

ANNEXURE 2:

EA SITE SPECIFIC CONDITIONS

1. Access to the site must be controlled.
2. A copy of the EA, BAR and EMP must be readily available and accessible by employees, I & AP's and Organs of State during operations.
3. The environmental awareness training must occur prior to employees going onto site and must continue during the life of the operation. This will include general environmental awareness and job specific environmental awareness training.
4. There must be proactive and reactive management measures in relation to handling, storage, prevention, clean-up of spillages and disposal of polluted materials which may be polluted by petrochemicals and other materials with a potential to pollute.
5. A portable toilet must be easily accessible by the employees.
6. The aspects for inclusion as conditions of authorisation as identified by the EAP and contained in Section 21.2 of the BAR are now deemed to be conditions of the EA and must be implemented as per the commitments in the BAR and EMP.

STANDARD DEPARTMENTAL CONDITIONS:

1. SCOPE OF AUTHORISATION

- 1.1. The holder of EA is 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 the 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 it 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 environmental 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, BAR and the approved EMPr.
- 1.4. Where any of the contact details of the holder of the EA change, including the name of the responsible person, physical or postal address or telephonic details, the holder of the EA must notify the Department within 5 days of such change.
- 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 the 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:
 - 2.1.1 Notify all identified and registered I&APs of –
 - (a). The outcome of the application;
 - (b). The date of the decision;
 - (c). The date of issue of the decision and;
 - (d). The reasons for the decision as included in Annexure 1 and Departmental Standard Conditions in Annexure 2.

- 2.1.2. 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.
- 2.1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision.
- 2.1.4. Provide the registered I&APs with:
 - (a). Name of the holder (entity) of this EA
 - (b). Name of the responsible person for this EA
 - (c). Postal address of the holder;
 - (d). Telephonic and fax details of the holder and
 - (e). E-mail address of the holder if available.

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. The movement of vehicles and machinery must be restricted to areas outside of any drainage lines.
- 3.4. Appropriate signage must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and the presence of possible heavy vehicles and machinery.
- 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 remediated on site or removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of this Department and the Department of Water and Sanitation. The opportunity for the onsite remediation and reuse 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, treatment, reuse and disposal where appropriate. Any uncontaminated rubble generated on the premises can be re-used as back filling material on site. No refuse or rubble generated on the premises must be 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 responsibility of the holder of the EA 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 vehicles must be serviced and maintained in such a manner that no excessive fumes are emitted, noise is reduced to acceptable levels, and to petro-chemical leaks are prevented. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.13. Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned and this must be done at a minimum of two days in advance of such an activity.

- 3.14. Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.15. Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and AMAFA - KZN (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA) and or AMAFA – KZN. 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 artefacts 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.
- 3.16. Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.17. Hydraulic fluid or chemicals required during construction must be stored on a concrete lined surface with bund walls and must be designed in such a manner that any spillage will be contained and reclaimed without any impact on the surrounding environment. The storage of hydrocarbons must have bund walls with adequate capacity to contain 110% of the maximum volume that is stored in the area. Should any spills occur it must 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.
- 3.18. 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.

- 3.19. The holder of the EA must ensure that any water uses listed in terms of Section 21 of National Water Act must be authorized by the Department of Water and Sanitation prior to the commencement of such activity (ies).
- 3.21. This EA does not purport to absolve the holder of the EA from its common law obligations towards the owner of the surface of land affected.
- 3.22. The holder of EA must ensure that rehabilitation of the disturbed areas caused by the operation complies with the approved EMPr at all times.
- 3.23. 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.
- 3.24. The holder of the EA must note that in terms Section 43A of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), residue deposits 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 temporarily or permanently deposit residue stockpiles or residue deposits on any area or site other than on the site indicated in the Environmental Management Programme.
- 3.25. 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.
- 3.26. An appeal under Section 43 (7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspends an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.

- 3.27. Should you be notified by the Minister of a suspension of the EA 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.
- 3.28. 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.
- 3.29. 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.
- 3.30. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site.
- 3.31. 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 EA is suspended until such time as the appeal is decided.
- 3.32. Should there be any conflicting conditions between this EA and other approval granted by other authorities, the responsibility rests with 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 (ies) 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, agents and any other people working on the site, and in the event of the need to update or amend the EMPr, these must be submitted to the Department for approval.

- 4.3. Regular monitoring and maintenance of storm water control facilities must be conducted at all times and if damaged, must be rectified as directed by the Department or any other relevant authority.
- 4.4. A buffer zone of 100 metres between the activity (ies) and any residential area, cemeteries or burial grounds must be clearly demarcated and maintained or in line with a recommendation/s from a qualified specialist in respect of buffer zones.
- 4.5. The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of any nuisance conditions or health hazards.
- 4.6. The holder of the EA must ensure that all non-recyclable wastes are disposed of at waste management facilities licenced to handle such wastes and also ensure that all recyclable wastes 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 disposal onto water or land have the potential to cause pollution are only diverted to the sewer after testing water quality and receiving written approval from the relevant local authority.
- 4.8. Non-compliance with any condition of this EA and associated 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. Any rehabilitation of disturbed surfaces caused by the mining operation must comply with the approved EMPr.
- 4.10. The holder of EA must ensure that the name and contact details of the ECO is made available to the Regional Manager 30 days prior to the commencement of the mining activity. The holder of EA must also ensure that an ECO is always available on site to ensure that activity (ies) comply with the issued EA and approved EMPr.

- 4.11. The ECO must:
- 4.11.1. Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material.
 - 4.11.2. Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
 - 4.11.3. Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
 - 4.11.4. Keep copies of all environmental reports submitted to the Department.
 - 4.11.5. Keep the records of all permits, licences and authorisations required by the operation.
 - 4.11.6. Compile a monthly monitoring report and make it available to the Department if requested.
- 4.12. 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.
- 4.14. Erosion and soil loss must be prevented by minimizing the size of the area exposed to surface water run-off. Where necessary erosion stabilizing measures such as gabions, earthen berms or re-vegetation must be implemented to prevent further environmental degradation.
- 4.15. The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with any potentially hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder of the EA.

- 4.16. In order to prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled and properly demarcated.

5 REPORTING TO THE DEPARTMENT

- 5.1. The holder of EA must:
- 5.1.1. submit an Environmental Audit Report to this Department biennially and such report must be done by a qualified Environmental Assessment Practitioner and the audit report must specify whether conditions of this EA, EMPr and closure plan were and 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 and 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 and closure plan;
 - 5.1.5. if applicable, specify whether the corrective action/s taken for the previous audit's non-conformities, were 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.
- 5.2. Should any shortcomings in terms of Regulation 34(4) be identified, the holder must submit recommendations to amend the EMPr in order to rectify the identified in the aforementioned audit report.

- 5.3. All complaints received from I&AP's during any of the phases of the operation must be acknowledged within five days of receipt and addressed to the satisfaction of all concerned within 10 days. All complaints must be recorded and a report must be forwarded to the competent authority with all relevant details of the complaint, complainant and how the complaint was resolved within 30 days of receipt of the complaint.
- 5.4. 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, has caused or may cause pollution of the environment, health risks, nuisance conditions or water pollution.
- 5.5 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 in respect of measures taken to –
- 5.5.1. Correct the impact resulting from the incident;
- 5.5.2. Prevent the incident from causing any further impact; and
- 5.5.3. Prevent a recurrence of a similar incident.
- 5.6. 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 two 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 the audit and after each emergency and or major accident. The plan must, amongst others, include:

7.1.1. Site Fires

7.1.2. Spillages

7.1.3. Natural disasters such as floods

7.1.4. Industrial action

7.1.5. Contact details of police, ambulances and any emergency centres closest 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 are 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. If applicable, 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. NEMA PRINCIPLES

- 9.1. The principles set out in Section 2 in Chapter 1 of the National Environmental Management Act, 1998 (Act No.107 of 1998) must be applied to this mining operation and any matter relating to this operation; and must serve as a guideline for the interpretation, administration and implementation of all environmental requirements.
- 9.2. This mining operation must be conducted in accordance with generally accepted principles of sustainable development by integrating social, economic and environmental factors into the planning and implementation of this mining operation in order to ensure that the exploitation of mineral resources serves present and future generations.
- 9.3. The holder of this EA must at all times give effect to 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 must
- manage all environmental impacts as an integral part of the mining operation and must as far as it is reasonably practicable, rehabilitate the environment affected by the mining operations to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development; and is responsible for any environmental damage, pollution or ecological degradation as a result of his or her mining operations and which may occur inside and outside the boundaries of the area to which the EA relates

10. 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.

11. DECISION:

In view of the above BAR and management and mitigation measures proposed in the EMP, the competent authority is satisfied that the proposed listed activity 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 can be mitigated to acceptable levels.

The environmental authorisation is accordingly **GRANTED to Eskom Holdings SOC Limited.**

Yours Sincerely


A REGIONAL MANAGER: MINERAL REGULATION
KWAZULU NATAL REGIONAL OFFICE
DATE: 14/11/2017