

17/2/17 NK 265

MPUMALANGA PROVINCIAL GOVERNMENT

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**DEPARTMENT OF AGRICULTURE AND LAND
ADMINISTRATION****ENVIRONMENTAL MANAGEMENT: NKANGALA REGION**

Litiko Letekulima Nekuphatfwa KweMhlaba	Departement van Landbou en Grondadministrasie	Umnnyango Wezokulima Nebhoduluko KweNarha
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Enquiries: Ms Charity Mthimunye

File No. 17/2/17 NK 265

Umcebo (Pty) Ltd
P.O. Box 14212
Leraatsfontein
1038

To whom it may concern:


**RE: AUTHORISATION TO UNDERTAKE A LISTED ACTIVITY IN TERMS OF SECTION 22 OF
THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT 73 OF 1989).**

After due consideration of the facts presented to the administrators of the Department of Agriculture and Land Administration, I, the undersigned, through the powers vested to me in terms of Section 33(1) of the Environment Conservation Act, 1989 (Act 73 of 1989) (hereafter referred to as the Act), hereby grant authorisation in terms of Section 22(3) of the Act, for the proposed **Processing plant, conveyor, railway line siding and process water pipe situated on the Remaining Extent of portion 2 of the Farm Wonderfontein 428 JR, Belfast (Schedule 1, item 1(d), 1(f) and 1(i) of Government Notice No. R1182 of 5 September 1997).**

The MEC for Agriculture and Land Administration reserves the right to withdraw this authorisation at any time as he/she may deem fit, after furnishing reasons for the decision.

The Record of Decision and the Conditions to be complied with are attached.

Any appeal regarding the said development can be directed to the MEC: Agriculture and Land Administration, Private Bag X 11219, Nelspruit, 1200, within thirty (30) days from the date of authorisation.


Director: Environmental Impact Management
For HOD: Agriculture and Land Administration

2007/08/01
Date

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ENVIRONMENTAL MANAGEMENT: NKANGALA REGION

Litiko Letekulima
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Departement van Landbou en
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RECORD OF DECISION

Brief Description of Activity.

The proposed project involves coal processing plant and associated infrastructure as well as a railway line siding, water pipeline and pumping system on the Remaining Extent of portion 2 of the Farm Wonderfontein 428 JR, Belfast. The proposed coal processing plant will be constructed on an area that will not exceed 10 ha and will include a crusher, screens, conveyors, drum plant, spiral plant, temporary coal fine residue dams, raw and product stockpiles and a coal laboratory. Coarse residue will be disposed of on a 30 ha area.

Location.

Wonderfontein is situated approximately 30 km southwest of Belfast along the Hendrina/Arnot/Wonderfontein Road, 6 km south of N4. The Hendrina/Arnot/Wonderfontein tar road (R555) bisects the farm into an eastern and western section and a railway line forms the western boundary of the westerly portion of the farm. The approximate co-ordinates for the site are 25°50'40"S, 29°52'01"E.

Applicant.

Umcebo (Pty) Ltd
P.O. Box 14212
Leraatsfontein
1038

Contact person: Mr. T Langa
Tel: 013 295 5924
Fax: 013 295 5925

Consultant.

Africa EPA (Pty) Ltd
P.O. Box 13776
Hatfield
0028

Contact person: Mr. Jaco Kleynhans
Tel: (013) 282 0020
Fax: (013) 282 0020

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Site Visit.

Date: 28 March 2006 and 16 October 2006
Present: Sipiwe Mahlangu (28 March 2006) Department of Agriculture and Land Administration (DALA)
Ms. M. Mokonyane (28 March 2006) Department of Mineral and Energy
Mr. K. Masindi (28 March 2006) Department of Water Affairs and Forestry
Charity Mthimuniye (16 October 2006) Department of Agriculture and Land Administration (DALA)
Jaco Kleynhans African EPA

DECISION.

After an application for Authorisation was received by the Department, and after due consideration of the information presented, Authorisation is granted in terms of Section 22(3) of the Environment Conservation Act, 1989 (Act 73 of 1989).

Conditions.


Refer to Annexure A to this Record of Decision.

Key Factors.

