



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6076, Port Elizabeth, 6001, Tel: 041 403 6623, Fax: 086 710 1055
Pier 14 Building (3rd floor), 444 Govan Mbeki Avenue, North End, Port Elizabeth, 6000

Enquiries: Ms Hloniphile Dlamini Ref: EC30/5/1/3/3/2/1/10568 EM

E-Mail Address: hloniphile.dlamini@dmre.gov.za

Sub-Directorate: Mine Environmental Management

BY REGISTERED MAIL

2019436499 (Pty) Ltd
Private Bag x3
DURBANVILLE
7551

Attention: Mr. Adrian Arthur Robinson

Tel no: (021) 976 1110 / 082 377 8280

Fax no: (021) 976 8802

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 FOR MINING PERMIT AND ASSOCIATED LISTED ACTIVITIES IN RESPECT OF STONE AGGREGATE, GRAVEL AND SAND (GENERAL) ON THE PORTION OF FARM MOUNT COKE MISSION 2352, SITUATED IN THE MAGISTERIAL DISTRICT OF KING WILLIAMS TOWN, EASTERN CAPE REGION

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of the National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Eastern Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

Appeal to the Department of Environmental Affairs


Attention : Directorate Appeals and Legal Review
Email : appeals@environment.gov.za
By post : Private Bag X 6076, Port Elizabeth, 6001 Private Bag X 447, **PRETORIA**, 0001
By hand : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia, **PRETORIA**, 0083

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Eastern Cape Region
By facsimile : 041 484 1963; 086 710 1077
E-mail : hloniphile.dlamini@dmre.gov.za
By post : Private Bag X 6076, PORT ELIZABETH, 6001
By hand : Pier 14 Building (3rd floor), 444 Govan Mbeki Avenue, North End, PORT ELIZABETH, 6000

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards


.....
REGIONAL MANAGER: MINERAL REGULATION
EASTERN CAPE REGIONAL OFFICE
DATE: 09/04/2021



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6076, Port Elizabeth, 6001, Tel: 041 403 6623, Fax: 086 710 1055
Pier 14 Building (3rd floor), 444 Govan Mbeki Avenue, North End, Port Elizabeth, 6000

ENVIRONMENTAL AUTHORISATION

Reference number EC 30/5/1/3/3/2/1/10568 EM

Last amended: First issue

Holder of authorisation: K2019436499 (Pty) Ltd

Location of activity: Portion of Farm Mount Coke Mission 2352, Situated in the Magisterial District of King Williams Town, Eastern Cape

ID	LONGITUDE	LATITUDE
A	27.4256064543878452	-32.9624533819810318
B	27.4265295777495081	-32.9636921872900642
C	27.4246517565113851	-32.9649088442389343
D	27.4231477141522497	-32.9625845418529987

DECISION

ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended

DEPARTMENT: Department of Mineral Resources.

EA: Environmental Authorisation.

IEA: Integrated Environmental Authorisation.

EMPr: Environmental Management Programme

BAR: Basic Assessment Report

S&EIR: Scoping and Environmental Impact Report

I&AP: Interested and Affected Parties

ECO: Environmental Control Officer

ECPHRA: Eastern Cape Provincial Heritage Resources Authority

SAHRA: South African Heritage Resources Agency

EIA REGULATIONS: EIA Regulations, 2014

MPRDA: Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended

NEMA:WA: National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended

EIA: Environmental Impact Assessment.

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activity (ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** and **2** of this environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by K2019436499 (Pty) Ltd with the following contact details –

2019436499 (Pty) Ltd
Private Bag x3
DURBANVILLE
7551

Attention: Mr. Adrian Arthur Robinson

Tel no: (021) 976 1110 / 082 377 8280

Fax no: (021) 976 8802

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

NEMA: LISTED ACTIVITIES:

Activities applied for on 01/11/2019	Development specifics	Authorised activity
Activity 21 of GNR 983	Mining (Excavation and stockpiling)	<p>"Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including –</p> <p>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)]</p> <p>(b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.</p>
Activity 22 of GNR 983	Decommissioning of Mining	<p>"The decommissioning of any activity requiring –</p> <p>(i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or</p> <p>(ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period</p>

		of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure”;
Activity 27 of GNR 983	Vegetation clearance	“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for - (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan”.

Detailed specifications of the activity are as follows:

The project entails mining for stone aggregate, gravel and Sand (general). Mining will take place on Portion of Farm Mount Coke Mission 2352, Situated in the Magisterial District of King Williams Town, Buffalo City Municipality in the Eastern Cape. Area to be disturbed is 5 hectares and mining activities will be done in phases as per the mine plan.

The quarry will be a surface excavation through the method of open-pit mining with the use of the excavator or front loader. The main activities to be undertaken will be drilling & blasting, excavation, of stone aggregate, gravel and sand (general), screening & crushing of material and stockpiling and hauling of material to the markets. Slit dams or retention ponds will be created, to manage stormwater runoff to prevent flooding and downstream erosion, and improve water quality in an adjacent river, stream, and or lake.

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

EA SITE SPECIFIC CONDITIONS

1. Mining must take place according to the mine phases depicted on the mine plan. No removal of vegetation must occur on phases two (2) and three (3) prior to rehabilitation of phases one (1) has been conducted.
2. If concentrations of archaeological and/or historical heritage material, marine shells, and or humans are uncovered during construction, all work must cease immediately and be reported to the Albany Museum and/or the Eastern Cape Provincial Heritage Resources Agency (ECPHRA) so that systematic and professional investigation / excavation can be undertaken.
3. Any wastewater generated must not be discharged into the natural environment. Measures to contain wastewater and to safely dispose of it must be implemented.
4. Drainage must be contoured to ensure that runoff from the site is contained and does not culminate in off-site pollution.
5. There is drainage line identified within the proposed site. The watercourse must not be impacted upon and a 32m buffer must be maintained.

6. The stockpiling of soil or any other materials shall not be allowed closer than 32m near a watercourse or water body to prevent pollution or impediment to surface runoff. The developer must control and establish suitable mitigation measures to prevent the erosion of the stockpiles.
7. Topsoil will be stockpiled in berms along excavation upper edge for use in rehabilitation during decommissioning rehabilitation. Therefore, topsoil berms must not be higher than 1.5m and may be wide as required.
8. A Stormwater management system/Plan and Rehabilitation Plan must be put in place before commencement of the expansion mining activities and must be maintained and checked monthly and must be developed and updated in consultation with the Department of Water and Sanitation from time to time as the mine progresses with the intention of ensuring the protection of the water resources including siltation from the sand mining and associated activities.
9. Prior to any blasting, the community must be forewarned in advance with respect to the days when blasting is to take place, to ensure the safety of both people and animals and that they are all removed a safe distance from the site before the commencement of any blasting activities.
10. The DMR Principal Inspector of Mines must be in attendance during the first blast to ensure that all MHS procedures are followed.
11. All development footprint areas and areas affected by the proposed development must remain as small as possible and must not encroach onto the surrounding sensitive areas.
12. Upon the closure of the mining site, an aftercare period of at least a year to remove the alien species on site that germinated as a result of the mining activities must be implemented

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

K2019436499 (Pty) Ltd submitted an application for EA for activities listed in the EIA Regulations and of 2014 as:

Activities applied for on 01/11/2019	Development specifics	Authorised activity
Activity 21 of GNR 983	Mining (Excavation and stockpiling)	“Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including — (a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of

		2002)] (b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.
Activity 22 of GNR 983	Decommissioning of Mining	"The decommissioning of any activity requiring – (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure";
Activity 27 of GNR 983	Vegetation clearance	"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for - (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan".

K2019436499 (Pty) Ltd appointed **Algoa Consulting Mining Engineers (ACME)** to undertake the Basic Assessment process as required by Regulation 19 of the 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 **21 October 2019**;
- b) The information contained in the BAR received by the Department on **25 February 2020**;
- c) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- d) Public Participation Process (PPP) attached as Appendix C of the BAR & EMPR;
- e) Archaeology and Heritage Impact Assessment Report attached as Appendix D2;
- f) Botanical Specialist Report attached as Appendix D1;
- g) Aquatic Specialist Report attached to the BAR & EMPR as Appendix D3;
- h) Flora Species list including all species recorded in the surrounding area attached to the BAR & EMPR as Appendix D4;

- i) Rehabilitation Practices Report attached to the EMPR;
- j) The findings of site inspection conducted by **Ms Hloniphile Dlamini** of this Department with **Clayton Weatherall-Thomas** from **ACME** representing the Applicant, on **the 20th July 2020**.
- k) The spatial report received by Mine Information Management (MIM);
- l) Financial Quantum calculation of financial provision for rehabilitation.

3. Key factors considered in making the decision

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

- a) A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations R982 of 2014 for public involvement;
- b) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the BAR & EMPR compiled by **Robert Griebenow** of **Algoa Consulting Mining Engineers (ACME)**;
- c) The Closure and Rehabilitation Specialist Report is included in the BAR detailed the rehabilitation plan for the site during the decommissioning of the project;
- d) The Quantum calculation of the Financial Provision for rehabilitation of the quarry is included in the BAR;
- e) No objections were received opposing the application;
- f) No Government Departments opposed the application and the Directorate MHS supported the application.

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) The findings of site inspection conducted by **Ms Hloniphile Dlamini** of this Department with **Clayton Weatherall-Thomas** from **ACME** representing the Applicant, on **the 20th July 2020**.
- c) Public Participation Process complied with Chapter 6 of the EIA Regulations R982, 2014. The PPP included, *inter-alia*, the following:

- A newspaper advertisement was placed in the local newspaper “The Daily Dispatch on 23rd of October 2019; Copy of the newspaper advertisement has been submitted;
- Notices were placed at the project site; Photographs of the site notices have been submitted;
- Notices were sent to all key stakeholders and the registered interested and affected parties; which included the locality map, comments forms and a BID document. Received comments forms are submitted;
- With respect to consultation with Government Departments:
 - **Department Economic Development, Environmental Affairs and Tourism (DEDEAT)** was consulted on the **28th of January 2020** with respect to the EA application and the BAR/EMPR were sent for consultation.
 - **Eastern Cape Parks and Tourism Authority (ECPTA)** was consulted on the **23rd of January 2020** with respect to the EA application and the BAR/EMPR was sent for consultation.
 - **Eastern Cape Provincial Heritage Resources Agency (ECPHRA)** was consulted on the **23rd of January 2020** with respect to the EA application and the BAR/EMPR was sent for consultation.
 - **Department of Water and Sanitation (DWS)** were consulted on the **23rd of January 2020** with respect to the EA application and the BAR/EMPR was sent for consultation. Comments were received and incorporated into the BAR/EMPR.
 - **Department of Agriculture, Forestry and Fisheries (DAFF)** were consulted on the **23rd of January 2020** with respect to the EA application and the BAR/EMPR was sent for consultation.
 - **Department of Rural Development and Land Reform (DRDLR)** were consulted on the **23rd of January 2020** with respect to the EA application and the BAR/EMPR was sent for consultation.
 - **Buffalo City Municipality** were consulted on the **23rd of January 2020** with respect to the EA application and the BAR/EMPR was sent for consultation.
 - **Comments from Mine Health and Safety** does not oppose the application provided that mining takes place as described in the BAR and EMPr, and in accordance with the Mine Health and Safety Act (29 of 1996). In terms of the Mine Health and Safety Directorate requirements,
 - i. the mining must take place in accordance with the BAR and EMPr;
 - ii. the mine area must be fenced off to prevent unauthorised access;
 - iii. water must be properly controlled to prevent unnecessary and unsafe accumulations that may pose a risk to persons;

- iv. the applicant must comply fully with the Mine Health and Safety Act (29 of 1996) and subordinate legislation, and in particular the regulations 17.6; 17.8; 17.10 and 4.6 are highlighted;
- v. Should blasting be necessary, the Principal Inspector of Mines must be notified two weeks prior to such blast in order that an Inspector can attend the blast.

- Thus the PPP is deemed conclusive.

ANNEXURE 2: DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1. The holder of EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be effected. In assessing whether to grant such approval or not, the Department may request such information as is deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the EA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4. Where any of the holder of the EA contact details change including name of the responsible person, physical or postal address/ or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5. The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6. The holder of EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of EA must in writing, within 14 (fourteen) calendar days from the date of this decision and in accordance with EIA Regulation 4(2) do the following:
- 2.2 Notify all registered I&APs of –
 - 2.2.1 The outcome of the application;
 - 2.2.2. The date of the decision;
 - 2.2.3. The date of issue of the decision and;

2.2.4 The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions 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 EA

2.5.2 Name of the responsible person for this EA

2.5.3 Postal address of the holder;

2.5.4 Telephonic and fax details of the holder and

2.5.5 E-mail address of the holder if any.

3 COMMENCEMENT OF THE ACTIVITY (IES)

3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).

3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.

3.3 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.

3.4 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.

3.5 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.

3.6 Vegetation clearance must be limited on areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.

3.7 The holder of EA must note that in terms of the National Forest Act (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 Department of Agriculture, Forestry and fisheries.

3.8 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.

- 3.9 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.
- 3.10 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.
- 3.11 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the EA reads through and understand the legislative requirements pertaining to the project. It is the holder of EA 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.
- 3.12 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 property (ies) 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). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA).

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; 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.

