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Litko Letekulima, Kutfutukiswa
Kwetindzawo Tasemakhaya, Temhlaba
Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuThuthukiswa kweeNdawo zemaKhaya,
INarha neeNdaba zeBhoduluko

Enquiries : Okwethu-kuhle Fakude
Telephone : (013) 692 6300
Reference no. : 17/2/3N-300
NEAS No. : MPP/EIA/0000701/2013

Mr Mpumelelo Saliwa
Delmas Coal (Pty) Ltd
Private Bag X0002
Delmas
2210

Fax No: 013 666 7016
Email : mpumelelos@delcoal.co.za

Dear Sir

ENVIRONMENTAL AUTHORISATION: THE PROPOSED EXTENSION OF THE UNDERGROUND COAL MINING AREA, AND REHABILITATION AND UPGRADING OF THE COAL MINE RESIDUE FACILITY AND THE EXISTING POLLUTION CONTROL DAMS AT DELMAS COAL MINE ON PORTIONS 16, 25 AND 29 OF THE FARM HAVERKLIP 265 IR, WITHIN VICTOR KHANYE 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 8295

By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200



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

Yours sincerely

,



MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS
DATE: 31.05.2017

cc: Ms. Olivia Bamford
Jones & Wagener (Pty) Ltd
Fax: 011 519 0201
Email: anelle@jaws.co.za





agriculture, rural development,
land & environmental affairs
MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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Environmental Authorisation

Application number: 17/2/3N-300

Holder of Authorisation: DELMAS COAL (PTY) LTD

NEAS reference number: MPP/EIA/0000701/2013

Location of activity: ON PORTION 16, 25 AND 29 OF
THE FARM HAVERKLIP 265 IR,
WITHIN VICTOR KHANYE 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 2010, the Department hereby authorises:

Delmas Coal Proprietary Limited
Private Bag X0002
Delmas
2210

Contact person : Mr. Mpumelelo Saliwa
Telephone : 013 666 7000
Email : mpumelelos@delcoal.co.za

To undertake the following activities (hereafter referred to as "the activity"):

The Proposed extension of the underground coal mining area, and rehabilitation and upgrading of the coal mine residue facility and the existing pollution control dams at Delmas Coal Mine, on Portion 16, 25 and 29 of the farm Haverklip 265 IR, within Victor Khanye Local Municipality, Mpumalanga Province, at the following co-ordinates listed in the table below;

Coordinates		
	Latitude	Longitude
PCD 1	26° 15' 56.71"	28° 50' 22.07"
PCD 2	26° 15' 54.29"	28° 50' 30.80"
Discard Dump	26° 16' 01.10"	28° 49' 58.62"

And the following activities will be undertaken;

Activity 11, 18, 22, 39, 47 & 55 of Government Notice R544 of 18 June 2010, Activity 5 & 19 of Government Notice 545 and Activity 14 of Government R546 of 18 June 2010

The proposed activity will entail the following;

- Proposed underground mining extension;
- Upgrading of the PC dams;
- Upgrading of the Dirty Water systems at the plant;
- Proposed reshaping/upgrading of the Mine Residue Facility.

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 Assessment 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 authorisation, 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 23rd January 2017 and submitted as part of the Environmental Assessment Report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14 The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr.
- 3.14.1 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.14.2 The ECO must oversee and monitor the success of all rehabilitation activities.



3.14.3 During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.

3.14.4 The ECO must maintain the following on site:

- A site diary
- Copies of all reports submitted to the Department
- A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints

- 3.14.5 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.
- 3.18 All mitigation measures with regards to the approved Mine Plan Alternative 1, PC Dam Alternative 1 and Mine Residue Alternative 3 must be implemented and adhered to.
- 3.19 Construction personnel must be made aware of the sensitivity of the area and their movements must be limited to the construction areas only and must be enforced in terms of the contracts of appointment.
- 3.20 Vegetation and topsoil removal must be minimized and restricted to the required footprint areas and concurrent rehabilitation to be undertaken on disturbed areas throughout the LoM.
- 3.21 Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.22 Erosion protection measures must be implemented timeously and no discard or contaminated water from the PC Dams must enter the receiving environment.
- 3.23 Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 3.24 The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.25 Construction vehicles and equipment must be checked and maintained regularly to ensure that there is no environmental contamination as a result of oil, fuel or hydraulic fluid leakages.
- 3.26 It is the responsibility of the holder of the authorisation to rectify any source of pollution from their undertaking and to take appropriate measures to prevent any pollution of surface as well as ground water.
- 3.27 All disturbed areas must be fully rehabilitated and protected from erosion. Rehabilitation measures must be aimed at the prevention of soil erosion and the re-establishment of indigenous vegetation.
- 3.28 No construction material or any other waste material may be dumped into any watercourse or surrounding area.

- 3.29 All general waste generated on the site must be disposed of at a registered landfill site or as directed by any other relevant authority.
- 3.30 All hydrocarbons and hazardous chemicals storage must be stored, and storage material must be banded in terms of the SANS specifications.
- 3.31 Liners and water infrastructure must be maintained regularly to prevent pollution or degradation of sensitive habitats.
- 3.32 Run-off from the dirty areas within the yields must be channeled towards the silt trap and lined PCD dam.
- 3.33 An Air Quality Management system and monitoring programme must be in place during all phases of the development.
- 3.34 Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during construction, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.
- 3.35 Complaints received from the public during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned.

General

- 3.36 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.
- 3.37 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 AFFAIRS
DATE: 31.05.2017



Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, Delmas Coal (Pty) Ltd, applied for authorisation to carry out the following activities (hereafter referred to as "the activity")

The Proposed extension of the underground coal mining area, and rehabilitation and upgrading of the coal mine residue facility and the existing pollution control dams at Delmas Coal Mine, on Portion 16, 25 and 29 of the farm Haverklip 265 IR, within Victor Khanye Local Municipality, Mpumalanga Province, at the following co-ordinates listed in the table below;

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And the following activities will be undertaken;

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The proposed activity will entail the following;

- Proposed underground mining extension;
- Upgrading of the PC dams;
- Upgrading of the Dirty Water systems at the plant;
- Proposed reshaping/upgrading of the Mine Residue Facility.

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake an environmental impact assessment process:

Jones & Wagener (Pty) Ltd
P.O. Box 1434
Rivonia
2128

Contact person : Ms. Olivia Bamford
Tel : 011 519 0200
Fax : 011 519 0201
Email : anelle@jaws.co.za

2. Information considered in making the decision.

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

- a) The information contained in the environmental impact assessment report and the environmental management programme.
- b) Information and recommendations contained in the specialist reports.
- c) The comments received from interested and affected parties as included in the environmental impact assessment report.
- d) Findings from the site visit undertaken by Okwethu-kuhle Fakude on the 28th March 2017.
- e) 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).



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) Biophysical impact
- b) Sustainability
- c) Need and desirability
- d) Based on this detailed management programmes will be established for soil management, ecological management, surface water and wetland management, groundwater management, air quality management, visual and noise management and any other management programme deemed necessary to reduce or eliminate potential negative impacts and enhance the positive impacts associated with the project.

4. Findings

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

- a) According to the environmental impact assessment report, the proposed development is considered to be environmentally, economically and socially sustainable.
- b) Mitigation measures and recommendations outlined in the environmental impact assessment report and environmental management programme prepared for the activity are appropriate and practical for implementation, and it is anticipated that they will reduce the significance of potential impacts.
- c) The proposed activity is commensurate with recommended land uses in the area.

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. Authorization is accordingly granted.

