

MPUMALANGA PROVINCIAL GOVERNMENT

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South Africa



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Department of Economic Development, Environment and Tourism

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KwaMantsoe, Ntshonalana ZintlekaValentia

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KwMantsoe, iNtshonalana ZintlekaValentia

Departmentsi eza Ekusomiso
Othuli Iselung, Umgangatho Wentsakholafakane

Enquiries : 013 766 4004
Telephone : 013 692 5808
Reference no. : 172094-176
NEAS Ref.No. : MPP/EA/0000438/2012

Ellen Van Dongen
AEL Mining Services Limited
P.O. Modderfontein
Modderfontein
1645

Fax : 011 605 0843
Email : Ellen.vandongen@aels.co.za

Dear Sir/Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED ERECTION OF BULK EMULSION SILOS AT THE AEL MINING SERVICES DISTRIBUTION DEPOT AT IMPUNZI MINE, XSTRATA COAL, SOUTH AFRICA ON PORTION 7 OF STEENKOOLESPRUIT 18 IS, EMALAHLENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

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

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

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

By facsimile: (013) 766 4614

By post: Private Bag x 11215
Nelspruit
1200





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

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

Yours sincerely,


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 22.04.2013

cc: Chris Williams
Willchem Risk and Environmental Consulting
Fax no: 011 704 4593
Email: Chris@wilchem.co.za

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Department of Economic Development, Environment and Tourism

Letsoho Lelekaufufufukanya
Esekeremolho, Silemahlalen'ane nelspruit/Vakasha

Lingengere Wenzela Fihl'ebukwana
Kubhulolho, Ibhodololho nelspruit/Vakasha

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Environmental Authorisation

Application number: 17/2/3N-176

Holder of Authorisation: AEL MINING SERVICES LIMITED

NEAS reference number: MPP/EIA/0000439/2012

Location of activity: PORTION 7
STEENKOOLESPRUIT 18 IS,
EMALAHLENI LOCAL
MUNICIPALITY 



1. Decision

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

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2006, the Department hereby authorises:

AEL Mining Services Limited
P.O.Modderfontein
Modderfontein
1645

Attention: Ellen Van Dongen
Fax no: 011 605 0843
Tel no: 011 606 0843


Email:Ellen.vandongen@aelms.co.za

To undertake the following activity (hereafter referred to as "the activity"):The erection of 140 Ton bulk emulsion silos measuring approximately 100m x 50m, with office and ablution facilities at the AEL Mining Services distribution depot at iMpunzi Mine, Xstrata Coal South Africa on Portion 7 of Steenkoolspruit 18 IS at co-ordinates 26° 5.010'S and 29° 13.750'E, Emalahleni Local Municipality, Mpumalanga Province. (Activity 13 of Government Notice R544 of 18 June 2010).

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

3. Conditions of Authorisation

Scope of authorisation

- 3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with these conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 3.3 The activity which is authorised may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations. 



- 3.5 In the event that the impacts exceed the significance as predicted in the environmental impact report, authorisation may be suspended after proper procedures have been followed.
- 3.6 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7 The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.8 This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.9 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.10 This authorisation does not negate the holder of the authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Appeal of authorisation

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

Management and monitoring of the activity

- 3.13 The Environmental Management Programme (EMPr) dated 13th December 2012 and submitted as part of the environmental impact report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14 The applicant must appoint an Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr.
 - 0.1.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
 - 0.1.2. The ECO must oversee and monitor the success of all rehabilitation activities.



- 0.1.3. During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 0.1.4. The ECO must maintain the following on site:
- A site diary
 - Copies of all reports submitted to the Department
 - A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints
- 0.1.5. The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.15 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.16 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

Commissioning and operation of the activity

- 3.17 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, and must include the name and contact details of the appointed ECO.
- 3.18 There must be proper training on all work instruction or procedures and use of PPE.
- 3.19 Construction workers must be supplied with chemical toilets
- 3.20 No pit latrines are allowed on site.
- 3.21 Vehicles must make use of existing roads and tracks as far as possible.
- 3.22 The construction area must be clearly demarcated and access must be controlled.
- 3.23 Vegetation must only be removed on the areas where construction will take place and no foreign material must be brought on site.
- 3.24 Any topsoil removed must be stored for use during rehabilitation.
- 3.25 Should dust be generated by the construction activities, dust must be suppressed through regular spraying of water as required, and the water used for this purpose must be used in quantities that will not result in the generation of run-off.
- 3.26 Regular auditing of safety requirements must be undertaken in order to monitor and control problems before they become unmanageable and a record of all incidents must be kept on site.
- 3.27 The Emulsion Storage facility must be bunded to curb any spillages on site and must have an effluent containment area.
- 3.28 Pump safety devices must be installed to avoid soil contamination due to transfer pumps- spillages which may lead to ground water pollution.
- 3.29 The construction site must be such that any dirty storm water run-off is contained within the collection pit and the pit must have non permeable floors.



- 3.30 Spills from leaking of pipes during raw material transfer must be contained in the bunded area and pumped back into the holding tanks.
- 3.31 Regular inspection of the silos must be done and the maintenance plan must be in place.
- 3.32 Any hazardous materials occurring must be disposed of through an appropriate hazardous waste management system and dumping of any kind of waste must not take place on the adjacent areas.
- 3.33 All solid and chemical waste that is generated must be removed and disposed of at a licensed disposal site.
- 3.34 The storage tanks must comply with the relevant SANS/SABS codes of practice SANS 10400, 10131, 10108, 11535 and 10089 parts which require the installation of a leak detection system.

General

- 3.35 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.36 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.37 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 3.38 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:


 MR. S.S. MALULEKA
 CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
 DATE: 23.04.2013



Annexure 1: Reasons for the Decision

1. Background

1.1 The applicant, AEL Mining Services Limited applied for authorization to carry out the following activity:

The erection of 140 Ton bulk emulsion silos measuring approximately 100mx50m, with office and ablution facilities at the AEL Mining Services distribution depot at (Mpunzi Mine, Xstrata Coal South Africa on Portion 7 of Steenkoolspruit 18 IS at co-ordinates 26° 5.010'S and 29° 13.750'E, Emalahleni Local Municipality, Mpumalanga Province. (**Activity 13 of Government Notice R544 of 18 June 2010**).

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

Wilchem cc Risk and Environmental Consulting
PO Box 783
Jukskei Park
2153

Contact person: Chris Williams
Tel: 011 462 6052
Fax: 011 704 4593
Email: Chris@wilchem.co.za

2. Information considered in making the decision.

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

- a) The information contained in the Basic Assessment Report and the EMPr.
- b) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- c) The findings of the site visit undertaken by Okwethu-kuhleFakude on 02nd April 2013.

3. Key factors considered in making the decision.

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

- a) The Environmental Impact Report states that the storage area will comprise 2x 70 ton bulk emulsion silos complete with bunds and an effluent containment area.
- b) The site will be accessed through an existing road.
- c) During the construction phase of the proposed storage silos there will be no mixing of cement on site.
- d) As the construction site is within a previously disturbed area access control into work areas will follow current access rules.



4. Findings

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

- a) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Basic Assessment report and conditions of this environmental authorisation be implemented and adhered to.

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