

DEPARTMENTAL REFERENCES:

16/3/3/6/4/2/2/F3/16/3019/20 (Development Management)
19/3/2/4/F3/16/DDF005/20 (Pollution and Chemicals Management)
19/2/5/3/F3/16/WL0009/20 (Waste Management)
19/4/4/BM1 – Lime kilns on Farm Welverdiend (Air Quality Management)

DATE: 10 March 2020

The Board of Directors
Afrimat (Pty) Ltd
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PER E-MAIL

Dear Madam

COMMENT ON THE DRAFT SCOPING REPORT AND PLAN OF STUDY FOR ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED EXTENSION OF A LIMESTONE MINE, DEVELOPMENT OF A CRUSHING PLANT AND THE CONSTRUCTION OF FOUR LIME KILNS AND ASSOCIATED INFRASTRUCTURE ON THE FARM WELVERDIEND NO. 511, VANRHYNSDORP (DMRE REFERENCE: WC30/5/1/2/3/2/1(401)EM)

The e-mail correspondence of 10 February 2020 notifying potential interested and affected parties ("I&APs") of the availability of a Background Information Document ("BID"), and the Draft Scoping Report ("DSR") dated February 2020 that was received by the Department on 10 February 2020, refer.

The Department notes that the application is a resubmission of a Scoping & Environmental Impact Reporting ("S&EIR") application that was withdrawn by the applicant. Comments are hereby offered by various Directorates within the Department based on the information provided in the DSR and Plan of Study for Environmental Impact Assessment ("EIA") dated February 2020, and information provided during the previous S&EIR application.

1. Directorate: Development Management (Region 1) – Mr Rainer Chambeau (Rainer.Chambeau@westerncape.gov.za; Tel: (021) 483 2729):
 - 1.1 Clarity is requested on the property description of the farm earmarked for the proposed development. The DSR indicates that the applicant wishes to undertake the proposed development on Portion 4 of the Remainder of the Farm Welverdiend No. 511. It is further noted that the applicant is in possession of a mining right issued on 19 June 2012 for mining of 321ha of limestone and dolomite on the Remainder of the Farm Welverdiend No. 511. This Directorate further granted an environmental authorisation (“EA”) on 5 June 2015 for mining operations and associated infrastructure with a development footprint of approximately 8ha on the Remainder of Farm Welverdiend No. 511. Table 1, page 4 of the DSR indicates the Surveyor-General (“SG”) Code for the proposed development site as C0780000000005110000. It thus appears that development is proposed on the Remainder of the Farm Welverdiend No. 511. Please confirm whether the proposed development will be undertaken on the Remainder of the Farm Welverdiend No. 511; or on Portion 4 of the Remainder of the Farm Welverdiend No. 511. If the latter, please provide the correct SG Code for Portion 4 of the Remainder of the Farm Welverdiend No. 511.
 - 1.2 The BID and DSR indicate that Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is applied for as the proposed development will entail the clearance of vegetation within portions of a Critical Biodiversity Area. The Draft Biodiversity Assessment dated February 2017 compiled by Mark Berry Consultants did not identify any endangered or critically endangered ecosystems on the proposed site listed in terms of the *National List of Ecosystems that are Threatened and in Need of Protection* published in Government Notice (“GN”) No. 1002 of 9 December 2011 in terms of section 52(1)(a) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is therefore not applicable to the proposed development.
 - 1.3 CapeNature must be consulted whether the Draft Biodiversity Assessment dated February 2017 and follow-up survey undertaken by the botanical specialist on 6 August 2018 is adequate for decision-making, or whether further assessments are required.
 - 1.4 Please be advised that Activity 17 of Listing Notice 2 of the EIA Regulations, 2014 (as amended) must be applied for and included in section 3.2 of the DSR.
 - 1.5 Your attention is drawn to GN No. 960 of 5 July 2019: Notice of the Requirement to Submit a Report generated by the National Web Based Environmental Screening Tool in terms of section 24(5)(h) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) and regulation 16(1)(b)(v) of the EIA Regulations, 2014 (as amended). Please note that the submission of a report generated from the National Web Based Environmental Screening Tool (“screening tool”) became a compulsory requirement from 4 October 2019 when applying for EA in terms of regulations 19 and 21 of the EIA Regulations, 2014 (as amended).
 - 1.5.1 A screening report is attached hereto as Appendix A for your consideration, which identified several specialist studies to be undertaken. Please note that according to the attached screening report, the proposed site is located within a medium sensitivity area from an agricultural perspective, a high sensitivity area from an animal species theme perspective, a low sensitivity area from an aquatic

biodiversity perspective and a defence theme perspective, a medium sensitivity area from a civil aviation theme perspective and a relative plant species theme perspective, and a very high sensitivity area from a terrestrial biodiversity perspective. It is the responsibility of the environmental assessment practitioner ("EAP") to confirm whether these specialist studies will be undertaken, or to provide a motivation why the specialist studies will not be conducted or deemed necessary for the undertaking of the EIA process. The Plan of Study for EIA must accordingly be amended to indicate which additional specialist studies will be undertaken.

- 1.6 The Draft EIA Report must provide a schematic indication of the proposed strip mining process across the proposed 34ha mining area. Photographs of the applicant's existing limestone and dolomite mining operations on the Farm Vaderlandsche Rietkuil, which is situated 7km east of the proposed site, may be included in the Draft EIA Report to provide a visual representation of what the proposed mining operations on the proposed site would entail.
- 1.7 If available, the co-ordinates of the following components of the proposed development must be provided in the Draft EIA Report. Alternatively, the components of the proposed development must be depicted on a map at an appropriate scale that indicate the following components of the proposed development:
 - 1.7.1 Internal roads;
 - 1.7.2 Primary and secondary crushing plants;
 - 1.7.3 Lime kilns/ fluid bed calciners;
 - 1.7.4 Waste salvage yard;
 - 1.7.5 Any offices or buildings;
 - 1.7.6 Coal loading area;
 - 1.7.7 Diesel tanks, and
 - 1.7.8 Any "no-go" areas identified by various specialists and the EAP.
- 1.8 This Directorate notes that a water use application for the abstraction of groundwater for dust suppression purposes will be submitted to the Department of Water and Sanitation ("DWS"). (In this regard, also refer to paragraph 2.2 below.) The Draft EIA Report must clearly indicate the type of water use application applied for, i.e. whether a General Authorisation or water use licence is required. Comments from the relevant water use authority must be obtained and included in the Draft EIA Report. As indicated during the previous S&EIR application, if the "One Environmental System" is applicable to this application, specifically in terms of the synchronisation of the consideration of the application in terms of the NEMA and the National Water Act, 1998 (Act No. 36 of 1998), the applicant would be required to apply the requirements of the One Environmental System to this application.
- 1.9 Please note that the Final Scoping Report ("FSR") to be submitted to the competent authority must include proof of notifying I&APs of the BID and the DSR. The proof must include, *inter alia*, the following:
 - 1.9.1 If registered or regular mail was sent, a list of the recipients of the registered or regular mail, as obtained from the post office;
 - 1.9.2 If a facsimile was sent, a copy of the facsimile report and transmission receipt;
 - 1.9.3 If an electronic mail was sent, a copy of the electronic mail sent and delivery reports; and
 - 1.9.4 If a "mail drop" was done, a signed register of "mail drops" must be provided.

- 1.10 A description of the policy and legislative context within which the development is proposed, including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to the proposed development, must be included in the FSR and Draft EIA Report.
 - 1.11 It is noted on page 46 of the DSR that the proposed project entails an increase in the mining activities in the region, which may lead to an increase in traffic. Traffic impacts must be investigated as part of the proposed development and reported on in the Draft EIA Report. In this regard, comments from the District Roads Engineers must be obtained and included in the Draft EIA Report.
 - 1.12 A copy of the EAP's Curriculum Vitae and expertise must be included in the FSR. Furthermore, the findings of the externally appointed review EAP on all documents reviewed, must be included with the submission any reports to the competent authority.
 - 1.13 Please include a table of contents in the FSR.
2. Directorate: Pollution and Chemicals Management – Mr Hassan Parker (Hassan.Parker@westerncape.gov.za; Tel: (021) 483 6877):
 - 2.1 The DSR identifies the potential for contamination of runoff emanating from the proposed site, and the need for the implementation of a storm water management plan. A storm water management plan for inclusion in the Draft EIA Report is supported.
 - 2.2 This Directorate notes that a water use application will be submitted for the use of groundwater for dust suppression purposes. The use of potable water for dust suppression is generally not supported and it is advised that other dust mitigation measures be investigated and reported on.
 - 2.3 Please confirm whether the proposed mining area overlie an important aquifer. The static water level(s) of any such underlying aquifer(s) must be indicated in the Draft EIA Report.
 - 2.4 Figure 38, page 41 includes reference to bunded 30m³ diesel tanks. Please be advised that the applicability of Activity 10 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) must be investigated and reported on in the FSR and Draft EIA Report. The impacts associated with the potential listed activity must be reported on in the Draft EIA Report and Environmental Management Programme ("EMPr").
 - 2.5 Page 15 refers to waste oil and a waste storage oil area. The Draft EIA Report and EMPr must provide additional information on the source and handling of the waste oil and the proposed location of the storage area.
 3. Directorate: Waste Management – Mr Gary Arendse (Gary.Arendse@westerncape.gov.za; Tel: (021) 483 6307):
 - 3.1 Impacts related to the storage and disposal of coal ash must be assessed and reported on during the EIR phase of the application.

4. Directorate: Air Quality Management – Mr Peter Harmse (Peter.Harmse@westerncape.gov.za; Tel: (021) 483 4383):
 - 4.1 It is noted that an application for an atmospheric emission licence (“AEL”) will be submitted to the national department responsible for environmental affairs. As per paragraph 1.8 above, the requirements of the One Environmental System would also apply to the AEL application, specifically in terms of the synchronisation of the consideration of the application in terms of the NEMA and the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (“NEM:AQA”).
 - 4.2 Please note the requirements of section 38(3)(b) of the NEM:AQA, stipulating the publication of a notice in at least two newspapers circulating in the area in which the AEL listed activity is applied for.
5. Please direct any enquiries to the official/s indicated in this correspondence should you require any clarity on any of the comments provided.
6. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully



pp **HEAD OF DEPARTMENT**

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING