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WASTE MANAGEMENT LICENCE

Reference number: NW 30/5/1/2/3/2/1/ (236, 260 & 479) EM
Last amended: First issue
Holder of Authorisation: Samancor Chrome Limited
Location of activity: Portions 371, 409 and 410 of the farm Waterkloof 305 JQ.

DECISION

ACRONYMS

NEMA : National Environmental Management Act, 1998 (Act 107 of 1998) as amended
NEM: WA : National Environmental Management: Waste Act, (Act 59 of 2008) as amended
MPRDA : Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
EIA REGULATIONS: Environmental Impact Assessment Regulations, 2014
DEPARTMENT : Department of Mineral Resources
WML : Waste Management Licence
BAR : Basic Assessment Report
EMPr : Environmental Management Programme
I&AP : Interested and Affected Parties
ECO : Environmental Control Officer
SAHRA : South African Heritage Resources Agency
EIA : Environmental Impact Assessment
EAP : Environmental Assessment Practitioner
MHS : Mine Health and Safety
TSF : Tailing Storage Facility
WRD : Waste Rock Dump
PPP : Public Participation Process

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this amended Waste Management Licence, which the applicant should be authorised to undertake NEM: WA listed activity specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "I"** of this Waste Management Licence.

ACTIVITIES APPLIED FOR

By virtue of the powers conferred on it by NEMA: EIA Regulations, 2014 and NEM: WA, the Department hereby grant an application for the amendment of the Waste Management Licence submitted by **Samancor Chrome Limited** with the following contact details –

Attention: Mr. William Smart
Samancor Chrome Limited
P.O. Box 245
MOOINOOI
0325

Tel No: (014) 574 6061
Fax No: (014) 574 3538

to undertake the following activities listed in the NEMA EIA Regulation and NEM: WA.

NEMWA: Listed Activities:

Government Notice No. Regulation 921 of 29 November 2013

Category A

The expansion of a waste management activity listed in Category A or B of this Schedule which does not trigger an additional waste management activity in terms of this Schedule [Listed activity 13]

Detailed specifications of the activity are as follows:

Proposed expansion of Tailings Storage Facility (TSF) details are as follows:
Area to be transformed – 6.2706 ha
Rectangular Shape – Tailing Storage Facility
Average Discharge to the facility – 86 858 tons / month
Final Height – 36 metres
Coordinates of the facility: E 27° 17' 18. 00" S 25° 42' 48. 01"

Proposed Waste Rock Dump (WRD) details are as follows:
Area to be transformed – 1.87 ha
Square/ Rectangular shape – Waste Rock Dump
Average Discharge to the facility – 18 000 tons / month
Final Height – 40 metres
Coordinates of the facility: E 25° 42' 38 .20" S 27° 17' 24. 25"

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

WML SITE SPECIFIC CONDITIONS

1. The proposed site for the Tailing Storage Facility and Waste Rock Dump on the western site (Alternative 2) has been approved.
2. A clean and dirty water separation system should be the first system to be developed on site.
3. The proposed TSF and WRD must be fence off to prevent any unauthorised access into these facilities.
4. Prior commencement of the authorised activities an Integrated Water Use License (IWUL) for the proposed TSF, WRD expansions and associated structure must be obtained from the Department of Water and Sanitation (DWS).
5. All areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas and the associated buffer zones.
6. A noise monitoring programme must be developed and implemented to monitor the level of noise generated by the proposed activities and mitigation measure must be effected should the set limits exceeded.
7. The relocation of the existing power lines must be done in consultation with both Eskom and local Municipality.
8. In order to reduce visual impacts the side slopes of the TSF must be vegetated to blend in with the surrounding environment.
9. Ground water sampling should be carried out quarterly whilst groundwater levels should be measured monthly.

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

Samancor Chrome Limited submitted an application for an amendment of a WML for activities listed in the NEM: WA Listed Activities (Category A and B) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as:

NEMWA: Listed Activities:

Government Notice No. Regulation 921 of 29 November 2013

Category A

The expansion of a waste management activity listed in Category A or B of this Schedule which does not trigger an additional waste management activity in terms of this Schedule [Listed activity 13].

Samancor Chrome Limited appointed Environmental Assurance (Pty) Ltd to undertake the Basic Assessment Report and Environmental Impact Assessment process as prescribed by Regulation 12 and 16 of the NEMA: EIA Regulations, 2014.

2. Information considered in making the decision

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

- a) The information contained in the application form received by the Department on 02 March 2016;
- b) The information contained in the BAR received by the Department on 10 May 2016;
- c) The objectives and requirements of the applicable and relevant legislations, policies and guidelines and the EIA Regulations, 2014;
- d) The Conceptual Design Report attached to the BAR as Appendix 4;
- e) Public Participation Process (PPP) attached as Appendix 5.1 to 5.4 of the BAR;
- f) The Water Quality Monitoring Report attached to the BAR as Appendix 10;
- g) Geotechnical Investigation Report attached to the BAR as Appendix 11.2;
- h) Geohydrological Report attached to the EIAR as Appendix 11.13;
- i) Air Quality Baseline Report attached to the EIAR as Appendix 11.6;

- j) Surface Water Report attached to the BAR as Appendix 11.4;
- k) Ecological and Biodiversity Report attached to the BAR as Appendix 11.5;
- l) The Noise Baseline Report attached to the BAR as Appendix 11.7;
- m) Visual Baseline Report attached to the BAR as Appendix 11.8;
- n) Phase 1 Archaeological Impact Assessment attached to the BAR as Appendix 11.9;
- o) Waste Classification Report attached to the BAR as Appendix 11.10 and
- p) A pre-approval inspection report undertaken by this office on the 29th July 2016.

3. Key factors considered in making the decision

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

- a) The environmental impacts associated with the proposed activities will be addressed by the proposed mitigation measures outlined in the EMP_r compiled by Ms. Monica Niehof of Environmental Assurance (Pty) Ltd;
- b) As required in terms of section 24 P of NEMA as read together with Regulation 4 of the regulations pertaining to the financial provision for prospecting, exploration, mining or production operations, the applicant has supported their application with the requested financial provision to the amount of **R1 828, 304.00 (One Million, Eight Hundred and Twenty Eight Thousand, Three Hundred and Four Rand only)**. The said amount was provided in a form of a bank guarantee (**Guarantee Number: GR/G/20856/0816/0371**) issued by Guardrisk Insurance Company Limited.
- c) A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in Chapter 6 Regulation 41 of the EIA Regulations, 2014;
- d) Water Quality Report dated December 2015 compiled by Carl Schoeman of Environmental Assurance (Pty) Ltd is in support of development as the resulting impact of the proposed activities on the surface and groundwater will be addressed by the proposed mitigation measures outlined in the report;
- e) The Geotechnical Investigation Report dated 23 August 2015 compiled by A G A Bears from Bear GeoConsultants (Pty) Ltd is in support of development as the identified impacts will be addressed by the proposed mitigation measures outlined in the report;

- f) The Geohydrological Report dated July 2015 compiled by Andrew Mavurayi from Water & Environmental Consultancy is in support of the proposed development as activities will result in minimal negative impact on ground water resource at the site mainly due to sound engineering designs of the proposed facilities.
- g) The Surface Water Report dated August 2015 compiled by Andrew Mavurayi from Water & Environmental Consultancy is in support of the proposed development as activities will result in minimal negative impact on surface water resource at the site mainly due to sound engineering designs of the proposed facilities.
- h) Ecological and Biodiversity Report dated August 2015 compiled by Hannes Badenhost of Environmental Assurance (Pty) Ltd is in support of development as the proposed activity's impacts will be addressed by the proposed mitigation measures outlined in the report;
- i) The Air Quality Baseline Report dated July 2015 compiled by Johan P. Nortje of Environmental Assurance (Pty) Ltd is in support of development due to the fact that the impact on the surrounding environment will not be significant;
- j) The Noise Baseline Report dated July 2015 by Carl Schoeman of Environmental Assurance (Pty) Ltd is in support of the proposed development provided that the applicant complies with mitigation measure outlined on the report;
- k) The Visual Baseline Report dated July 2015 by Johan P. Nortje of Environmental Assurance (Pty) Ltd indicated that the visual impacts will occur due to the proposed expansion of the TSF and waste rock dump and can be seen as having Medium impact on the surrounding environment before mitigation measures are implemented. After mitigation has taken place, the visual impact can be seen as low. Therefore the development is supported provided that the applicant complies with the proposed mitigation measures as outlined on the report;
- l) Phase 1 Archaeological Impact Assessment Report dated August 2015 compiled by Tobias Coetzee of Environmental Assurance (Pty) Ltd indicated that the development may proceed on the demarcated portion of portion 410 of the farm Waterkloof 305 JQ, subject to conditions outlined on the report and the recommendations and approval by the South African Heritage Resource Agency and
- m) Waste Classification Report.

4. Findings

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

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process comply with Chapter 6 Regulation 41 of the EIA Regulations, 2014. The PPP included, *inter-alia*, the following:
 - Site notice board notifying stakeholders and I&APs of the proposed activities were placed at conspicuous places in the project area.
 - A newspaper advertisement was placed in the local newspaper "Rustenburg Herald" on the 09 October 2015;
 - Site notice board notifying stakeholders and I&APs of the proposed activities were placed at conspicuous places in the project area.
 - The project announcement/ notification was done on the 08 October 2016 in writing and it was accompanied by BID, registration and comment sheet by e-mail and post;
 - I&APs were notified of the public meeting via e-mails, notices and mailed letters.
 - Public meeting was also held on the 22 October 2015, the comments, response, attendance register and the minutes of the meeting were submitted to this office.

ANNEXURE 2

DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1 The holder of the amended WML shall be responsible for ensuring compliance with the conditions contained in the amended WML. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of this amended WML.
- 1.2 Any changes to, or deviation from the project description set out in this amended WML must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the WML to apply for further authorisation in terms of the EIA Regulations.

- 1.3 The activities, which are authorised, may only be carried out at the properties indicated in the amended WML and or on the approved EMPr.
- 1.4 Where any of the contact details changes including name of the responsible person, physical or postal address/ or telephonic details, the holder of the amended WML must notify the Department as soon as the new details become known to the holder of the WML.
- 1.5 The amended WML does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activities.
- 1.6 The holder of the amended WML must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of the amended WML must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with regulation 4 (2) of the EIA Regulations, 2014 must do the following:
 - 2.2 Notify all registered I&APs of –
 - 2.2.1 The outcome of the application;
 - 2.2.2 The date of the decision;
 - 2.2.3 The date of issue of the decision and;
 - 2.2.4 The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions in Annexure 2.
 - 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,
 - 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.
 - 2.5 Provide the registered I&APs with:
 - 2.5.1 Name of the holder (entity) of this amended WML
 - 2.5.2 Name of the responsible person for this amended WML
 - 2.5.3 Postal address of the holder;
 - 2.5.4 Telephone and fax details of the holder and
 - 2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITIES

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- 3.2 All pipelines must be regularly inspected in order to ensure they are in good working order to prevent spills of tailings and contaminated water pristine environment.
- 3.3 This amended WML must be provided to the site operator and the requirements thereof must be made fully known to him or her.
- 3.4 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line.
- 3.5 Appropriate notification sign must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.6 Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.7 Vegetation clearance must be limited to areas where the individual activities will occur and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.8 The holder of the amended WML must note that in terms of the National Forest Act, 1998 (Act No.84 of 1998) protected plant species, must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the relevant Competent Authority.
- 3.9 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.10 If any soil contamination is noted at any phase of the proposed activities, the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of this Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.

- 3.11 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 3.12 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the amended WML reads through and understand the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 3.13 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.14 Residents (if any) on the properties and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.15 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.16 Mixing of cement, concrete, paints, solvent, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflow onto soil to avoid contamination of underground water and environmental damage.
- 3.17 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or North West Province Heritage Resource Agency (NWPHRA) (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA) and or North West Province Heritage Resource Agency (NWPHRA).
- 3.18 Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 3.19 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.20 Hydraulic fluid or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.
- 3.21 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed off at an authorised waste water treatment works.
- 3.22 The holder of the amended WML must ensure that any water uses listed in terms of Section 21 of the National Water Act, 1998 must get authorization from Department of Water and Sanitation prior to the commencement of such activities.
- 3.23 This amended WML does not purport to absolve the holder from its common law obligations towards the owner of the surface of land affected (if applicable).
- 3.24 The holder of the amended WML must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMP.
- 3.25 This amended WML may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.26 The holder of the amended WML must note that in terms Section 43A of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) as amended, residue stockpile and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Programme.
- 3.27 The holder of the amended WML must note that in terms Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management licence is issued in respect of that activity if licence is required.

- 3.28 An appeal under Section 43 (7) of the National Environmental Management Act, 1998 (Act 107 of 1998) (as amended) suspend a WML or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.29 Should you be notified by the Minister of a suspension of the WML pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.30 The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager.
- 3.31 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rain water from getting in contact with the waste.
- 3.32 The storage of hydrocarbons must have bund walls with adequate capacity to contain the maximum volume that is stored in the area. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site.
- 3.33 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid right is granted provided that this activity must commence within 10 years. If the commencement of the proposed activity does not occur within the specified period, the WML lapses and a new application for WML in terms of the NEMA and the EIA Regulations, 2014 should be made for the activity to be undertaken.
- 3.34 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMPr.
- 3.35 This amended WML will only be effective on the event that a corresponding mining right has been issued in terms of MPRDA as amended and none of the activities listed in this amended WML may commence without a mining right.
- 3.36 The listed activities, including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this amended WML is suspended until such time as the appeal is decided.
- 3.37 Should there be any conflicting conditions between this amended WML and other approval granted by other authorities, it is upon the holder of the amended WML to bring it to the attention of the Department for resolution.

4 MANAGEMENT OF ACTIVITIES

- 4.1 A copy of the amended WML, BAR and EMPr must be kept at the property or on site office where the activity/lies will be undertaken. The amended WML and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the WML who works or undertakes work at the properties.
- 4.2 The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority.
- 4.4 A buffer zone of 100 metres between the activities and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the amended WML must prevent nuisance conditions, health hazards and the potential creation of nuisance conditions or health hazards.
- 4.6 The holder of the amended WML must ensure that all non-recyclable waste are disposed of at waste management facilities licenced to handle such wastes and all recyclable waste are collected by licenced waste management facilities for recycling, reuse or treatment.
- 4.7 The holder of the amended WML must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
- 4.8 Non-compliance with any condition of this amended WML or EMPr may result in the issuing of a directive in terms of section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.9 Only listed activities that are expressly specified in the EMPr that forms part of this amended WML may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction and removal or updating of any detail in the aforesaid EMPr.
- 4.10 This amended WML only authorizes activities specified in the EMPr /closure plan and a new authorisation must be applied for in respect of any new activity not specified as part of the EMPr.

- 4.11 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.12 The holder of the amended WML must ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of the amended WML must also ensure that an ECO is always available on site to ensure that activities at all times comply with the issued amended WML and approved EMPr.
- 4.13 The ECO must:
- 4.13.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material).
 - 4.13.2 Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
 - 4.13.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.13.4 Keep copies of all environmental reports submitted to the Department.
 - 4.13.5 Keep the records of all permits, licences and authorisations required by the operation.
 - 4.13.6 Compile a monthly monitoring report and make it available to the Department if requested.
- 4.14 The duties and responsibility of the ECO should not be seen as exempting the holder of the amended WML from the legal obligations in terms of the NEMWA and NEMA: EIA Regulations, 2014.
- 4.15 The footprint of the activities must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 4.16 Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
- 4.17 The holder of the amended WML must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder amended WML.

- 4.18 In order to prevent nuisance conditions, the holder of the amended WML must ensure that all storage skips and bins are not overfilled.

5 REPORTING TO THE DEPARTMENT

5.1 The holder of the WML must:

- 5.5.1 Submit an Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;
 - 5.5.2 Identify and assess any new impacts and risks as a result of undertaking the activities, if applicable;
 - 5.5.3 Identify shortcomings in the EMPr/closure plan, if applicable;
 - 5.5.4 Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr/closure plan;
 - 5.5.5 If applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
 - 5.5.6 Specify the name of the auditor and must be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalized the audit;
- 5.2 Should any shortcomings in terms of Regulation 34 (4) be identified, the holder must submit recommendation to amend the EMPr/closure plan in order to rectify any shortcomings identified with the aforementioned audit report.
- 5.3 Any complaint received from the Interested and Affected Parties during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned parties.
- 5.4 The holder of the amended WML must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA,
- 5.5 The holder of the amended WML must, within 24 hours of incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.

- 5.6 The holder of the amended WML must within 14 days or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
- 5.6.1 Correct the impact resulting from the incident;
 - 5.6.2 Prevent the incident from causing any further impact; and
 - 5.6.3 Prevent a recurrence of a similar incident.
- 5.7 In the event that measures have not been implemented within 21 days of the incident referred to in condition 5.6, or measures which have been implemented are inadequate, the Competent Authority may implement the necessary measures at the cost of the holder of the amended WML.

6 SITE SECURITY AND ACCESS CONTROL

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

7 EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the amended WML must maintain and implement an emergency preparedness plan and review it biennially when conducting audit and after each emergency and or major accident. The plan must, amongst others, include:
- 7.1.1 Site Fire
 - 7.1.2 Spillage
 - 7.1.3 Natural disasters such as floods
 - 7.1.4 Industrial action
 - 7.1.5 Contact details of police, ambulances and any emergency center closer to the site.
- 7.2 The holder of amended WML must ensure that an up to date emergency register is kept during all phases of the operation. This register must be made available upon request by the department.

8 INVESTIGATIONS

- 8.1 If, in the opinion of the Competent Authority, nuisances or health risks may be or is occurring on the site, the holder of the amended WML must initiate an investigation into the cause of the problem or suspected problem.
- 8.2 If, in the opinion of the Competent Authority, pollution may be or is occurring, the holder of the amended WML must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by the Competent Authority.
- 8.3 Investigations carried out in terms of conditions 8.1 and 8.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Competent Authority.
- 8.4 Should the investigation carried out as per conditions 8.1 and 8.2 above reveal any unacceptable levels of pollution, the holder of the amended WML must submit mitigation measures to the satisfaction of the Competent Authority.

9 COMMISSIONING AND DECOMMISSIONING

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

10 SITE CLOSURE

- 10.1 The holder of amended WML must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002) as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.
- 10.2 The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act, 2002 (Act No.28 of 2002) as amended.
- 10.3 The holder of amended WML remains responsible for any environmental liability, pollution or ecological degradation, compliance with the conditions of amended WML and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002) as amended. Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

10.4 No exotic plants may be used for rehabilitation purposes only indigenous plant can be utilized for rehabilitation purposes.

11 NEMA PRINCIPLES

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

12 DISCLAIMER

The Department of Mineral Resources in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

13 RECOMMENDATIONS

In view of the above, the NEMA principles, compliance with the conditions stipulated in this amended WML, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activity/ies will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA, and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. The authorisation is accordingly granted.

Your interest in the future of our environment is appreciated.

Kind Regards



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REBONE HELLEN NKAMBULE
CHIEF DIRECTOR: MINERAL REGULATION
WESTERN REGIONS
DEPARTMENT OF MINERAL RESOURCES
DATE: 15/05/2017