that the performance assessment cannot be executed satisfactorily by the holder or a competent person(s) appointed by the holder, the Minister may appoint an independent performance assessment person(s) to conduct such performance assessment. Such appointment and execution shall be for the cost of the holder.*
- (8) *When the holder of a prospecting right, mining right or mining permit intends closing such operation, a final performance assessment shall be conducted and a report submitted to the Minister to ensure that -*
- (a) *the requirements of the relevant legislation have been complied with;*
 - (b) *the closure objectives as described in the environmental management programme or plan have been met; and*
 - (c) *all residual environmental impacts resulting from the holder's operations have been identified and the risks of latent impacts which may occur have been identified, quantified and arrangements for the management thereof have been assessed.*
- (9) *The final performance assessment report shall either precede or accompany the application for a closure certificate in terms of the Act.*

F 4.2 Compliance reporting / submission of information

- Layout plans will be updated on a regular basis and updated copies will be submitted on a biennial basis to the Regional Manager
- Reports confirming compliance with various points identified in the environmental management programme will be submitted to the Regional Manager on a regular basis and as decided by the said manager .
- Any emergency or unforeseen impact will be reported as soon as possible.
- An assessment of environmental impacts that were not properly addressed or were unknown when the programme was compiled shall be carried out and added as a corrective action.

F 5 CLOSURE

When the holder of a prospecting right, mining permit or reconnaissance permission intends closing down his/her operations, an environmental risk report shall accompany the application for closure. The requirements of such a risk report is contained in Regulation 60 of the Regulations promulgated in terms of the Act and is quoted below:

F 5.1 ENVIRONMENTAL RISK REPORT

"An application for a closure certificate must be accompanied by an environmental risk report which must include-

- (a) *the undertaking of a screening level environmental risk assessment where-*
 - (i) *all possible environmental risks are identified, including those which appear to be insignificant;*
 - (ii) *the process is based on the input from existing data;*
 - (iii) *the issues that are considered are qualitatively ranked as –*
 - (aa) *a potential significant risk; and/or*
 - (bb) *a uncertain risk; and/or*
 - (cc) *an insignificant risk.*
- (b) *the undertaking of a second level risk assessment on issues classified as potential significant risks where-*
 - (i) *appropriate sampling, data collection and monitoring be carried out;*
 - (ii) *more realistic assumptions and actual measurements be made; and*
 - (iii) *a more quantitative risk assessment is undertaken, again classifying issues as posing a potential significant risk or insignificant risk.*
- (c) *assessing whether issues classified as posing potential significant risks are acceptable without further mitigation;*
- (d) *issues classified as uncertain risks be re-evaluated and re-classified as either posing potential significant risks or insignificant risks;*
- (e) *documenting the status of insignificant risks and agree with interested and affected persons;*
- (f) *identifying alternative risk prevention or management strategies for potential significant risks which have been identified, quantified and qualified in the second level risk assessment;*
- (g) *agreeing on management measures to be implemented for the potential significant risks which must include-*
 - (i) *a description of the management measures to be applied;*
 - (ii) *a predicted long-term result of the applied management measures;*
 - (iii) *the residual and latent impact after successful implementation of the management measures;*
 - (iv) *time frames and schedule for the implementation of the management measures;*
 - (v) *responsibilities for implementation and long-term maintenance of the management measures;*
 - (vi) *financial provision for long-term maintenance; and*
 - (vii) *monitoring programmes to be implemented."*

F 5.2 CLOSURE OBJECTIVES

Closure objectives form part of this EMPlan and must-

- (a) identify the key objectives for mine closure to guide the project design, development and management of environmental objectives;
- (b) provide broad future land use objective(s) for the site; and
- (c) provide proposed closure cost.

F 5.3 CONTENTS OF CLOSURE PLAN

A closure plan forms part of the EMP and must include the following:

- (a) a description of the closure objectives and how these relate to the prospecting or mine operation and its environmental and social setting;
- (b) a plan contemplated in Regulation 2(2), coordinated according to generally accepted standards, showing the land or area under closure;
- (c) a summary of the regulatory requirements and conditions for closure negotiated and documented in the environmental management programme or plan;
- (d) a summary of the results of the environmental risk report and details of identified residual and latent impacts;
- (e) a summary of the results of progressive rehabilitation undertaken;
- (f) a description of the methods to decommission each prospecting or mining component and the mitigation or management strategy proposed to avoid, minimize and manage residual or latent impacts;
- (g) details of any long-term management and maintenance expected;
- (h) details of financial provision for monitoring, maintenance and post closure management, if required;
- (i) a plan or sketch at an appropriate scale describing the final land use proposal and arrangements for the site;
- (j) a record of interested and affected persons consulted; and
- (k) technical appendices, if any.

F 5.4 TRANSFER OF ENVIRONMENTAL LIABILITIES TO A COMPETENT PERSON

Should the holder of a prospecting right, mining permit or reconnaissance permission wish to transfer any environmental liabilities and responsibilities to another person or persons, the following will pertain:

- (1) An application to transfer environmental liabilities to a competent person in terms of section 48) of the Act, must be completed on Form O as set out in Annexure 1 to the Regulations and be lodged to the Minister for consideration.
- (2) The holder of a prospecting right, mining right or mining permit may transfer liabilities and responsibilities as identified in the environmental management plan and the required closure plan to a competent person as contemplated in Regulation 58.
- (3) When considering the transfer of environmental liabilities and responsibilities in terms of section 48) of the Act, the Minister must consult with any State department which administers any law relating to matters affecting the environment.
- (4) No transfer of environmental liabilities and responsibilities to a competent person may be made unless the Chief Inspector of Mines and the Department of Water Affairs and Forestry have confirmed in writing that the person to whom the liabilities and responsibilities is transferred to, have the necessary qualifications pertaining to health and safety and management of potential pollution of water resources.

F 5.5 NOTES ON LEGAL PROVISIONS

NOTE: The holder of a prospecting right, mining permit or reconnaissance permission must also take cognisance of the provisions of other legislation dealing with matters relating to conservation, and which include, *inter alia*, the following:

- * National Monuments Act, 1969 (Act 28 of 1969).
- * National Parks Act, 1976 (Act 57 of 1976)
- * Environmental Conservation Act, 1989 (Act 73 of 1989)
- * National Environmental Management Act, 1998 (Act No. 107 of 1998)
- * Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)
- * The National Water Act, 1998 (Act 36 of 1998)
- * Mine Safety and Health Act, 1996 (Act 29 of 1996)
- * The Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

G. SPECIFIC ADDITIONAL REQUIREMENTS DETERMINED BY THE REGIONAL MANAGER.

Officials in regional offices may use the following matrix to determine the necessity for additional objectives to be included in this Section of the document:

POTENTIAL ENVIRONMENTAL IMPACTS OF MINING										
Activity	Disturbance					Pollution				Visual
	Landform	Soil	Flora	Fauna	Heritage	Land	Water	Air	Noise	
Mining										
Access										
Topsoil removal										
Overburden removal										
Mineral Extraction										
Tailings disposal										
Water Abstraction										
Pipeline route										
Transport										
Accomodation										
Waste Disposal										
Electricity										
Hydrocarbon storage										
Workforce										

Please indicate VL, L, M, H, and VH for Very Low, Low, Medium, high and Very High in each column to determine the main area and severity of impact.

J. APPROVAL

Approved in terms of Section 39(4) of the Mineral and Petroleum Resources Development Act, 2002 (Act 29 of 2002).

Signed at.....this.....day of.....20.....

.....
REGIONAL MANAGER

REGION:

This document has been compiled by the Directorate: Mine Environmental Management of the Department of Minerals and Energy at their Head Office in Pretoria. Any comments, suggestions or inputs will be sincerely appreciated. If you have any comments or suggestions regarding this document or its application, please forward your contribution to:

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