- 3.18 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.19 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.
- 3.20 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised waste water treatment works.
- 3.21 The holder of EA must ensure that any water uses listed in terms of Section 21 of National Water Act must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.22. This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.
- 3.23. The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation at all times comply with the approved EMPr.
- 3.24. This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.25. The holder of EA must note that in terms Section 43A of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the Environmental Management Plan or Environmental Management Programme. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the Environmental Management Plan or Environmental Management Programme.
- 3.26. The holder of EA must note that in terms Section 20 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of Section 19 (3) for that activity or a waste management licence is issued in respect of that activity if licence is required.
- 3.27. An appeal under Section 43 (7)of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.

- 3.28. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.29 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.
- 3.30 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.
- 3.31 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.
- 3.32 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed Prospecting activity is valid for the period for which the aforesaid Right is granted provided that this activity must commence within 10 years. If the commencement of the proposed activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken.
- 3.33 This EA will only be effective on the event that a corresponding rights is issued in terms of MPRDA as amended and none of the activities listed in this EA may commence without right.
- 3.34 The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. In the event that an appeal is lodged with the appeal administrator, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
- 3.35 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

4. MANAGEMENT OF ACTIVITY (IES)

- 4.1 A copy of the EA and EMPr must be kept at the property or on site office where the activity (lies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies).
- 4.2. The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority.

- 4.4 A buffer zone of 100 metres between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.
- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6 The holder of the EA must ensure that all non-recyclable waste are disposed of at waste management facilities 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 EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
- 4.8 Non-compliance with any condition of this EA 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 EA may be conducted, and additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EMPr before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EMPr.
- 4.10 Rehabilitation of the disturbed surface caused by operation at all times must comply with the approved EMPr.
- 4.11 The Holder of EA must ensure that the name and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activity (ies) at all times comply with the issued EA and approved EMPr.
- 4.12 The ECO must:
- Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material)
 - 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
 - Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials
 - Keep copies of all environmental reports submitted to the Department
 - Keep the records of all permits, licences and authorisations required by the operation
 - Compile a monthly monitoring report and make it available to the Department if requested.

- 4.13 The duties and responsibility of the ECO should not be seen as exempting the holder of the EA from the legal obligations in terms of the NEMA
- 4.15 The footprint of the activity (ies) must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a “no go” areas.
- 4.16 Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
- 4.17 The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.
- 4.18 In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.

5 REPORTING TO THE DEPARTMENT

5.1 The holder of EA must:

- 5.1.1 Submit and Environmental Audit Report to this Department biennially and such report must be done by qualified Environmental Assessment Practitioner and must the audit report must specify whether conditions of this environmental authorisation and EMPr/closure plan are adhered to;
 - 5.1.2 Identify and assess any new impacts and risks as a result of undertaking the activity/ies, if applicable;
 - 5.1.3 Identify shortcomings in the EMPr/closure plan, if applicable;
 - 5.1.4 Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr/closure plan;
 - 5.1.5 If applicable, specify that the corrective action/s taken for the previous audit's non-conformities, was adequate;
 - 5.1.6 Specify the name of the auditor and
 - 5.1.7 Be submitted by the holder to the competent authority within 30 days from the date on which the auditor finalised the audit.
- 5.1 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.

- 5.2 Any complaint received from the I&AP during all phases of the operation must be attended to as soon as possible and addressed to the satisfaction of all concerned interested and affected parties.
- 5.4 The holder of the EA must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.5 The holder of the EA must, within 24 hours of incidents occurring, notify the Competent Authority of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.6 The holder of the EA must, within 14 days, or a shorter period of time, if specified by the Competent Authority from the occurrence or detection of any incident referred to in condition 5.5, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Competent Authority of measures taken to –
- Correct the impact resulting from the incident;
 - Prevent the incident from causing any further impact; and
 - 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 EA.

6. SITE SECURITY AND ACCESS CONTROL

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

7. EMERGENCY PREPAREDNESS PLAN

- 7.1 The holder of the EA 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:
- Site Fire
 - Spillage
 - Natural disasters such as floods
 - Industrial action

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

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

8. INVESTIGATIONS

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

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

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

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

9. COMMISSIONING AND DECOMMISSIONING

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

10. SITE CLOSURE

10.1 The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of development.

10.2 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 (Act 28 of 2002), as amended.

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

10.4 The holder of EA remains responsible for any environmental liability, pollution or ecological degradation, the pumping and treatment of extraneous water, compliance with the conditions of EA and the management and sustainable closure thereof until the Minister has issued a Closure Certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002). Where necessary the Minister may retain certain portion of financial provision for residual, health or environmental impacts that might be known in future.

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

Your interest in the future of our environment is appreciated.

Kind Regards

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REGIONAL MANAGER: MINERAL REGULATION
EASTERN CAPE REGIONAL OFFICE
DATE..... 29/04/2021