

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)

19/4/4/1/BM1 – Cape Lime, Vanrhynsdorp (Air Quality Management)

DATE: 04 May 2021

The Board of Directors
Afrimat (Pty) Ltd
P.O. Box 5278
TYGERVALLEY
7536

For attention: Ms Ntsanko Ndlovu

Cell: 082 728 8975

E-mail: ntsanko.ndlovu@afriamt.co.za

PER E-MAIL

Dear Madam

COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED EXTENSION OF A DOLOMITIC LIMESTONE MINE, DEVELOPMENT OF A CRUSHING PLANT AND HAUL ROAD, AND CONSTRUCTION OF FOUR LIME KILNS AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF THE FARM WELVERDIEND NO. 511, VANRHYNSDORP (DMRE REFERENCE: WC 30/5/1/2/3/2/1 (401) EM)

The e-mail correspondence of 10 February 2020 providing a Background Information Document to potential interested and affected parties ("I&APs"), the Draft Scoping Report ("DSR") dated February 2020, the Department's comments dated 10 March 2020 on the DSR, the e-mail notification of 26 March 2021 notifying registered I&APs of the availability of the Draft Environmental Impact Assessment ("EIA") Report for comment, and the e-mail correspondence of 06 April 2021 informing registered I&APs of the extension of the public participation period, refer.

The Department expresses its appreciation to the environmental assessment practitioner ("EAP") for graciously allowing a time extension to submit comments on the Draft EIA Report. Please find comments from various Directorates within the Department on the Draft EIA Report and associated Environmental

Management Programme ("EMPr") dated March 2021 that was available for download from the EAP's website.

1. Directorate: Development Management (Region 1) – Mr Rainer Chambeau (Rainer.Chambeau@westerncape.gov.za):

1.1. This Directorate's comments of 10 March 2020 on the DSR requested the co-ordinates of the following components of the proposed development to be provided:

- 1.1.1. Internal roads;
- 1.1.2. Primary and secondary crushing plants;
- 1.1.3. Lime kilns / fluid bed calciners;
- 1.1.4. Waste salvage yard;
- 1.1.5. Any offices or buildings;
- 1.1.6. Coal loading area;
- 1.1.7. Diesel tanks, and
- 1.1.8. Any "no-go" areas identified by various specialists and the EAP.

This Directorate further requested the abovementioned components to be included and presented on a map with an appropriate scale. However, the general site layout plan included as Appendix B5 does not indicate the co-ordinates and the identified "no-go" areas. The EAP is advised to include a revised site map that must be overlain onto a locality plan to include the requested information. (In this regard, please also refer to paragraphs 4.3. and 4.7. below.)

1.2. This Directorate notes that the existing access road will be used to gain access to the proposed mining extension area, as indicated on page 46 of the Draft EIA Report. However, page 117 indicates that one of the key activities that will be undertaken during the construction phase, includes the construction of an access road. Clarification regarding the access road is required to determine if Activity 4 of Listing Notice 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") EIA Regulations, 2014 (as amended) is applicable to the development proposal. Please further note that the length of the access road and the proposed haul road must be indicated in the Final EIA Report.

1.3. A Biodiversity Assessment compiled by Mark Berry Environmental Consultants dated August 2018 was undertaken to assess the biodiversity impacts of the proposed development. The specialist study indicated that the project entails the clearance of ± 30 ha of undeveloped land for mining of limestone deposits, erection of a crushing plant, and construction of four fluid bed lime calciners and associated infrastructure; and a maximum footprint of ± 9 ha for the development of logistical facilities. Per the Draft EIA Report, the total development footprint of the project is estimated at 45ha, comprising of 34ha for the mining extension area, erection of a crushing plant, four fluid bed lime calciners and associated supporting service; and 11ha for the proposed processing plant and logistical facilities. It is unclear whether the biodiversity specialist has assessed the entire proposed footprint (45ha) and clarity is required whether the additional 6ha has been assessed by the specialist. A declaration must be obtained from the specialist whether the impacts associated with the 6ha disturbance area have been assessed and whether the overall impact assessment remains the same.

1.4. It is noted throughout the Draft EIA Report that some figures (maps) incorrectly depict the proposed processing plant measuring 1.1ha, as opposed to 11ha. Please ensure that this is corrected in the Final EIA Report.

