

MPUMALANGA PROVINCIAL GOVERNMENT

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Department of Economic Development, Environment and Tourism

Litiko Letekutfutukiswa
Kwetemnotfo, Simondzwo netekuVakasha

Umngango WezokuThuthukiswa
KoMnotho, iBhoduluko nezamaVakatjho

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Enquiries : Musa Mondlane
Telephone : 013 690 2595
Reference : 17/2/3N-131
NEAS Ref. No. : MPP/EIA/0000304/2012

Simon Mkhonza
Exxaro Resources (Pty) Ltd
P.O. Box 321
Belfast
1100

Fax :013 253 7321
Email :simon.mkhonza@exxaro.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED BELFAST MINING PROJECT ON VARIOUS PORTIONS OF THE FARMS ZOEKOP 426 JS, LEEUBANK 427 JS AND BLYVOORUITZICHT 383 JS, BELFAST, EMAKHAZENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

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

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of this letter, of the Department's decision in respect of your application. Such notification must comply with the requirements of Regulations 10(2)(a)-(d) and must draw the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of the date of this letter, by means of one of the following methods:

By facsimile: (013) 766 4614

By post: Private Bag x 11215
Nelspruit
1200



By hand: Building 4, No. 7 Government Boulevard,
Riverside Park Extension
Nelspruit
1200

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

Yours sincerely,


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

cc: Lizelle Prosch
Marsh Environmental Services (Pty) Ltd
Fax no: 011 506 5319
Email: Lizelle.prosch@marsh.com

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Department of Economic Development, Environment and Tourism

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Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Environmental Authorisation

Application number:	17/2/3N-131
Holder of Authorisation:	Exxaro Resources (Pty) Ltd
Location of activity:	PORTION OF THE REMAINING EXTENT, PORTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, & 21 OF THE FARM ZOEKOP 426 JS, PORTION OF THE REMAINING EXTENT, PORTION OF THE REMAINING EXTENT OF PORTION 2, PORTION 3, PORTION OF THE REMAINING EXTENT OF PORTION 4, PORTION OF PORTIONS 5 & 6, PORTIONS 7 & 8, REMAINING EXTENT OF PORTION 9, PORTIONS 10, 11, 15 & 16 OF THE FARM LEEUWBANK 427 JS, AND REMAINING EXTENT OF PORTIONS 2, 6, 7, 8, 9 & 10 OF THE FARM BLYVOORUITZICHT 383 JT, BELFAST, EMAKHAZENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

1. Decision

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

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2010, the Department hereby authorises:

Exxaro Resources (Pty) Ltd
PO Box 9229
Pretoria
0001

Attention: Simon Mkhonza
Fax no: 086 509 6235
Tel No: 013 253 7321
Email: simon.mkhonza@exxaro.com

To undertake the following activity (hereafter referred to as “the activity”): The establishment of an opencast mine (Exxaro Belfast NBC Project) for the production of 2.0 Mtpa of coal for Eskom and 1.5 Mtpa of A-grade thermal coal for export markets.

The proposed Belfast Project will consist of two mining areas (A and B blocks) of 2,390 hectares in extent. Exxaro plans to undertake opencast mining using a conventional truck and shovel operation, assisted by roll-over dozing, to allow for continuous backfilling and rehabilitation of the mined-out area, which is not anticipated to exceed 200 ha at any time. A plant will be constructed for the processing of raw coal to produce both export quality and Eskom product coal. The process will consist of crushing, screening and washing of coal.

- An estimated 30 years operational (production) phase.
- Four years for decommissioning, closure, rehabilitation, monitoring and maintenance.

The construction phase will take place over a period of 2 years and will include the following activities.

Roads: construction of surfaced access roads and internal roads, as well as un-surfaced haul roads and surfaced parking areas.

Processing Plants: Exxaro plans to build two processing plants, namely a Phase 1: crushing and screening plant, and a Phase 2: crushing, screening and washing plant.

Phase 1 will consist of crushing and screening the mined coal to produce an Eskom product and this phase will continue throughout the life of mine.

Phase 2 will be initiated a few years after phase 1, and involve crushing, screening and washing the coal to produce A/B-grade and Eskom products.

Buildings: construction of buildings including; a guard house, office blocks, weighbridge and weighbridge office, change house, plant and mine workshops and laboratory.

Explosive Magazine House: the construction of a concrete and banded explosive magazine house.

Diesel Storage Area: the construction of a concrete and banded refueling area.

Water Related Infrastructure: Process water pipeline, storm water channels and pollution control dams, water treatment and purification plants, process water and return water dam, boreholes, sewage treatment plant, silt traps, washing bays, river diversions / crossings and raw water storage dam.

Co-disposal Facility: a co-disposal facility will be established south of the crushing, screening and washing plant.

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Reticulation Infrastructure: fire water reticulation, process water reticulation and internal potable water reticulation and internal sewer reticulation.

Fencing: for security and safety reasons for both the employees and the surrounding local communities, the site will be fenced with the appropriate notices displayed on the fence warning people of the danger of a mining site.

During the mine development phase an initial box-cut will be established by removing topsoil and subsoil from the initial box-cut area with a bulldozer and then stockpiled at void positions. The overburden will then be drilled and blasted and removed with a bulldozer and stockpiled at void positions. During this time coal handling stockpiles will be established in the plant area.

The proposed mining activity will take place on various Portions of the farms Zoekop 426 JS, Leeubank 427 JS and Blyvooruitzicht 383 JS, Emakhazeni Local Municipality, Mpumalanga Provinciat the co-ordinates 25° 45' 35"S and 29° 59' 53"E; 25° 47' 56"S and 30° 00' 20"E; 25° 50' 04"Sand 30° 01' 37"E; 25° 49' 41"S and 30° 00' 23"E. Listed activities for the expansion project are as follows, **Activity 9, 10, 11, 12, 18 & 22 of Government Notice R 544 of 18 June 2010 & Activity 3, 5, 6, 10, 11 & 15 of Government Notice R 545 of 18 June 2010 and Activity 13, 14 & 19 of Government Notice R 546 of 18 June 2010).**

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

3. Conditions of Authorisation

Scope of authorisation


- 3.1 The authorisation for Exxaro Belfast NBC Mining Project is only approved on condition that Exxaro's proposed offset, set-aside areas established in the investigated offset areas.
- 3.2 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.3 The holder of the authorisation must ensure compliance with these conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 3.4 The activity which is authorised may only be carried out at the property indicated above.
- 3.5 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 3.6 In the event that the impacts exceed the significance as predicted in the Environmental Impact Report, the authorisation may be suspended after proper procedures have been followed.
- 3.7 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.8 The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.9 This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.10 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.11 This authorisation does not negate the holder of the authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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Appeal of authorisation

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

Management and monitoring of the activity

- 3.14 The Draft Environmental Management Programme (EMPr) dated February 2012 and submitted as part of the Environmental Impact Report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.15 The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr.
- 3.15.1 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.15.2 The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.15.3 During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 3.15.4 The ECO must maintain the following on site:
- A site diary
 - Copies of all reports submitted to the Department
 - A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints
- 3.15.5 The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.16 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.17 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.
- 3.18 Identified areas for offsetting must be declared non-mineable areas (i.e. an offset protected area) to protect the sensitive biodiversity and such declaration must be legally binding to everyone affected.
- 3.19 An Ecological Integrity of the site must be maintained by the establishment of a Management and Monitoring Plan. 

- 3.20 Exxaro must form a Management Committee with relevant stakeholders (DMR, DWA, MTP, Mpumalanga Wetland Forum, Belfast Mine Lease area, Strathae Lease area, etc) with regard to the establishment of the best possible method for the proposed offsetting programme for the NBC Belfast Project.
- 3.21 A Management and Monitoring Plan for the offset areas must be established and implemented. The plans must involve relevant stakeholders for inputs on the protection of the identified Wetland Ecosystems and adopted throughout the life cycle of the mine.


Commissioning and operation of the activity

- 3.22 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, and must include the name and contact details of the appointed ECO.
- 3.23 The construction site must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.24 Construction activities must remain within the defined construction area.
- 3.25 No activity, such as temporary housing, construction camps, temporary ablution, storing of equipment, stockpiling of topsoil or any other activity, may take place below the 1:100 year flood line, or within a horizontal distance of 32m of a watercourse.
- 3.26 The storage and handling of fuel, lubricants, paint, tar, bitumen binders and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.27 The mixing of cement, chemicals or other noxious materials must be undertaken in designated areas on an impermeable layer such as a concrete slab or in a container suitable for this.
- 3.28 Construction vehicles and equipment must be checked and maintained regularly to ensure that there is no environmental contamination as a result of oil, fuel or hydraulic fluid leakages.
- 3.29 The pollution of adjacent areas due to improper storage of construction materials or any hazardous substances is prohibited.
- 3.30 Dry chemical toilet facilities or e-loo's must be provided on site at a ratio of 1:15 for construction staff. Ablution facilities may not be located within 100m from any watercourse or wetland, and may not cause pollution. The use pit latrines (unimproved or ventilated) on site is strictly prohibited.
- 3.31 Haul roads construction must occur in the dryer months due to the soils increased susceptibility to compaction during rains.
- 3.32 Ground water monitoring must take place to assess and prevent groundwater contamination.
- 3.33 The removal of vegetation and movement of machines during the construction activities must take place in designated areas in order to reduce the increase of dust pollution.
- 3.34 For dust suppression purposes, water must be obtained from the evaporation or pollution control dam and vehicles travelling along the access roads must adhere to the speed limits (40km/h) to avoid creating excessive dust.
- 3.35 Construction vehicles and equipments must be serviced, inspected and maintained properly to minimise the greenhouse gasses emitted from them.
- 3.36 Construction must be restricted to normal working hours. Should activities need to be undertaken at night, this must be done after consultation with the Engineer or ECO.
- 3.37 Haul road, sewage, stream crossings and the above ground fuel storage construction must be planned to use existing infrastructures.
- 3.38 An environmental awareness plan must be initiated to educate employees, contractors and visitors on biodiversity and land management principles.
- 3.39 The site must be screened from the surrounding public roads by planting fast growing indigenous trees or using stockpiles for screening.
- 3.40 Any new access road must be clearly visible to motorists through the use of safety signs in and out of the mine.
- 3.41 Exxaro Resources must adhere to the National Roads Authorities regulations.
- 3.42 Construction vehicles must stay within demarcated construction areas.

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- 3.43 The holder of the authorisation must supervise the construction of haul roads in accordance with post mining topographical plan to ensure that topographical rehabilitation can be achieved with the minimum of expenditure.
- 3.44 A post-mining topographical plan must be formulated by ECO to minimise the loss of agricultural land.
- 3.45 A noise monitoring programme must be implemented during the commission and decommissioning phase of the mine.
- 3.46 Noise barriers must be erected near the noise source, between the noise source and receptors, where needed.
- 3.47 Changes in habitat areas due to stripping must be monitored to avoid the removal of excess vegetation.
- 3.48 Hydrocarbon fuels, lubricants and chemicals must be transported and handled according to relevant SANS codes.
- 3.49 Fuels must be stored in bunded areas sealed with an HDPE liner, should spillages occur, it must be reported, the contaminated soil removed and rehabilitated.
- 3.50 Fuels and lubricant storage facilities must be bunded in accordance with SANS specifications to reduce the risk of any leaks or failures.
- 3.51 A hydrocarbon management system must be introduced on site to ensure that potential pollution of the wetlands due to leaks, spillages or incorrect handling of these waste products will be minimised.
- 3.52 Any pollution of water, soil and vegetation which can cause harm to aquatic invertebrates and other form of animal life must be prevented as far as possible.
- 3.53 A biomonitoring programme must be implemented to identify trends of the systems in the mining area.
- 3.54 Should spillage occur, it must be reported, the contaminated soil must be removed and rehabilitated by the contractor.
- 3.55 Dust abatement techniques, such as spraying with water or the use of a dust binding agent, must be used.
- 3.56 Trucks transporting coal must be covered with tarpaulin to prevent coal spillages on the roads
- 3.57 All general waste generated on the site must be disposed of at an official registered landfill site or as directed by any other relevant authority.
- 3.58 All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.59 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.
- 3.60 All vulnerable species and red data species listed on the wetland study must be at all times protected and conserved.
- 3.61 Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during construction, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.
- 3.62 Exxaro Resources is responsible if any, for all relocation of the servitudes; e.g. Eskom power lines, roads, pans, railway lines, gas pipelines and Telkom phone lines.

General

- 3.63 A copy of this authorisation must be kept at the property where the activity will be undertaken.
- 3.64 The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.65 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. 

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

ENVIRONMENTAL AUTHORISATION APPROVED BY:



MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 09.07.2013

Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, Exxaro Resources Mpumalanga (Pty) Ltd, applied for authorisation to carry out the following activity:

The establishment of an opencast mine (Exxaro Belfast NBC Project) for the production of 2.0 Mtpa of coal for Eskom and 1.5 Mtpa of A-grade thermal coal for export markets.

The proposed Belfast Projects will consist of two mining areas (A and B blocks) of 2,390 hectares (ha) in extent. Exxaro plans to undertake opencast mining using a conventional truck and shovel operation, assisted by roll-over dozing, to allow for continuous backfilling and rehabilitation of the mined-out area, which is not anticipated to exceed 200 ha at any time. A plant will be constructed for the processing of raw coal to produce both export quality and Eskom product coal. The process will consist of crushing, screening and washing of coal.

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Diesel Storage Area: the construction of a concrete and bunded refueling of plant, machinery and vehicles.

Water Related Infrastructure: Process water pipeline, storm water channels and pollution control dams, water treatment and purification plants, process water and return water dam, boreholes, sewage treatment plant, silt traps, washing bays, river diversions / crossings and raw water storage dam.

Co-disposal Facility: a co-disposal facility will be established south of the crushing, screening and washing plant.

Reticulation Infrastructure: fire water reticulation, process water reticulation and internal potable water reticulation and internal sewer reticulation.

Fencing: for security and safety reasons for both the employees and the surrounding local communities, the site will be fenced with the appropriate notices displayed on the fence warning people of the danger of a mining site.

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The proposed mining activity will take place on various Portions of the farms Zoekop 426 JS, Leeubank 427 JS and Blyvooruitzicht 383 JS, Emakhazeni Local Municipality, Mpumalanga Province at the co-ordinates 25° 45' 35"S and 29° 59' 53"E; 25° 47' 56"S and 30° 00' 20"E; 25° 50' 04"S and 30° 01' 37"E; 25° 49' 41"S and 30° 00' 23"E. Listed activities for the expansion project are as

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follows, **Activity 9, 10, 11, 12, 18 & 22 of Government Notice R 544 of 18 June 2010 & Activity 3, 5, 6, 10, 11 & 15 of Government Notice R 545 of 18 June 2010 and Activity 13, 14 & 19 of Government Notice R 546 of 18 June 2010).**

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

Marsh Environmental Services (Pty) Ltd
Private Bag x 14
BENMORE
2010

Contact person: LizelleProsch
Tel: 011 506 5319
Fax: 011 509 6235
Email: Khalid@eims.co.za

2. Information considered in making the decision.

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

- a) The information contained in the Environmental Impact Report and the EMPr.
- b) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- c) The findings of the site visit undertaken by Musa Mondlane on 07February 2012.

3. Key factors considered in making the decision.

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

- a) The specialist report indicates that the proposed mining activities at the Belfast NBC Project will completely destroy identified two pans on the site and cannot be mitigated or avoided.
- b) The identified pans are of National Importance as highlighted by the Environmental Impact Report and forms part of the Freshwater Ecosystem Protected Area (FEPA).
- c) Exxaro proposes an offset offsite mitigation measures for the impacts the mining activities would have on the environment. This concept is fairly new in South Africa and seeks to protect the environment by investigating and identifying areas that could be used for offsite offset areas set asides.
- d) Biodiversity offsetting is considered when the loss of biodiversity due to the project activity cannot be regained through the usual steps associated with the mitigation hierarchy (i.e. avoidance, mitigation and restoration).
- e) The EIR (Identification of potential Wetlands offsets-Exxaro Belfast NBC) indicates that the majority of the farms on the location of the offset project are owned by Exxaro and would easily enable the establishment of such areas (offset areas) in turn assists in the protection and management of the offset areas.
- f) The Environmental Impact Report indicates that continuous rehabilitation will take place and the active mining area will in all likelihood not exceed 200ha at any time.
- g) The Report further states that in terms of feasibility the mining option has higher returns for the economy compared to the agricultural option.
- h) According to the studies in the EIR the proposed wetland ecosystems for the offset, offsite, onsite set-aside's would be adequate for the Catchment Management, protection and rehabilitation thereof.

4. Findings

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

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- a) According to the Environmental Impact Report, all necessary services at the capacity required by the proposed development are currently available, and no additional capacity has to be created to cater for the development.
- b) According to the Environmental Impact Report, the proposed development is considered to be economically sustainable and could improve ecological systems in the 50km radius of the site by the proposed offsite offsets and the onsite set-aside areas.

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