

Sue Reuther

From: Sue Reuther
Sent: Monday, 11 January 2021 11:46
To: 'Stephanie Barnardt'
Cc: Matthew Law
Subject: RE: Release of Tronox RSF EIA Report for public comment

Thank you Stephanie,

We confirm that HWC's response to the NID, dated 1 July 2020, still applies.

Regards,
Sue

From: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>
Sent: Monday, 11 January 2021 11:18
To: Matthew Law <MLaw@srk.co.za>
Cc: Sue Reuther <SReuther@srk.co.za>
Subject: RE: Release of Tronox RSF EIA Report for public comment

EXTERNAL

Good day Matthew

Thank you, please note that our previous comment still stands.

HWC December 2020 and January 2021 Operations

Kind regards,

Stephanie-Anne Barnardt
Heritage Officer (Archaeologist)
Heritage Resource Management Services
Heritage Western Cape

3rd Floor, Protea Assurance Building
Green Market Square
Cape Town
8001

Email: stephanie.barnardt@westerncape.gov.za
Website: <https://www.hwc.org.za>



Stay Safe. Save Lives.
Hlala ukhuselekile. Sindisa ubomi.
Bly veilig. Red lewens.

coronavirus.westerncape.gov.za



National hotline: 0800 029 999
Provincial hotline: 021 928 4102
WhatsApp "Hi" to 060 012 3456
Operating 24 hours a day

From: Matthew Law <MLaw@srk.co.za>
Sent: Monday, 11 January 2021 11:06
To: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>
Cc: Sue Reuther <SReuther@srk.co.za>
Subject: RE: Release of Tronox RSF EIA Report for public comment

Dear Stephanie

Please find attached NID submission and response from HWC.

Kind regards,

Matthew

From: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>
Sent: Monday, 11 January 2021 08:31
To: Sue Reuther <SReuther@srk.co.za>
Subject: RE: Release of Tronox RSF EIA Report for public comment

EXTERNAL

Good day Sue

Please can you confirm if the NID has been formally submitted?

I have NID for the following :

<div>Portion 1 (Brakfontein) of the farm Rietfontein Extension no. 151</div> <div>• Remainder of Portion 2 (Weltevreden) of the farm Rietfontein Extension no. 151</div> <div>Kom no. 156</div> <div>• Portion 2 (Voorspoed) of the Farm Hartebeeste Kom no. 156</div> <div>• Portion 3 (Annex Pools Vlei) of the farm Hartebeeste Kom no. 156</div> <div>• Remainder of Portion 1 (Brand Zyn Baai) of the farm Graauw Duinen no. 152</div> <div>• Remainder of Portion 1 (Brand Zyn Baai) of the farm Graauw Duinen no. 152</div> <div>• Portion 1 (Blaauwvlei) of the Farm Hartebeeste Kom no. 156</div> <div>Die Kom:</div> <div>• Portion 1 (Blaauwvlei) of the Farm Hartebeest</div>	<div>Tronox Namakwa Sands (TNS), Brand-se-Baai, proposed expansion of an existing site</div>	<div>Vredendal, Matzikama</div>
---	--	---------------------------------

These are not the same case number nor the same NID.

[HWC December 2020 and January 2021 Operations](#)

Kind regards,

Stephanie-Anne Barnardt
Heritage Officer (Archaeologist)

Heritage Resource Management Services
Heritage Western Cape

3rd Floor, Protea Assurance Building
Green Market Square
Cape Town
8001

Email: stephanie.barnardt@westerncape.gov.za

Website: <https://www.hwc.org.za>



Stay Safe. Save Lives.
Hlala ukhuselekile. Sindisa ubomi.
Bly veilig. Red lewens.
coronavirus.westerncape.gov.za

National hotline: 0800 029 999
Provincial hotline: 021 928 4102
WhatsApp "Hi" to 060 012 3456
Operating 24 hours a day