- 1.5. This Directorate notes that an application for a water use licence ("WUL") has been submitted to the Department of Water and Sanitation ("DWS"). Proof of the electronic submission of the WUL application (via a screenshot of the application) and the status of the WUL application must be included in the Final EIA Report. Please further note that comments on the Draft EIA Report must also be obtained from the DWS. In accordance with the amendments made to the legislation to enable the "One Environmental System", the WUL and EIA process had to be synchronised.
 - 1.6. It is noted that services (i.e. sewage and refuse removal and water and electricity supply) will be supplied by Matzikama Municipality. Confirmation of the service provision must be provided in the Final EIA Report.
 - 1.7. The EMPr must be amended to include the following:
 - 1.7.1. Since the EMPr will be a standalone document, it must be dated and should contain a cover page which includes the property description and the competent authority's reference number;
 - 1.7.2. An alien eradication plan must be included in the EMPr;
 - 1.7.3. The requested site plan as indicated in paragraph 1.1. above must be included, and
 - 1.7.4. Appropriate penalties for transgressions must be stipulated in the EMPr.
 - 1.8. Originally signed declarations as completed by the applicant, the EAP and specialists as part of the EIA process undertaken, must be included in the Final EIA Report to be submitted to the competent authority.
 - 1.9. Page 169 of the Draft EIA Report states that the rehabilitation cost will amount to R380 308. 73; however, according to page 218 of the EMPr, the rehabilitation cost is set for R397 797. Please explain or correct this discrepancy in the Final EIA Report.
2. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis (Shehaam.Brinkhuis@westerncape.gov.za):
- 2.1. This Directorate previously commented on the DSR and notes the responses provided in the Comments and Response Report ("C&RR") in combination with the additional information, specialist inputs and recommended mitigation measures, as contained in the Draft EIA Report and EMPr. This Directorate is satisfied that the potential pollution impacts have been largely addressed.
 - 2.2. This Directorate previously advised that the applicability of Activity 10 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) must be investigated and reported on in the Draft EIA Report and EMPr. The EAP's response in the C&RR is noted as "*This activity will does not apply as the proposed diesel tanks will constructed more than 500m of the watercourse.*" Please note that Activity 10 of Listing Notice 3 refers to the development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, in containers with a combined capacity of 30m³ but not exceeding 80m³ in all areas outside urban areas in the Western Cape. Although the impacts associated with the storage and handling of diesel have been assessed in the Draft EIA Report and EMPr, Activity 10 of Listing Notice 3 has not been included in Table 5 (Listed activities triggered by the proposed project) of the Draft EIA Report. This Directorate believes that that said activity should be applied for and included in the Final EIA Report.

3. Directorate: Waste Management – Mr Gary Arendse (Gary.Arendse@westerncape.gov.za):
 - 3.1. Any significant event resulting in the spill or leak of hydrocarbons (e.g. petrol, diesel or oil) or any other hazardous solvents into the ground and/or watercourses must be reported within the prescribed timeframes to all relevant authorities, including the Directorate: Pollution and Chemicals Management of this Department. This is a requirement in terms of section 30 of the NEMA, 1998 that pertains to the control of incidents which include the reporting, and the immediate containment, clean-up and remediation of the affected area. All necessary documentation must be completed and submitted to the relevant authorities within the prescribed timeframes. Please incorporate this requirement in the EMPr.
4. Directorate: Development Facilitation – Mr Ryan Apolles (Ryan.Apolles@westerncape.gov.za):
 - 4.1. Page 31 of the Draft EIA Report refers to the Integrated Development Plan ("IDP") of Matzikama Municipality (2012 - 2017). Please update the section on need and desirability to include the relevance of the Fourth Generation IDP of Matzikama Municipality (2017 – 2022) to the project proposal.
 - 4.2. The C&RR in the Draft EIA Report notes that the Department requested clarity on the property description. The EAP responded that the activity is proposed on Portion 0 (also known as the Remaining Extent) of the Farm Welverdiend No. 511. Please note that the specialist studies either refer to Portion 4 of Farm No. 511 or the Remainder of Farm No. 511, whereas Cape Farm Mapper indicates that the project will be located on Portion 5 of the Remainder of Farm Welverdiend No. 511. Please confirm the correct property details in the submission of the Final EIA Report to the competent authority.
 - 4.3. Per paragraph 1.1. above, the co-ordinates for the various components of the project proposal were not included in the general site plan.
 - 4.4. Various statements in the Draft EIA Report indicate that the proposed project area may have been used for agricultural purposes (e.g. "*The farm was utilised as a sheep farm until recently. The sheep was removed at the beginning of 2016*" and "*...sheep farming has probably displaced most of the indigenous mammal fauna.*"). If the 45ha proposed for the project was used for agricultural purposes, then the applicant should also apply for Activity 28 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended).
 - 4.5. The Draft EIA Report references appendices that do not correspond with the appendices loaded on the EAP's website. Throughout the Draft EIA Report, incorrect reference to appendices are made. Please ensure that this is corrected in the submission of the Final EIA Report.
 - 4.6. The Biodiversity Assessment dated August 2018 notes that mining should be phased, whilst the Atmospheric Impact Assessment dated February 2018 compiled by DDA Environmental Engineers notes that progressive rehabilitation is required to mitigate identified impacts. A detailed map depicting the phased progression of mining and rehabilitation should be included in the Final EIA Report and the Draft Annual Rehabilitation Plan dated March 2021 (Appendix F) to understand how mining and corresponding rehabilitation will occur.
 - 4.7. Table 21 of the Draft EIA Report indicates that the mining area that protrudes into the Critical Biodiversity Area ("CBA") will be excluded and that certain buffer areas are to be maintained. The sensitivity map (Appendix B3) however depicts the bulk of the mining extension area into the CBA. A

composite map, which depicts the proposed activities and associated infrastructure in relation to the identified “no-go” areas and buffer zones, must be included in the Final EIA Report.