1. The project will pose environmental and economic benefits which would include:
 - Optimization of coal as a natural resource
 - Usage of "dirty" water as a water source for washing the plant will prevent the utilisation of fresh water from the catchment;
 - Transportation of coal via the railway line network will reduce the impact on the local and national road traffic network.
 - The economic benefit of the project includes employment of local people.
2. Negative environmental impacts associated with the project can be sufficiently mitigated for provided all conditions contained in this Record of Decision are implemented and adhered to.

Appeal.

A formal appeal can be directed to the MEC: Agriculture and Land Administration, Private Bag X11219, Nelspruit, 1200, within thirty (30) days from the date of authorisation.



Director: Environmental Impact Management
For HOD: Agriculture and Land Administration

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ANNEXURE A TO THE RECORD OF DECISION: COAL PROCESSING PLANT AND ASSOCIATED INFRASTRUCTURE AS WELL AS A RAILWAY LINE SIDING, WATER PIPELINE AND PUMPING SYSTEM ON THE REMAINING EXTENT OF PORTION 2 OF THE FARM WONDERFONTEIN 428 JR, BELFAST.

CONDITIONS

1. General Conditions.

- 1.1 This Authorisation refers only to the project as specified above and described in the Record of Decision. Separate applications must be lodged for any other development and/ or activity at or near the proposed development, which is covered by Section 21 and 22 of the Act and Government Notice R 1182 of 5 September 1997.
- 1.2 Authorisation is only granted in terms of Section 22(3) of the Act and does not exempt the holder from compliance with other relevant legislation.
- 1.3 No development may take place without the necessary permits/approvals and/or service and/or lease agreements, where it is relevant, from or between all relevant institutions.
- 1.4 Copies of the documents mentioned in 1.3 above must be in the possession of this Department before any construction commences.
- 1.5 This Department may change or amend any of the conditions in this Authorisation if, in the opinion of the Department, is environmentally justified.
- 1.6 A copy of this Authorisation must be made available on site during construction and all relevant staff, contractors and sub-contractors must be made familiar with the contents of this Authorisation.
- 1.7 The applicant must within five (5) calendar days of receipt of this Record of Decision (ROD):
 - a) Advertise the issuing of the Authorisation in the regional and/ or local newspaper
 - b) Inform all interested and affected parties registered during the EIA process of the decision
 - c) The above must state at least the following:
 - i) That an Authorisation has been issued to the applicant to proceed with the construction and operation of the activity
 - ii) That any appeals against the issuing of the Authorisation must be lodged with the MEC for Agriculture and Land Administration within 30 days from the date on which the ROD has been issued to the applicant and at the address stipulated in the Authorisation
 - iii) Include the date on which the ROD was issued to the applicant and the date by which appeals must reach the MEC
 - iv) Indicate where copies of the Authorisation and ROD can be viewed/ obtained.
- 1.8 In the event that the predicted impacts exceed the significance as predicted in the Scoping Report, this Authorisation may be withdrawn after proper procedures have been followed.
- 1.9 The holder of this Authorisation must ensure compliance with the conditions of this Record of Decision by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the Authorisation.
- 1.10 The holder of the Authorisation must notify the Department in writing within 24 (twenty-four) hours if a condition of this Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.11 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.12 Any changes in the project that could have significant environmental impacts and that differ from what was authorised by this Department, must be submitted to this Department for approval prior to such changes being effected.

2. Establishment

- 2.1 This Authorisation is valid for a period of two (2) years from the date of issue and must be renewed six (6) months in advance of the expiry date if construction activities have not taken place within the allocated time.
- 2.2 Fourteen (14) days written notice must be given to this Department before commencement of construction activities.
- 2.3 An independent Environmental Control Officer (ECO) must be appointed before commencement of any land clearing or construction activities to ensure that the conditions of this Record of Decision are implemented, and also to ensure compliance with the provisions of the Scoping Report and

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Environmental Management Plan (EMP). The name and contact details of such an officer must be forwarded to this Department before construction commences.

- 2.4 The conditions stipulated in this Record of Decision as well as the mitigation measures and recommendations in the Scoping Report and EMP are legally binding components of any contract and are therefore legally enforceable.