From: Sue Reuther <SReuther@srk.co.za>

Sent: Friday, 08 January 2021 12:04

Cc: Matthew Law <MLaw@srk.co.za>

Subject: Release of Tronox RSF EIA Report for public comment

DMRE Reference Number: WC30/5/1/2/2/113 & 114 MR

Dear Stakeholder

Tronox Mineral Sands (Pty) (Ltd) (Tronox) mines heavy mineral sands at the existing Namakwa Sands Mine at Brand se Baai. Tronox is authorised to also mine and process deeper Orange Feldspathic Sand (OFS) resource at the East Mine (referred to as the EOFS Project). For the EOFS Project to proceed, Tronox must modify the approved residue disposal plan (this project): this entails a single RSF to accommodate all fine residue from the project, an amendment to the approach to backfilling and the upgrade of infrastructure.

SRK Consulting (South Africa) Pty Ltd (SRK) is undertaking the Environmental Impact Assessment (EIA) process in terms of the National Environmental Management Act 107 of 1998, as amended (NEMA) and the NEM: Waste Act 59 of 2008, and previously released the Scoping Report for public comment.

The **EIA Report is now available for public comment**. The complete EIA Report can be downloaded from SRK's website at <https://docs.srk.co.za/en/za-namakwa-sands-modified-east-ofs-project-residue-disposal-plan>. The Executive Summary is attached to this email.

Please **submit comments** or requests for (new) registrations **via the form on the following link:** <https://forms.office.com/Pages/ResponsePage.aspx?id=rplnyGBD5U2O1vtNc5AB66TCLuRnPWxBqXSevFIPapJURFZEWTNEVIJKSEhZS0FZVTNXMkk0MUU4RyQIQCN0PWcu> **by 8 February 2021**, or to the contact specified in the summary.

After conclusion of the comment period, the EIA Report will be finalised and submitted to DMRE with all stakeholder comments for decision-making. Once a decision has been taken by DMRE, this will be communicated to all registered IAPs.

Regards,
Sue

Sue Reuther Registered EAP, BSc (Hons) Econ, MPhil (Env Mgmt), IAIAAsa
Principal Environmental Consultant and Partner



SRK Consulting (South Africa) (Pty) Ltd.

The Administrative Building, Albion Spring, 183 Main Road, Rondebosch, 7700, South Africa
Postnet Suite #206, Private Bag X18, Rondebosch, 7701, South Africa

Tel: +27-(0)21-659-3060; **Fax:** +27-(0)21-685-7105

Mobile: +27-(0)84-424-5197; **Direct:** +27-(0)21-659-3064

Email: sreuther@srk.co.za; **Skype for Business:** reut@srk.co.za

www.srk.co.za

This transmission is intended for the sole use of the addressee, and may contain information that by its privileged and confidential nature is exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended recipient or its designated agent is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by replying to this transmission, or by collect call to the above phone number.

Please consider the environment before printing this e-mail.

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
If you are not the intended recipient you may not copy or deliver this message to anyone."

"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
If you are not the intended recipient you may not copy or deliver this message to anyone."

**WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY**

Rig alle korrespondensie aan:
Address all correspondence to:

**MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER**

Navrae / Enquiries: Ms. C. Ganten-Bein
Verw Nr / Ref No: 15/2/3/5/1



Posbus / P O Box 242
MOORREESBURG, 7310

Telefoon/Phone (022) 433 8400
Faks/Fax Nr. 086 6926 113

E-Mail Adres/Address:
westcoastdm@wcdm.co.za

12 January 2021

SRK Consulting (South Africa) (Pty) Ltd.
Postnet Suite #206
Private Bag X18
Rondebosch
7701
South Africa

Via email: sreuther@srk.co.za

Dear Ms S Reuther

**WCDM RESPONSE RE: ENVIRONMENTAL IMPACT ASSESSMENT (EIA)
REPORT FOR PUBLIC COMMENT: TRONOX BRAND SE BAAI MINE WITH
DMRE REFERENCE NUMBER: WC30/5/1/2/2/113 & 114 MR.**

Receipt of the EIA Report for Tronox Mineral Sands located in Brand Se Baai relating to the modified Namakwa Sands EOFs Project Residue Disposal Plan, with DMRE Reference Number: WC30/5/1/2/2/113 & 114 MR, is hereby acknowledged and this office has the following comment:

1. It is strongly requested that dust mitigation measures are strictly enforced during construction, operational and decommissioning phases, in all areas relating to this proposed activity and all other mining areas, to prevent the generation of fugitive dust which may negatively affect the neighbouring land users as well as the listed activity and the results of the associated fallout dust buckets, which are located at the same facility and remain under the mandate of the West Coast District Municipality.
2. Fallout dust monitoring must be implemented and managed to ensure that the fallout dust level do not exceed legislated limits during the construction, operational decommissioning phases.
3. Transportation of material must be via enclosed skips or covered wagons to prevent fugitive dust.
4. Dust mitigation measures recommended by the consultant must be implemented before the commencement of construction and continue during operational and decommissioning phases.
5. As water is a scarce resource and as per the consultants' findings, alternative dust suppression measures other than wetting must be implemented, such as buffers, screens, wind breakers, coverings, etc.

6. If approved then a copy of the environmental authorisation (EA) and the Environmental Management Plan (EMP) with the Fugitive Dust Management Plan (FDMP) to be submitted to this office.
7. This office is not in favour of the proposed development for the following reasons:
 - a. The proposed development will result in unavoidable adverse environmental impacts with negative fugitive dust impacts for many years if not properly controlled.
 - b. Currently fallout dust reports relating to the listed activity have shown exceedances due to mining activity. This is clear indication that the mining activities are not controlled and that current mitigation measures are not effective. It is the opinion of this office that it is doubtful that the reduction of fugitive dust will improve.
 - c. The location is in a water scarce and arid area. The water sources needs to be protected for the use of the neighbouring towns and residents.
 - d. As the location is an arid area, measures for proper dust mitigation may be very costly and therefore may not be implemented in such a way as to be effective.

Yours Faithfully



.....
MS C GANTEN-BEIN
MANAGER: AIR QUALITY

**WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY**

Rig alle korrespondensie aan:
Address all correspondence to:

**MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER**

Navrae / Enquiries: Ms. C. Ganten-Bein
Verw Nr / Ref No: 15/2/3/5/1



Posbus / P O Box 242
MOORREESBURG, 7310

Telefoon/Phone (022) 433 8400
Faks/Fax Nr. 086 6926 113

E-Mail Adres/Address:
westcoastdm@wcdm.co.za

26 January 2021

SRK Consulting (South Africa) (Pty) Ltd.
Postnet Suite #206
Private Bag X18
Rondebosch
7701
South Africa

Via email: sreuther@srk.co.za
cc: marius.vlok@tronox.com
correen.leroux@tronox.com
jj.leroux@tronox.com

Dear Ms S Reuther

**WCDM FOLLOW-UP RESPONSE RE: ENVIRONMENTAL IMPACT
ASSESSMENT (EIA) REPORT FOR PUBLIC COMMENT: TRONOX BRAND
SE BAAI MINE WITH DMRE REFERENCE NUMBER: WC30/5/1/2/2/113 & 114
MR.**

With reference to the EIA Report for the above mentioned facility relating to the modified Namakwa Sands EOFS Project Residue Disposal Plan, with DMRE Reference Number: WC30/5/1/2/2/113 & 114 MR, a virtual meeting was held with the applicant and the licencing authority on 25 January 2021 where the proposed activities and the WCDM response letter dated 12 January 2021 was discussed.

Clarity of proposed activities with a summary of dust mitigation measures as well as the recent dust fallout reports was provided and discussed.

After the virtual discussions and the reviewing the documentation, this office has the following response:

The WCDM has no objection to the proposed activities on condition that:

1. Dust suppression measures currently implemented are maintained to prevent the generation and spread of particulate matter into the receiving environment.
2. Dust suppression measures mentioned within the environmental management plan to be implemented and maintained prior and during the proposed activities, as to prevent the spread of fugitive dust into the receiving environment.

3. Dust suppression measures recommended by the consultant to be implemented if required to further contain the generation of fugitive dust.
4. A copy of the updated Environmental Management Plan (EMP) to be submitted to this office, containing all the mentioned mitigation measures.
5. As mentioned during the virtual meeting, rehabilitation of mined areas will take place concurrently with the proposed activities and sea water will be used for dust suppression.

Yours Faithfully



MS C GANTEN-BEIN
MANAGER: AIR QUALITY

Enquiries: E-mail: OCEIA@environment.gov.za Tel: 021 819 2499 Ref: **EDMS- 201891**

SRK Consulting (South Africa) Pty Ltd

Att: Mr. Matthew Law

The Administrative Building

Albion Spring

183 Main Rd

Rondebosch

7700,

Tel: 021) 659 3060 **Email:** mlaw@srk.co.za

Dear Mr. Law

SUBJECT: COMMENTS ON THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR PROPOSED MODIFIED NAMAKWA SANDS E OFS PROJECT RESIDUE DISPOSAL PLAN, MATZIKAMA LOCAL MUNICIPALITY IN THE WESTERN CAPE

The Oceans & Coasts (O&C) Branch of the Department of Environment Forestry and Fisheries (**DEFF**) has reviewed the Environmental Impact Assessment Report for proposed Modified Namakwa Sands E OFS Project Residue Disposal Plan, Matzikama Local Municipality in the Western Cape in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("**NEMA**") and has provided inputs based on coastal considerations and objectives in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("**ICM Act**").

1. The Environmental Assessment Practitioner (EAP) must take note that the Branch O&C has a mandate to protect the ecological integrity, natural character and the economic, social and aesthetic

value of the coastal zone; as well as to protect people, property and economic activities from risks arising from dynamic coastal processes. It further ensures that the use of natural resources in the coastal zone and development associated with the coastal zone is socially and economically justifiable and ecologically sustainable. The EAP is reminded that comments and recommendations as provided below are intended to ensure the achievement of the aims and objectives of the ICM Act and guarantees that the coastal environment will be protected and conserved throughout all phases.

National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act") Sections to be adhered to and implemented by the applicant and Competent Authority (CA):

2. Section 63 of the ICM Act: Environmental authorisations for coastal activities

2.1 Considering what the CA must take into account in terms of Section 63 of the ICM Act that we recommend, before an EA is granted, the CA must ensure that sufficient measures to avoid, manage, minimize and mitigate potential adverse impacts in the coastal zone have been identified, addressed and mitigation measures are provided adequately within the Environmental Management Programme report (EMPr), or Maintenance Management Plan (MMP) or EA conditions. Additionally, the CA must take into account the following but not limited to: proposed project associated operational activities; and project potential Impacts on Coastal Public Property (CPP), Coastal Protection Zone, Economic Exclusive Zone, the littoral active zone, existing structure, sea, setback line, and management lines.

The Branch: Oceans and Coasts provides the following recommendations and conditions to be included in the EMPr and EA:

- The applicant must take into account, adhere to and implement the relevant section of the National "ICM Act" applicable to this project;
- To ensure that pollution of the marine ecosystem and seawater contamination is minimized, we recommend that only work necessary must be undertaken within the CPP;
- No construction activities with potential to affect the general public to enjoy the coast should be scheduled and take place during peak season;