- 4.8. Please reword the response to West Coast District Municipality's comments regarding groundwater usage on other groundwater users in the area, as the response on page 46 of the Draft EIA Report that “No groundwater abstraction will take place on the mining site at this stage” creates confusion. It is noted that a General Authorisation for the abstraction of groundwater is required.
- 4.9. The EMPr must be amended to indicate the person(s) responsible for undertaking certain mitigation actions.
5. Directorate: Air Quality Management – Ms Gavaza Mhlarhi (Gavaza.Mhlarhi@westerncape.gov.za):
 - 5.1. The Draft EIA Report notes that “The Draft EIAR and EMPr will be advertised on the *Ons Kontrei* and *Weslander Newspapers*” (sic). Proof of compliance with the requirements of section 38(3)(b) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (“NEM: AQA”) requiring the publication of a notice in at least two newspapers, must be provided in the Final EIA Report.
 - 5.2. The Draft EIA Report indicates that fugitive dust emissions from the various construction, blasting, mining and lime processing activities will occur during the construction and operational phases. Dust generated during the various phases of the project proposal must comply with the National Dust Control Regulations (Government Notice (“GN”) No. R. 827 of 1 November 2013), promulgated in terms of the NEM: AQA, 2004. These regulations prohibit a person from conducting any activity to give rise to dust in such quantities and concentrations that the dust, or dust fall, may have a detrimental impact on human health and the environment.
 - 5.3. The following additional mitigation measures are recommended for inclusion in the EMPr:
 - 5.3.1. Dust suppression methods should be implemented through a dust monitoring programme or fugitive dust control plan; and
 - 5.3.2. No construction and/or mining activities should be undertaken during windy days (weather conditions should be considered upon commencement of daily operations).
 - 5.4. Noise generated during the proposed activities must comply with the Western Cape Noise Control Regulations (Provincial Notice 200/2013) of 20 June 2013. It is recommended that:
 - 5.4.1. A noise management programme be established to control noise levels at the source of the proposed activities; and
 - 5.4.2. If exceedance of noise levels at the boundaries of the site exceed 7dB above ambient levels, the local health authority must be informed.
 - 5.5. The sources of impacts during the proposed activity would likely be dust from the mining extension area and haul roads, wind erosion from stockpiles, noise from drilling, blasting, vehicles and machinery, as well as gaseous and particulate emissions from the lime processing plant, operational vehicles and machinery during the construction and operational phases. All noise levels and expected air emissions during the construction and operational phases are recommended to be monitored and controlled on-site.

- 5.6. The Atmospheric Impact Assessment dated February 2018 indicates that "*based on the dispersion modelling results, the daily dust deposition, as well as the ambient concentrations of PM₁₀, NO₂ and CO, were well within their respective guidelines*". Best practice measures, the planned air quality management interventions identified in the Atmospheric Impact Assessment, and the recommended mitigation measures in the EMPr must be employed to minimise any particulate, gaseous and noise emissions that may occur during all phases of the project proposal.
- 5.7. The Atmospheric Impact Assessment indicates that the following section 21(1)(b) listed activities in terms of the NEM: AQA are triggered by the proposed fluid bed lime calciners: Category 4: (Metallurgical Industry), Subcategory 4.1 (Drying and Calcining) and Category 5: (Mineral Processing, Storage and Handling), Subcategory 5.6 (Lime Production). The Draft EIA Report however lists Category 5, Subcategory 5.5 (Lime Production) as applicable. The Final EIA Report must include the correct listed activities promulgated in terms of section 21 of the NEM: AQA (GN No. 551 of 12 June 2015, (as amended)).
- 5.8. The proposed installation must comply with the Minimum Emission Standards as prescribed in GN No. 551 of 12 June 2015 (as amended). It should be noted that any misleading information furnished with the atmospheric emission licence application is an offence as per section 51(1)(f) of the NEM: AQA, subsequently resulting in a fine and/or imprisonment.
6. The applicant is reminded of its "*general duty of care towards the environment*" as prescribed in section 28 of the NEMA, 1998 which states that "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"
7. Please direct any enquiries via e-mail correspondence to the official/s indicated in this correspondence, should you require any clarity on any of the comments provided.
8. 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