3. Construction and operation.

- 3.1 Disturbance to natural vegetation must be restricted to the absolute minimum and areas disturbed as a result of the construction activities must be rehabilitated as soon as possible to the satisfaction of this Department.
- 3.2 If any tree protected in terms of the National Forests Act, 1998 (Act 84 of 1998) is intended to be cut, disturbed, damaged or destroyed, a license must be obtained from the Department of Water Affairs and Forestry prior to any disturbance, damage or destruction taking place.
- 3.3 Measures must be taken to prevent and manage soil erosion, and strict erosion control measures must be implemented in the design of storm water management.
- 3.4 Erosion control mechanisms must be applied. The fence must be monitored throughout the construction and operation of the development, and any signs of erosion must be remedied immediately.
- 3.5 Measures must be taken to remove alien vegetation and control new alien vegetation recruitment on the property.
- 3.6 Topsoil must be removed from all areas to be disturbed by construction activities and be stockpiled at pre-designated locations for use during rehabilitation and landscaping.
- 3.7 The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.8 The mixing of cement must take place on an impermeable layer such as a concrete slab or in a container suitable for this.
- 3.9 The use of gravel and/or sand from borrow/gravel pits must adhere to all applicable legislation in terms of authorisation and permits.
- 3.10 Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.11 Appropriate measures must be implemented to prevent and control veldfires.
- 3.12 Adequate ablution facilities must be provided for construction workers. Chemical toilet facilities or other approved toilet facilities may be used, but may not be located within 100m from any watercourse, and may not cause pollution.
- 3.13 Workers movements must be limited to the construction area only and must be enforced in terms of the contracts of appointment.
- 3.14 Measures must be taken to ensure the safety of construction personnel.
- 3.15 Appropriate notification signs must be erected warning the public of the dangers around the construction site.
- 3.16 A registered blaster must supervise all blasting and rock splitting operations at all times, and adequate warning must be given to surrounding occupants and emergency services prior to any blasting taking place.
- 3.17 Blast mats must be used for cover material during blasting.
- 3.18 Services must be provided to the development in accordance with the Scoping Report. Such services include water and sewage reticulations, electricity, waste removal, and storm water management.
- 3.19 Should any other material of cultural or archaeological significance be encountered during the construction phase, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.
- 3.20 Construction work may only take place during normal working hours.
- 3.21 Any complaints received from the public during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned.

4. Water Pollution.

- 4.1 It is the responsibility of the applicant and the relevant contractor to prevent any pollution of surface as well as ground water.
- 4.2 Any further conditions as set out by any relevant authority (e.g. Department of Water Affairs & Forestry) must be adhered to.

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5. Waste.

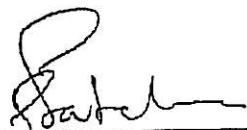
- 5.1 All waste generated on the site must be stored, handled, and disposed of in a registered landfill site or as directed by any other relevant authority.
- 5.2 Building rubble must be disposed of at a site specifically earmarked for that purpose.
- 5.3 No oil spills, concrete or other construction material must be allowed to remain on site after the construction phase.

6. Monitoring

- 6.1 This Department retains the right to inspect or monitor the proposed project during both construction and operational phases to ensure that it complies with legislation and the conditions stipulated in this Record of Decision.
- 6.2 Environmental compliance will further be monitored through complaints received from the public.

7. Reporting

- 7.1 The applicant must notify this Department within 24 hours in the event of non-compliance with any of the conditions of this Authorisation.
- 7.2 Records relating to compliance/ non-compliance with the conditions of this Authorisation must be kept in good order. Such records must be made available to this Department within seven workdays from the date of a written request for them.
- 7.3 Non-compliance with or any deviation from this conditions of the Authorisation is regarded as an offence, and after reasonable provision has been made for remedial action, will be dealt with in terms of Sections 29, 30 and 31A of the Act.
- 7.4 Any complaints regarding the development must be brought to the attention of this Department within 24 hours after receiving the complaint. A complaints' register must be kept up to date for inspection by the Department.



**Director: Environmental Impact Management
For HOD: Agriculture and Land Administration**

2007/08/01

Date