- Construction period to be scheduled avoiding heavy rain and stormy season. Historical data must be used for best time period allocation;
- As stated in the report the proposed project falls within the Succulent Karoo Biome, exhibiting the highest plant diversity of any arid ecosystem in the world. Therefore, it is our recommendation that when planning on areas to place infrastructure and activities to take place, the designs should avoid area that has been identified as sensitive and offer important functions, such as habitat, breeding areas, areas where natural resources that are considered of important status occur and migration route.
- Due to natural processes that take place within the marine environment, mostly influenced by climate change, structures constructed within Coastal Public Property and at sea are likely to requires maintenance from time to time. To ensure that no additional strain is exposed to our already vulnerable and sensitive marine environment, we recommend that methodology and technology to be applied during all phases. The design plan must pay special attention to lifespan of infrastructures, ensuring that it will be of long term). Additionally, no camping site should be planned and established within the CPP;
- Additionally, construction should be scheduled to avoid any identified local species breeding and migration routes and seasons. Historical data must be used to identify local species and check previous breeding and migration seasons and movements that has potential of being affected;
- Clearing of vegetation for construction purposes should be scheduled where its only necessary to avoid loss of vegetation and retain as much vegetation as possible so that the area can continue to function and offer services in the best sustainable way as possible;
- Vehicles and machinery have potential of releasing fuel and oil emissions while in operation. It is our view that the concentrations will be low if vehicles and machinery that will be used are maintained

well and inspected regularly by the building contractor. Therefore, we recommend that no vehicles and machinery should be scheduled to be refueled within the coastal zone. Furthermore, we recommend for this condition to be included in the final MMP;

- The CA must state clearly within the condition of the EA that no Organ of State will be held liable for the maintenance and up keep of this project;
- Therefore, you are kindly reminded of your duty of care towards the coastal environment in accordance with section 58 of the ICM Act read together with section 28 of NEMA which states that “Every person who causes, has caused or may cause adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such adverse effect on the coastal environment” by taking into consideration and implement recommendations provided in this comments document recommending measures to be undertaken to ensure the coastal zone is protected, preserved and managed;
- Kindly note that the activity may not commence prior to an environmental authorisation being granted by the CA. It is an offence in terms of section 49A “NEMA” for a person to commence with a listed activity unless the CA has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment;
- Please be advised that the Sub Directorate: Coastal Development and Protection within the Branch: O&C is responsible for coordinating and facilitate EIA comments and advice for developments within the marine environment. Kindly forward request of EIA Comments to, Email: OCeia@environment.gov.za.

NB: With all the above mentioned recommendations and conditions, the Branch: O&C has no objections to the Environmental Impact Assessment Report for the proposed Modified Namakwa Sands E OFS Project Residue Disposal Plan, Matzikama Local Municipality in the Western Cape.

These comments must be sent to the CA for consideration and implementation, and the EAP is kindly requested to submit proof of such submission to us.

Kindly note that the **Department reserves the right to revise its comments and request further information based on any additional information that might be received.** All future correspondence and documentation (hard copy and an electronic copy) must be submitted to our office via OCeia@environment.gov.za / or Physical Address: **Department of Environment Affairs (DEA), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.**

Yours Sincerely



ACTING DIRECTOR: COASTAL CONSERVATION STRATEGIES

DATE: 10/02/2021

Sue Reuther

From: Devlin Fortuin <Devlin.Fortuin@westerncape.gov.za>
Sent: Tuesday, 26 January 2021 11:58
To: Sue Reuther
Cc: Grace Swanepoel
Subject: (Job 24150) Tronox RSF EIA Report

EXTERNAL

Good Day

Your email to Interested and Affected Parties dated 8 January 2020 refers.

The amendment to the EOFS Projects does not have a traffic impact on any proclaimed roads.

Accordingly, this Branch offers no objection to this issuing of the environmental authorisation.

Kind Regards

Devlin Fortuin *PrEng*
Production Engineer: Road Use Management
Chief Directorate: Road Planning
Transport and Public Works
WESTERN CAPE GOVERNMENT

Address: 9 Dorp Street, Cape Town 8001; Private Bag X9185, Cape Town 8000

Tel: +27 21 483 2012

Fax: +27 21 483 2205

E-mail: devlin.fortuin@westerncape.gov.za

Website: www.westerncape.gov.za



BETTER TOGETHER.



"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise.
If you are not the intended recipient you may not copy or deliver this message to anyone."

Sue Reuther

From: Doretha Kotze <dkotze@wcdm.co.za>
Sent: Monday, 08 February 2021 13:43
To: Sue Reuther
Cc: WCDM Correspondence
Subject: RE: Release of Tronox RSF EIA Report for public comment

EXTERNAL

Ref: 13/2/12/2/1

Madam

My apologies for not submitting at the recommended link below. I was unable to access same.

The West Coast District Municipality does not wish to offer any comments on the proposal.

Regards

Doretha Kotze
Stads- en Streekbeplanner/Town and Regional Planner
Weskus Distriksmunisipaliteit
Langstraat 58 Long Street
Posbus 242 PO Box
MOORREESBURG 7310
Tel: 022 433 8523
West Coast District Municipality



From: Sue Reuther [mailto:SReuther@srk.co.za]
Sent: 08 January 2021 12:04 PM
Cc: Matthew Law
Subject: Release of Tronox RSF EIA Report for public comment

DMRE Reference Number: WC30/5/1/2/2/113 & 114 MR

Dear Stakeholder

Tronox Mineral Sands (Pty) (Ltd) (Tronox) mines heavy mineral sands at the existing Namakwa Sands Mine at Brand se Baai. Tronox is authorised to also mine and process deeper Orange Feldspathic Sand (OFS) resource at the East Mine (referred to as the EOFS Project). For the EOFS Project to proceed, Tronox must modify the approved residue disposal plan (this project): this entails a single RSF to accommodate all fine residue from the project, an amendment to the approach to backfilling and the upgrade of infrastructure.

SRK Consulting (South Africa) Pty Ltd (SRK) is undertaking the Environmental Impact Assessment (EIA) process in terms of the National Environmental Management Act 107 of 1998, as amended (NEMA) and the NEM: Waste Act 59 of 2008, and previously released the Scoping Report for public comment.

The **EIA Report is now available for public comment**. The complete EIA Report can be downloaded from SRK's website at <https://docs.srk.co.za/en/za-namakwa-sands-modified-east-ofs-project-residue-disposal-plan>. The Executive Summary is attached to this email.

Please **submit comments** or requests for (new) registrations **via the form on the following link:** <https://forms.office.com/Pages/ResponsePage.aspx?id=rplnyGBD5U2O1vtNc5AB66TCLuRnPWxBqXSevFIPapJURFZEWTNEVIJKSEhZS0FZVTNXMkk0MUU4RyQIQCN0PWcu> **by 8 February 2021**, or to the contact specified in the summary.

After conclusion of the comment period, the EIA Report will be finalised and submitted to DMRE with all stakeholder comments for decision-making. Once a decision has been taken by DMRE, this will be communicated to all registered IAPs.

Regards,
Sue

Sue Reuther *Registered EAP, BSc (Hons) Econ, MPhil (Env Mgmt), IAIA*
Principal Environmental Consultant and Partner



SRK Consulting (South Africa) (Pty) Ltd.

The Administrative Building, Albion Spring, 183 Main Road, Rondebosch, 7700, South Africa
Postnet Suite #206, Private Bag X18, Rondebosch, 7701, South Africa

Tel: +27-(0)21-659-3060; **Fax:** +27-(0)21-685-7105

Mobile: +27-(0)84-424-5197; **Direct:** +27-(0)21-659-3064

Email: sreuther@srk.co.za; **Skype for Business:** reut@srk.co.za

www.srk.co.za

This transmission is intended for the sole use of the addressee, and may contain information that by its privileged and confidential nature is exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended recipient or its designated agent is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by replying to this transmission, or by collect call to the above phone number.

Please consider the environment before printing this e-mail.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

DEPARTMENTAL REFERENCES:

16/3/3/6/4/2/2/F3/8/3092/20 (Development Management)
CMU 002/2021 (Biodiversity and Coastal Management)
19/2/5/3/F3/8/WL0038/20 (Waste Management)
19/3/2/4/F3/8 /DDF023/20 (Pollution and Chemicals Management)
19/4/4/BW1– Namakwa Sands East OFS Project (Air Quality Management)

DATE: 09 February 2021

The Board of Directors
SRK Consulting (South Africa) (Pty) Ltd
Post Net Suite #206
Private Bag X18
RONDEBOSCH
7701

For attention: Mr Matthew Law

Tel: (021) 659 3060
E-mail: mlaw@srk.co.za

PER E-MAIL

Dear Sir

COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT FOR THE INTEGRATED ENVIRONMENTAL AUTHORISATION APPLICATION FOR THE MODIFIED EAST ORANGE FELDSPATHIC SAND PROJECT RESIDUE DISPOSAL PLAN AT THE NAMAKWA SANDS EAST MINE ON PORTIONS 1 AND 2 OF THE FARM HARTEBEESTE KOM NO. 156, THE REMAINDER OF PORTION 1 OF THE FARM GRAAUWDUINEN NO. 152, PORTION 1 AND THE REMAINING EXTENT OF RIETFontein EXTENSION NO. 151, AND PORTION 5 OF FARM HOUTKRAAL NO. 143, BRAND-SE-BAAI (DMRE REF: (WC) 30/5/1/2/2/113 & 114 MR)

The Draft Scoping Report ("DSR") June 2020, the Department's comments thereto dated 20 July 2020, the e-mail notification of 08 January 2021 regarding the release of the Draft Environmental Impact Assessment ("EIA") Report, and the Draft Environmental Management Programme ("EMPr") received via e-mail on 27 January 2021, refer.

Please find consolidated comments from various directorates within the Department on the Draft EIA Report dated January 2021 that was downloaded from the website of the environmental assessment practitioner ("EAP"). The Department apologises for submitting comments one day after the deadline for comment on the Draft EIA Report.

1. Directorate: Development Management (Region 1) – Mr Rainer Chambeau (Rainer.Chambeau@westerncape.gov.za; Tel: (021) 483 2729):
 - 1.1. Please be reminded that all specialist reports must contain a curriculum vitae and a signed declaration of the relevant specialist that conducted the specialist report. This must be included in the Final EIA Report to be submitted to the competent authority.
 - 1.2. A copy of the agreed public participation plan and proof of the public participation process conducted must be included in the Final EIA Report to be submitted to the competent authority.
 - 1.3. The comments and response report must be updated to include the comments received on the Draft EIA Report and the EAP's response to those comments.
 - 1.4. The EMPr must be amended to include appropriate fines for transgressions. Furthermore, the EMPr must include the recommendations and mitigation measures of all the specialists.
2. Directorate: Biodiversity and Coastal Management – Ms Mercia Liddle / Ms leptieshaam Bekko (Mercia.Liddle@westerncape.gov.za / leptieshaam.Bekko@westerncape.gov.za; Tel: (021) 483 0773):
 - 2.1. The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast.
 - 2.2. The proposed activities fall partially within a Critical Biodiversity Area ("CBA") with scattered portions of Ecological Support Areas ("ESA"). According to the Western Cape Biodiversity Spatial Plan, 2017, the desired management objective for a CBA is to "*Maintain in a natural or near natural state, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.*" In addition, the desired management objective for an ESA 1 is to "*maintain in a functional, near-natural state. Some habitat loss may be acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.*"
 - 2.3. It is noted that the applicant does not propose any discharge into the marine environment, but that the project requires the development of infrastructure in the coastal protection zone ("CPZ") as defined in section 16 of the NEM: ICMA, and delineated by the Department in the West Coast Coastal Management Delineation Line Project, 2014. The purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone, and to protect people and properties from risks arising from the dynamic coastal processes, including the risk of sea level rise. It is noted from the Draft EIA Report that the impacts on the coastal environment are anticipated to be of very low significance

after mitigation. The applicant is reminded to implement all avoidance and mitigation measures to ensure that the proposed activities do not adversely impact the CPZ.

- 2.4. The strategic objectives of the Sout River Estuarine Management Plan that was commissioned by the Department as part of the Estuary Management Framework and Implementation Strategy project, have been considered in the Draft EIA Report. Although the health of the Estuary has been depleted, the functional importance of the Sout River Estuary is deemed relatively high as it contributes to a very rare and limited "wetland habitat type" for estuarine and coastal birds along the dry Namaqualand Coast. Any activities that may have an adverse impact on the functionality of the Estuary is therefore not supported.
- 2.5. Additionally, it is noted that the West Coast District Municipality Coastal Management Plan (2019) has been taken into consideration, as well as the negative impacts of mining in sensitive environments.
- 2.6. As the expansion of structures will occur in coastal public property, the Draft EIA Report does not address future public access to the coast and coastal/estuarine areas. Mining in the Northern Cape have sterilised large sections of the coast and limited people's access to these coastal areas. The Draft EIA Report does not address how public access to the coastal and estuary zone will be facilitated and secured.
- 2.7. Equitable public access to coastal public property and the appropriate facilitation thereof is a priority for the Department as stipulated in the Western Cape Coastal Management Programme (2016) as well as the objectives of the Western Cape Provincial Coastal Access Strategy and Plan (Draft 2018) which are as follows:
 - Objective 1: Opportunities for public access must be provided at appropriate coastal locations in context of the environmental, financial and social opportunities and constraints; and
 - Objective 2: Public access must be maintained, managed and monitored to minimise adverse impacts on the environment and public safety, and resolve incompatible uses.
- 2.8. As such, this Directorate believes that the project proposal is not consistent with section 13 of the NEM: ICMA which aims to provide adequate access to coastal public property. This objection notwithstanding, this Directorate notes that the East Orange Feldspathic Sand ("OFS") project has already been granted an environmental authorisation with an approved EMPr to mine the deeper OFS resource to a depth of ~35m throughout the East Mine boundary.
3. Directorate: Waste Management – Mr Etienne Roux (Etienne.Roux@westerncape.gov.za; Tel: (021) 483 8378):
 - 3.1. Kindly provide clarity regarding the statement on page 7 of the Waste Classification Study dated June 2020 compiled by SRK Consulting which states that "*The TCT0 thresholds have been obtained from the South African Norms and Standards for the management of Contaminated Land Soil Screening Values (SSV1) for the protection of potable water resources.*" The values for TCT0 in Table 5-4 of the Waste Classification Study are the same as the values prescribed in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) *National Norms and Standards for the assessment*

of waste for landfill disposal published in Government Notice No. R 635 dated 23 August 2013. Please clarify what values were used to assess the thresholds?

- 3.2. This Directorate agrees with the Groundwater Specialist Study dated December 2020 compiled by SRK Consulting regarding the addition of three new boreholes and the regular monitoring thereof, along with the continuation of monitoring of all other existing boreholes within the mining area.
4. Directorate: Pollution and Chemicals Management – Mr Gunther Frantz (Gunther.Frantz@westerncape.gov.za; Tel: (021) 483 2975):
 - 4.1. This Directorate has reviewed the Groundwater Specialist Study and acknowledges the groundwater modelling scenarios for potential seepage impacts from the proposed residue storage facility and sand tailings facilities. Given the findings of the groundwater impact assessment, this Directorate has no further comment on the proposed changes to existing authorisations.
5. Directorate: Air Quality Management – Ms Gavaza Mhlarhi / Mr Peter Harmse (Gavaza.Mhlarhi@westerncape.gov.za / Peter.Harmse@westerncape.gov.za; Tel: (021) 483 6510):
 - 5.1. This Directorate previously reviewed the DSR and provided comments thereto for consideration by the applicant and EAP. After reviewing the Draft EIA Report and Draft EMPr, this Directorate notes that the applicant has addressed all previous comments raised, by including it in the EMPr. The proposed actions/measures mentioned in the Draft EMPr should be instituted and maintained in the daily operational processes.
6. The applicant is reminded of its “*duty of care*” prescribed in section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 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*”, read together with section 58 of the NEM: ICMA, 2008 which refers to one’s duty to avoid causing adverse effects on the coastal environment.
7. Please direct any enquiries 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 initial comments and request further information based on any information received.

Yours faithfully

pp **HEAD OF DEPARTMENT**

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING