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## A. DEFINITIONS

**“activity”** means an activity identified-

- (a) in Government Notice No. R. 983 of 2014 as a listed activity; or
- (b) in any other notice published by the minister or MEC in terms of Section 24D of the Act as a listed activity or specified activity.

**“associated structures or infrastructure”** means the building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility.

**“commence”** means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

**“construction”** means the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure.

**“independent”**, in relation to an EAP or a person compiling a specialist report or undertaking a specialised process or appointed as a member of an appeal panel, means

- a) that such EAP or person has no business, financial, personal or other interest in the activity, application or appeal in respect of which that EAP or person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that activity, application or appeal; or
- b) that there are no circumstances that may compromise the objectivity of the EAP or person in performing such work.

**“public participation process”** in relation to the assessment of the environmental impact of any application for an environmental authorisation, means process by which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to the application, .

**“registered interested and affected party”**, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of Regulation 42.

**“the Act”** include the schedule and regulations and any notice issued under the Act.

**“the Department”** means the Department of Mineral Resources

**“the Regulations”** means the Environmental Impact Assessment Regulations, 2014.

## **B. ENVIRONMENTAL AUTHORISATION**

**AMENDED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014, FOR INCLUSION OF PORTION 2 OF THE FARM ONGEZIEN 365 JS, SITUATED IN THE MAGISTERIAL DISTRICT OF MIDDELBURG IN MPUMALANGA REGION.**

**1. REFERENCE NUMBER: (MP) 30/5/1/2/3/2/1 (213) EM**

**2. BRIEF DESCRIPTION OF THE ACTIVITIES**

Silver Unicorn Trading 33 (Pty) Ltd, intends to extend its mining operation to include the Ongezien extension (portion 2 of the farm Ongezien 365 JS. Mining of coal over the area will be by means of opencast. The Ongezien extension will not require additional infrastructure since existing infrastructure at the current mining operation will be used to service the area except the construction of new haul roads and pipelines for the pumping of water from the opencast pit to the existing pollution control dam.

**3. LOCATION**

The site is located on portion 2 of the farm Ongezien 365 JS; 32km southwest of Middelburg in Mpumalanga Region.

**4. APPLICANT**

Silver Unicorn Trading 33 (Pty) Ltd (Malahleni Colliery)  
P.O. Box 1963  
**CRAMERVIEW**  
2060

**Contact Person:** Mr. Lucky Mbangeni  
**Tel no.** : 013 687 5300 / 083 419 4925  
**Fax no.** : 013 687 5426

**5. ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Geovicon Environmental (Pty) Ltd  
P.O. Box 4050  
**MIDDELBURG**  
1050

**Contact Person :** Mr. Ornassis Tshepo Shakwane  
**Tel No** : 013 243 0542 / 082 498 1847  
**Fax No.** : 086 632 4936

**6. SITE VISIT**

A site visit was not conducted.

## 7. DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this amended Environmental Authorisation. An Authorisation is granted in terms of section 24(2) (a) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.

### **GNR 325 & 327**

#### **Activity 27 of Listing Notice 1**

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.

#### **Activity 6 of Listing Notice 2**

The development of facilities or infrastructure for any process or activity which requires a permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding-

- (i) activities which are identified and included in Listing Notice 1 of 2014;
- (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; or
- (iii) the development of facilities or infrastructure for the treatment of effluent, wastewater or sewage where such facilities have a daily throughput capacity of 2000 cubic metres or less.

### 7.1 BACKGROUND

The applicant, **Silver Unicorn Trading 33 (Pty) Ltd**, applied for authorisation to carry on the following activity(ies):

extend its mining operation to include the Ongezien extension (portion 2 of the farm Ongezien 365 JS. Mining of coal over the area will be by means of opencast. The Ongezien extension will not require additional infrastructure since existing infrastructure at the current mining operation will be used to service the area except the construction of new haul roads and pipelines for the pumping of water from the opencast pit to the existing pollution control dam.

The applicant appointed **Geovicon Environmental (Pty) Ltd** to undertake an Environmental Impact Assessment Process.

## **7.2 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 dated 14 July 2017, Scoping Report dated 12 April 2018 and Environmental Impact Assessment report (EIAR) Environmental Management Programme report (EMPr) dated 03 December 2018;
- b) The objectives and requirements of relevant legislation (Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), other environmental legislation, policies, guidelines and the EIA Regulations of 2014;
- c) Public Participation Process (PPP) attached as Appendix 2 of the EIAR and EMPr;
- d) The comments received from the organs of state and interested and affected parties as included in the EIAR dated 03 December 2018;
- e) The information contained in the specialists studies of the EIAR
- f) Mitigation measures as proposed in the EIAR dated 03 December 2018 and
- g) Layout Plan describing the location of the activities

## **7.3 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) 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 EIR and EMPr compiled by Ornassis Tshepo Shakwane;
- c) The Closure and Rehabilitation Plan included in the EIA and EMPr dated 03 December 2018
- d) The proposed project will be covered under the current fund of R3, 755, 472.00 after which regular annual contributions are and will continue to be made to ensure that sufficient funds are available for rehabilitation.

## 7.4 FINDINGS

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

- a) The potential impacts on the proposed activities were clearly assessed, investigated and mitigation measures were outlined.
- b) Public Participation Process complied with Chapter 6 of the EIA Regulations R.982 of 2014. The Public participation process included, *inter-alia*, the following:
  - i) The EIR and EMPr were sent to Middelburg Public Library
  - ii) Newspaper advert was placed in the Middelburg Observer on 9 March 2018
  - iii) Proof of consultation with the landowners, interested and affected parties has been provided.
  - iv) No objections were raised during the meetings; issues raised during the public participation process were adequately addressed
  - v) It is envisaged that, should the conditions stipulated in this Environmental Authorisation be complied with, the negative environmental impacts of these activities will be minimised.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the authorised activity will not conflict with the general objectives of Integrated Environmental Management 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 authorised activities can be mitigated to acceptable levels.

The granting of this Authorisation is subject to the following conditions set out below:

## 8 CONDITIONS

### 8.1 STANDARD CONDITIONS

- 8.1.1 Authorisation of the activity is subject to the conditions contained in this Authorisation, which forms part of the Environmental Authorisation and are binding on the holder of the Authorisation.
- 8.1.2 The holder of the Authorisation shall be responsible for ensuring compliance with the 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.
- 8.1.3 This activity must commence within a period of five **(5) 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.
- 8.1.4 If the proponent anticipates that commencement of the activity would not occur within five (5) year period, he / she must apply and show good cause for an extension of the Environmental Authorisation three (3) months prior to its expiry date

- 8.1.5** 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.
- 8.1.6** 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, including the transfer of this authorization, the applicant must in writing notify the Regional manager of this Department, within **fourteen (14) days** of the above specified change.
- 8.1.7** A copy of this authorisation must be kept on site. The Authorisation must be produced to any Governmental official(s) who may requests to see it for inspection purposes and must be made available to the contractor(s) /subcontractor(s) authorised to undertake to undertake work at the property.
- 8.1.8** This authorisation does not negate the holder of the Authorisation's responsible to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 8.1.9** After an appeal period has been expired and no good course to extent the appeal period has been submitted in accordance with Chapter 2 of the National Appeal Regulations of 2014, a **thirty (30) day**-written notice must be given to the Department that the activity will commence. Commencement for purpose for the purpose of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

## **8.2 SPECIFIC CONDITIONS**

### **8.2.1 COMMISSIONING OF THE ACTIVITY**

- 8.2.1.1** This Authorisation is hereby solely granted to include the Ongezien extension (portion 2 of the farm Ongezien 365 JS) opencast mining operation.
- 8.2.1.2** The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local.
- 8.2.1.3** The applicant must apply the principle of best practicable environmental option for all technologies used/implemented during mining.

#### **8.2.1.4 Pre-construction Phase**

- a) The applicant must appoint an independent Environmental Control Officer (ECO) who will monitor contractors, compliance with EMPr and EA (see 8.2.2. Management of the activity for more details).

- b) The applicant must provide all contractors and sub-contractors with a copy of Environmental Management Programme and Environmental Authorisation prior to the mining activities.
- c) All pre-construction phase mitigation measures as outlined in the Environmental Management Programme attached in Environmental Impact Assessment report must be adhered to at all times.
- d) In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- e) 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.
- f) 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.
- g) 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.

#### **8.2.1.5 Access roads and traffic impact**

- a) Necessary signage and traffic measures must be implemented for safe and convenient access to the site from adjacent roads.
- b) Access roads must be well maintained throughout the mining operation

#### **8.2.1.6 Air quality management**

- a) Proper measures must be put in place to suppress dust in order to minimize nuisance conditions.
- b) A speed restriction of 40km/h must be enforced and monitored on site for all mine vehicles.

#### **8.2.1.7 Proliferation of alien species**

- a) All construction/mining equipment and vehicles must be cleaned when leaving the site to reduce the chances of spreading weeds and invasive species.

#### **8.2.1.8 Noise**

- a) Construction/ mining activities must be limited to normal working hours (7h00 – 17h00)

- b) Mine vehicles must be fitted with standard silencers prior to beginning of construction.

#### **8.2.1.9 Erosion control measures**

- a) All soil surfaces compacted as a result of mining/construction activities must be ripped, and imported materials must be removed.
- b) Any erosion channel developed during mining/construction period or during vegetation establishment must be restored to a proper condition.

#### **8.2.1.10 Excavation activities**

- a) Topsoil must be stripped and stockpiled prior to excavation in a designated area.
- b) Under no circumstances should material stockpiles be disposed of outside the boundary of the mine area.

#### **8.2.1.11 Waste Management**

- a) General waste must be kept in containers which are wind and scavenger proof, and disposed of at a permitted landfill site. No temporary dumping and littering of waste is allowed on site.
- b) No waste must be disposed of through burying and burning.
- c) All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- d) An emergency preparedness plan to address any pollution incidents (e.i such as oil spillage etc) that occur on site must be developed.

#### **8.2.1.12 Surface and groundwater contamination must be prevented and/or mitigated by implementation of the following conditions**

- a) Specific area must be demarcated for fueling and workshop services. And such area must be bunded to reduce the possibility of soil and water contamination.
- b) Irrespective of the nature of a spillage (whether major or minor), all spillages must be cleaned up as soon as they occur.
- c) Spillage of petrochemical products must be avoided. In the case of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on site.
- d) Untreated sewage water must not be discharged directly into the natural environment.

#### **8.2.1.13 Fire prevention and management**

- a) Fire extinguishers that are in good working conditions must be made available at all times for their usage during the occurrence of accidental fires
- b) Workers must be adequately trained in the handling of firefighting equipment.
- c) Open fires must strictly be prohibited.
- d) Smoking must be prohibited in the vicinity of flammable substances.
- e) Cooking and heating fires must be permitted only in designated areas with appropriate safety measures.

#### **8.2.1.14 Storm water management**

- a) Storm water management plan must be developed, and implemented on site.

#### **8.2.1.15 Safety**

- a) Potentially hazardous area must be demarcated with danger tape.
- b) Appropriate signage must be placed to caution employees and contractors not to attempt to enter certain structures without being authorised.

#### **8.2.1.16 Emergency Response Plan**

- a) An Emergency Response Plan should be available for accidental spills and firefighting during both construction and operation of the project
- b) In the event of emergency, the holder must notify the department within 24hrs, and contact relevant emergency services in the area.
- c) All significant pollution incidents must be reported to this Department within **forty eight (48) hours** of occurrences

#### **8.2.1.17 Compliance with other legislation**

- a) The National Environmental Management Act, 1998 (Act 107 of 1998), with particular reference to the principles in chapter 2 of the said Act.
- b) The National Water Act, 1998 (Act 36 of 1998), with particular reference to the sections pertaining to mining in the proximity of dams and their catchments areas, rivers, marshes, streams, pans and other water courses.
- c) The National Environmental Management Air Quality Act (Act 36 of 2004), with particular reference to the sections pertaining to the liberation of dust, and other emissions, created by mining activities, into the atmosphere.
- d) The Conservation of Agriculture Resources Act, 1983 (Act 43 of 1983), with particular references to the sections pertaining to soil conservation.
- e) The National Heritage Resources Act, 1989 (Act No 25 of 1999), with particular reference to the protection of all historical and pre-historical cultural remains.
- f) The Mine Health and Safety Act, 1996 (Act 29 of 1996) in conjunction with the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), with particular reference to those sections and regulations pertaining to health and safety at mines; mining within 100 m from structures that must be protected; as well as those sections pertaining to rehabilitation of the surface.
- g) All provisions of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993) and any other applicable legislation must be adhered to by the holder of this Authorisation.
- h) The National Environmental Management: Waste Act (Act No. 59 of 2008)

#### **8.2.1.18 Liability of the holder of this Authorisation**

- a) The competent authority shall not be held responsible for any damages or losses suffered by the holder or his/her successor in title in any instance where mining/

construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the holder with conditions of approval as set out in the document or any other subsequent document emanating from this Authorisation. The holder shall be responsible for all the costs necessary to comply with the above condition unless otherwise specified.

- b) Any complaint from the public during the life of mine must be attended to by the holder of this Authorisation as soon as possible to the satisfaction of parties concerned.
- c) The contractor must ensure that serviceable ablution facilities are available for employees. It is the responsibility of the holder of the Authorisation to see to it that this condition is adhered to.

### **8.2.2 MANAGEMENT OF THE ACTIVITY**

- a) A copy of an Environmental Authorisation and Environmental Management Programme must always be available on site so as to monitor compliance with conditions outlined in both the documents. Both documents must be used as on-site reference document during the life of mine.
- b) The Environmental Management Programme prepared by *Geovicon Environmental (Pty) Ltd* (attached to the EIA Report) must be adhered to during the life of the mine.
- c) All duties and responsibilities as outlined in the Environmental Management Programme attached are binding throughout the life of the mine
- d) Any proposed amendments to the Environmental Management Programme (as a result of this authorisation or otherwise) must be submitted in writing to this Department for approval prior to the amendment being implemented. On approval of the proposed amendment the EMP must be accordingly amended and adhered to.

### **8.2.3 Appointment of Environment Control Officer**

- a) An Environmental Control Officer must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Environmental Authorisation and Environmental Management Programme, prior to any commencement of mining activities on site.
- b) The Environment Control Officer appointed must monitor the construction of the infrastructure to ensure that the layout plans are in accordance to the designs and record important findings of the site inspection.
- c) The Environment Control Officer must also monitor the implementation of specific elements of the Environmental Management Programme by contractors.
- d) All duties and responsibilities as outlined in the Environmental Management Programme attached are binding throughout the life of mine.

#### 8.2.4 Site Closure and Decommissioning

- a) 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 the EMPr.
- b) 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.
- c) All mitigation measures for the decommissioning phase, as outlined in the EA. 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 the operation.

#### 8.3 MONITORING

- a) This Department reserves the right to monitor and audit the activity to ensure compliance with legislation and the conditions stipulated in this authorisation.
- b) It is the holder of this Authorisation's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life of the mine is put into practice.

#### 8.4 RECORDING AND REPORTING TO THE DEPARTMENT

The authorization holder must submit annual an environmental audit report during the operation of the activity, unless otherwise requested by the department. The audit report must convey the following:

- a) The date in which the audit was carried out,
- b) The outcome of the audit, in relation to the conditions stipulated in the environmental authorization and the EMPr as well as the actions taken to mitigate environmental impacts on site
- c) Records of monitoring and /or auditing must be made available for inspection to this Department and any other relevant authority inspecting the development activities.
- d) Records relating to compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this Department within **seven (7) days** of receipt of a written request by the Department. Environmental compliance will further be monitored through complaints received from the public.
- e) All records relating to the implementation of the Environmental Management Programme must be kept in the office where it is safe and can be retrievable.

**8.5 NON-COMPLIANCE**

- a) In the event of non-compliance by any contractor during the mining/construction the authorised activity, the holder of this Authorisation will be liable.
- b) The holder shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- c) The holder must in the event of non-compliance with any condition of this Authorisation inform the Regional Manager of Mpumalanga region of this Department, in writing, within **forty eight (48) hours**
- d) Non-compliance to this authorisation is an offence as provided for in terms of the National Environmental Management Act, 1998, Section 49(a) and Regulation 48. Any conviction of such offence may result in Section 49(a) being enforced.

**9. APPEAL OF AUTHORISATION**

The holder of the authorisation must notify every **registered** interested and affected party, in writing and within fourteen **(14) days**, of receiving the Department's decision.

The notification must –

- a) Specify the date on which the Authorisation was issued
- b) Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations of 2014.
- c) Advise the interested and affected parties that a copy of the Authorisation and reasons for the decision will be furnished on request.
- d) An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations of 2014.

**10. ISSUED BY:**

  
.....  
**Act** REGIONAL MANAGER  
MPUMALANGA REGIONAL OFFICE  
DATE: 2020/03/20

ACKNOWLEDGEMENT OF RECEIPT BY: MR. /MS. \_\_\_\_\_

ON BEHALF OF THE COMPANY \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020, AT \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE: