



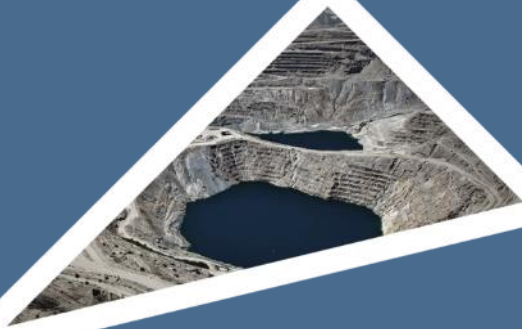
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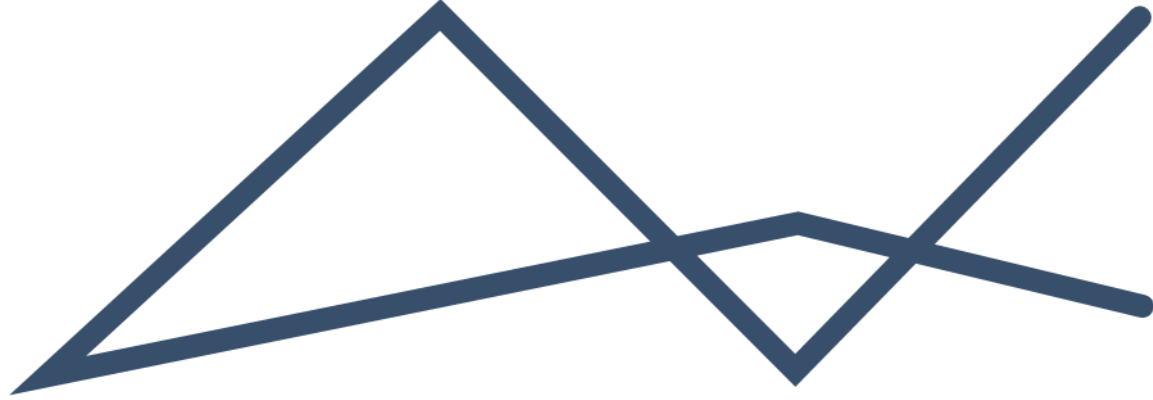
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EXTERNAL NEMA EA AUDIT REPORT 2018

MOOPLAATS COLLIERY

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EXECUTIVE SUMMARY

Mooiplaats Colliery is in the possession of three Environmental Authorisations (EAs) as described in Table 4. As per the National Environmental Management Act, Act 107 of 1998 (NEMA) Environmental Impact Assessment (EIA) Regulations, 2014, scheduled Environmental Compliance Audits are required to be undertaken. This audit represents the Annual External Audit of the Colliery's compliance with the approved NEMA EAs¹.

Regulation 34 states:

- 1) *"The holder of an environmental authorisation must, for the period during which the environmental authorisation and EMPr, and where applicable the closure plan, remain valid-*
 - (a) *Ensure that the compliance with the conditions of the environmental authorisation and the EMPr, and where applicable the closure plan, is audited; and*
 - (b) *Submit an environmental audit report to the relevant competent authority.*
- 2) *The environmental audit report contemplated in sub-regulation (1) must-*
 - (a) *be prepared by an independent person with the relevant environmental auditing expertise;*
 - (b) *provide verifiable findings, in a structured and systematic manner, on*
 - i) *The level of performance against and compliance of an organisation or project with the provisions of the requisite environmental authorisation or EMPr and, where applicable, the closure plan; and*
 - ii) *The ability of the measures contained in the EMPr, and where applicable the closure plan, to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity;*
 - (c) *Contain the information set out in Appendix 7; and*
 - (d) *Be conducted and submitted to the competent authority at intervals as indicated in the environmental authorisation."*

The scope of the audit is to assess compliance with the conditions of the NEMA EAs for the Mooiplaats Colliery. The purpose of the audit is to ensure compliance with the requirement of the EAs and the NEMA EIA Regulation 34 to undertake compliance audits. The objectives of the audit are to determine the level of performance and compliance of the project with the provisions of the EAs.

Initial documentation was obtained and reviewed in preparation for the audit. Checklists were prepared based on the requirements of the EAs. Following the initial checklist preparation and documentation review, a site visit was undertaken on 6 December 2018 to determine compliance with the EAs. Compliance with the requirements of the EAs were evaluated using the pre-determined scoring criteria as described in Section 4.2. The results of the evaluation are provided in Section 5.2 and the findings are described in Section 5.3 of this report. The helipad authorised by EA (17/2/1/18 MP – 29) is not currently being used by the mine and consequently it was requested that the audit of the EA (17/2/1/18 MP – 29) is excluded from this report. A summary of compliance with the EAs are presented in Table 1.

Table 1: Summary of compliance with the requirements of the NEMA EAs.

Description	NEMA EA (17/2/3 GS-58)	NEMA EA (17/2/4/G (GS) - 36)
Number of Conditions	30	46
N/A Conditions	13	15

¹ This audit only represents the audit of the EAs and not the associated EMPrs.



Fully Compliant Conditions	13	20
Partially Compliant Conditions	4	10
Non-Compliant Conditions	0	1
Compliance Score	88.24%	80.65
Number of Findings Raised	4	9

A summary of the findings EAs are provided in Table 2 and Table 3.

Table 2: Summary of findings of the NEMA EA (17/2/3 GS-58).

Finding Ref. #	Finding
1	The EMPr for the PCD and water management infrastructure were available, and an audit of compliance was undertaken in 2013 by Cabanga Concepts. No annual EMPr audit was undertaken since. It is recommended that auditing of this EMPr is implemented on an annual basis as per the EMPr requirement.
2	Measures were implemented to prevent and manage soil erosion in most areas. Erosion concerns were however noted within the storm water drain to the south-east of the admin buildings, to the south and north of the incline shaft and on the subsoil stockpile.
3	It was noted that soil material was historically stockpiled within the sensitive areas to the south-east of the mine. (Refer to Figure 16)
4	Certain of the water uses are not licenced as part of the Water Use Licence. These activities include the Genset Dam and the activities undertaken within and near of the watercourse and wetland.

Table 3: Summary of findings of the NEMA EA (17/2/4/G (GS) - 36).

Finding Ref. #	Finding
5	Service roads were historically constructed across wetlands and soil material was historically stockpiled as indicted within the updated Mining Right EMPr, dated February 2012. As per the EMPr, these areas should be rehabilitated. (Refer to Figure 16)
6	Erosion concerns were noted within the storm water drain to the south-east of the admin buildings, to the north and south of the incline shaft and on the subsoil stockpile. Silt wash from the stockpile could potentially reach the nearby watercourse.
7	It was reported that complaints from the public will be recorded and tracked for corrective action within the HSE Incident Register. It was however noted that no complaints were received after care and maintenance and since the re-start of mining by the new owners in 2017/2018. Complaints from employees are recorded within a hard copy complaints book/register. During the review of the register, it could not be confirmed if the internal complaints were addressed timeously.
8	An oil-water separator at the workshop area was not functional at the time of the audit.



9	It was noted that the bunded area used for the storage of lubricants and hydrocarbons were broken within the laydown area.
10	Spillages from the ROM conveyor were noted at the time of the audit.
11	No noise monitoring reports were available to confirm that the noise limits do not exceed the legal limits.
12	Certain of the water uses were not licenced as part of the Water Use Licence. These activities include the Genset Dam and the activities undertaken within and near of the watercourse/wetland.
13	Evidence of hydrocarbon spillages were noted in numerous areas on the mine.

The findings of the audit are described in detail in Section 5.3 of this report and were provided with a reference to the conditions of the relevant EAs and a photographic record, where applicable. These findings should be addressed timeously to reduce the non-compliance to the NEMA EAs and reduce the risk of pollution of natural resources from the Mooiplaats Colliery.



1 INTRODUCTION

The Mooiplaats Colliery is located approximately 18 km outside of the town of Ermelo, between the N2 and N11, and lies to the south of the Eskom Camden Power Station. The Colliery is located on various portions of the Farm Mooiplaats 290 IT and falls within the municipal boundaries of the Gert Sibande District Municipality, Mpumalanga Province (Refer to Locality Map in Appendix 1). It was reported that the Mooiplaats Colliery has been in Care and Maintenance since 30 September 2013 and that no mining activities were taking place until January 2018. Mooiplaats Colliery is in the possession of three Environmental Authorisations (EAs) as described in Table 4.

As per the National Environmental Management Act, Act 107 of 1998 (NEMA) Environmental Impact Assessment (EIA) Regulations, 2014, scheduled Environmental Compliance Audits are required to be undertaken. Regulation 34 states:

- 3) *"The holder of an environmental authorisation must, for the period during which the environmental authorisation and EMPr, and where applicable the closure plan, remain valid-*
 - (c) *Ensure that the compliance with the conditions of the environmental authorisation and the EMPr, and where applicable the closure plan, is audited; and*
 - (d) *Submit an environmental audit report to the relevant competent authority.*
- 4) *The environmental audit report contemplated in sub-regulation (1) must-*
 - (e) *be prepared by an independent person with the relevant environmental auditing expertise;*
 - (f) *provide verifiable findings, in a structured and systematic manner, on*
 - i) *The level of performance against and compliance of an organisation or project with the provisions of the requisite environmental authorisation or EMPr and, where applicable, the closure plan; and*
 - ii) *The ability of the measures contained in the EMPr, and where applicable the closure plan, to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity;*
 - (g) *Contain the information set out in Appendix 7; and*
 - (h) *Be conducted and submitted to the competent authority at intervals as indicated in the environmental authorisation."*

This audit represents the Annual External Audit of the Colliery's compliance with the approved NEMA EAs² as listed in Table 4.

² This audit only represents the audit of the EAs and not the associated EMPrs.



Table 4: Environmental Authorisations for Mooiplaats Colliery.

Reference	Date	Description	Holder	Authority	Activities Authorised
17/2/1/18 MP - 29	2009/11/27	Construction of a helicopter pad on Portion 1 of the Farm Mooiplaats IT.	Langcarel (Pty) Ltd	MDEDET (Now DARDLEA)	GNR 386, Listed Activity 1 (q) (i)
17/2/3 GS-58	2012/05/17	Construction of the Pollution Control Dam and associated water management facilities on Portions 1 & 9 of the Farm Mooiplaats 209 IT	Langcarel (Pty) Ltd	MDEDET (Now DARDLEA)	GNR 544, Listed Activity 12 and GNR 545, Listed Activity 5
17/2/4/G (GS) - 36	2013/04/29	Undertaking of mining infrastructure on portion 1 & 9 of the Farm Mooiplaats 290 IT	Langcarel (Pty) Ltd	MDEDET (Now DARDLEA)	GNR 544 Listed Activities 11 (x), 12, 11 (iii), 18; GNR 545, Listed Activity 5; GNR 546, Listed Activity 4 (ii) (cc).

1.1 DETAILS OF THE HOLDER

Details of the holder are summarised in Table 5 below.

Table 5: Details of the holder.

Company Name	Langcarel (RF) Pty. Ltd. T/A Mooiplaats Colliery
Company Registration	1975/002 667/07
Head Office Physical Address	4 Sedibeng Road Alrode South Gauteng 1415
Head Office Telephone Number	+27 10 312 5241
Postal Address	PO Box 1481 Glenvista Gauteng 2058

1.2 BRIEF PROJECT DESCRIPTION

Mooiplaats Colliery is an underground coal mine that utilises the board and pillar mining method. Access to the underground workings is obtained through a decline box cut which is situated near the northern boundary of the Mooiplaats property. The mining area lies within the Ermelo Coalfield. Three coal seams occur on the target properties and can be identified from top to bottom as A, B and C respectively. The A and C seams are poorly developed with an average width of less than 40cm and have been excluded as viable entities for the purposes of this project. Only the B Upper seam is sufficiently developed to form a viable economic entity and because of the depth of this reserve (>100m below surface). For the Mooiplaats Colliery it is anticipated that the total



mineable amount will be 22 125 274 tons. Total Life of Mine will be approximately 15 years. The Mooiplaats Colliery is situated on Portion 1 and 9 of the farm Mooiplaats 290 IT (Refer to Layout Map included in Appendix 1).

2 DETAILS OF THE AUDITOR

The audit was undertaken by Francois Barnard from EIMS. Francois' details are described in this section .

2.1 EXPERTISE OF THE AUDITOR

Francois is an environmental scientist offering environmental management, auditing, monitoring, training, rehabilitation and project management services. He is a registered Professional Natural Scientist who holds a BSc Honours degree in environmental sciences from the North-West University in Potchefstroom and is a trained environmental auditor (Aspects International, 2012). The auditing training included all aspects of environmental auditing as well as EMS auditing in terms of ISO14001. In addition, he is trained on the ISO14001:2015 environmental standard and has completed the EMS lead auditor training in terms of ISO14001:2015. He has over 10 years' experience in the environmental management and environmental and social auditing fields on numerous projects and facilities in the energy, mining, infrastructure development and conservation management sectors. He is conversant with the South African environmental legislation as well as sustainability auditing, including Equator Principles, IFC Performance Standards and World Bank EHS guidelines. Francois has a thorough understanding of the environmental and social assessment and permitting processes and is experienced in the review, compilation and implementation of environmental and social management plans, procedures and method statements in line with best practice standards and systems, as well as document tracking and record keeping. A detailed CV can be provided on request.

2.2 DECLARATION OF INDEPENDENCE

I, Francois Barnard, declare that –

- *I act as the independent environmental auditor;*
- *I will perform the work relating to the audit in an objective manner, even if this results in views and findings that are not favourable to the Client;*
- *I declare that there are no circumstances that may compromise my objectivity in performing such work;*
- *I have expertise in conducting environmental audits, including knowledge of the environmental Acts, regulations and any guidelines that have relevance to the audited operations;*
- *I will comply with the relevant Acts, regulations and all other applicable legislation;*
- *I have no, and will not engage in, conflicting interests in the audit process; and*
- *I realise that a false declaration is an offence in terms of regulation 48 and is punishable in terms of section 24F of the NEMA.*

I do not have and will not have any vested interest (either business, financial, personal or other) in the audit other than remuneration for work performed.

3 SCOPE, PURPOSE AND OBJECTIVE OF THE AUDIT

The scope of the audit is to assess compliance with the conditions of the NEMA EAs for the Mooiplaats Colliery (for details of the NEMA EA's refer to Table 4). The purpose of the audit is to ensure compliance with the requirement of the EAs and the NEMA EIA Regulation 34 to undertake compliance audits. The objectives of the audit are to determine the level of performance and compliance of the project with the provisions of the EAs.



4 AUDIT METHODOLOGY

4.1 PROCEDURE FOR THE AUDIT

Initial documentation was obtained and reviewed in preparation for the audit. Checklists were prepared based on the requirements of the EAs. Following the initial checklist preparation and documentation review, a site visit was undertaken on 6 December 2018 to determine compliance with the EAs. Compliance with the requirements of the EAs were evaluated using the pre-determined scoring criteria as described in Section 4.2. The results of the evaluation are provided in Section 5.2 and the findings are described in Section 5.3 of this report.

The report provides recommendations for improvement based on general findings and site observations. The audit was conducted on the commitments of the approved EAs only. Findings from the audit and site inspection that did not relate to a particular EA condition did not contribute to the audit score.

Various documentation and records were required during the audit to confirm compliance with the EA conditions. Where possible, documentation and records were made available electronically for review prior to the site visit. The rest of the information required for verification of compliance was provided following the site inspection.

There is wide variety of South African environmental legislation and Mooiplaats Colliery is required to comply with all relevant legislation. Whilst consideration was given to the relevant environmental legislation, a full comprehensive legal compliance audit is beyond the scope of this audit. Where reference is made to legislation or other statutory provisions in this report, the original legislation or other statutory provisions will always take precedence and the reader is directed to revert to the original legislation or statutes.

4.2 EVALUATION CRITERIA USED DURING THE AUDIT

The evaluation criteria for compliance scoring was based on a pre-determined scoring system. Each condition in the EAs was weighted equally in order to determine a compliance score. The scoring criteria used during the audit are described in .

Table 6: Compliance Rating Protocol.

Compliance Rating	Score	Description
Full-Compliance	4	Indicating that the condition was fully complied with
Partial-Compliance	2	Indicating that the condition has not been fully complied with and that additional measures are required to obtain full compliance.
Non-Compliance	0	Indicating that the condition has not been complied with.
Not Applicable	N/A	Indicating that the condition is not currently applicable. Not applicable conditions were removed from the total number of conditions from which the compliance score was calculated.
Not Verified	-	Indicating that the condition was not verified for various reasons. Non-verifiable conditions were removed from the total number of conditions from which the compliance score was calculated.

4.3 CONSULTATION PROCESS UNDERTAKEN

The findings of this assessment are based on visual inspection of the relevant mining areas, interviews, as well as documentation reviewed. No physical testing or chemical analysis was performed during the assessment and information provided by employees was verified by inspection and review only. The personnel that were interviewed and assisted with the audit include:



- Adri Joubert – Mooiplaats Environmental Manager; and
- Louis Marais – Mooiplaats Environmental Officer.

5 RESULTS OF THE ASSESSMENT

The results of the audit of the EAs have been described in Table 9 and Table 10 and are based on the evaluation criteria described in section 4.2 of this report.

5.1 COMPLIANCE SUMMARY

The summaries of compliance for the EAs are presented Sections 5.1.1 and 5.1.2 below. The helipad authorised by EA (17/2/1/18 MP – 29) is not currently being used by the mine and consequently it was requested that the audit of the EA (17/2/1/18 MP – 29) is excluded from this report.

5.1.1 NEMA EA (17/2/3 GS-58)

A total of 30 conditions were assessed, of which 13 were not applicable, 13 conditions were found to be fully compliant, 0 non-compliant and 4 partially compliant. A summary of compliance is presented in Figure 1 and the full compliance evaluation for the applicable conditions is presented in Table 7 of Section 5.2. The percentages in the figure indicate the percentage of applicable conditions that were rated as fully compliant, partially compliant and non-compliant. Based on the audit and according to the scoring criteria defined in Section 4.2, an overall compliance score of **88.24%** was obtained for EA (17/2/3 GS-58).

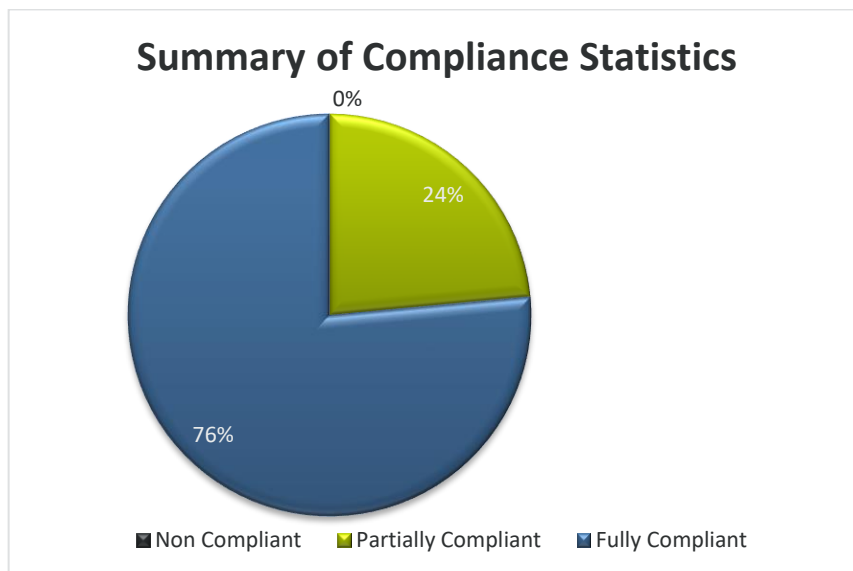


Figure 1: Summary of compliance with the EA (17/2/3 GS-58) conditions.

5.1.2 NEMA EA (17/2/4/G (GS) - 36)

A total of 46 conditions were assessed, of which 15 were not applicable, 20 conditions were found to be fully compliant, 1 non-compliant and 10 partially compliant. A summary of compliance is presented in Figure 2 and the full compliance evaluation for the applicable conditions is presented in Table 10 of Section 5.2. The percentages in the figure indicate the percentage of applicable conditions that were rated as fully compliant, partially compliant and non-compliant. Based on the audit, and according to the scoring criteria as defined in Section 4.2, an overall compliance score of **80.65%** was obtained for EA (17/2/4/G (GS) - 36).

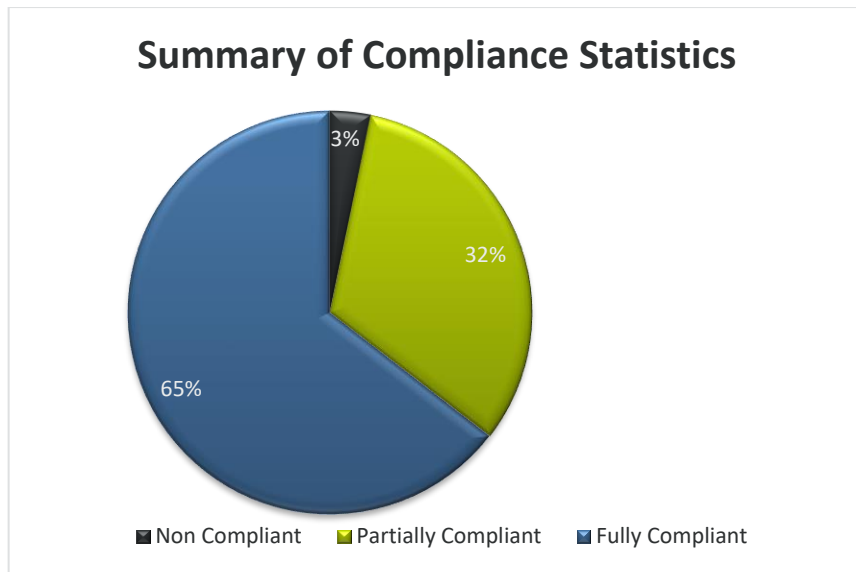


Figure 2: Summary of compliance with the EA (17/2/4/G (GS) - 36) conditions.

5.2 COMPLIANCE EVALUATION

An evaluation of compliance with the conditions of the EAs is illustrated in Table 9 and Table 10 respectively.



Table 7: Checklist of compliance to the conditions of the NEMA EA (17/2/3 GS-58).

EA Ref #	Condition	Compliance Rating	Comments/ Verification
	SCOPE OF AUTHORISATION		
3.1	Authorisations of the activity is subject to the conditions contained in this authorisations which are part of the environmental authorisations and are legally binding on the holder of the authorisation.	N/A	Noted.
3.2	The holder of the authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or a person rendering a service to the holder of the authorisation.	N/A	Noted.
3.3	The activity which is authorised may only be carried out at the property indicated above.	4	The PCD and water management infrastructure are located on Portion 1 and 9 of Mooiplaats 290IT.
3.4	Any changes to, or deviation from, the project set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be affected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisations to apply for further authorisations in terms of the regulations.	4	It could not be confirmed if any changes to the project as set out in the authorisation was applicable due to the fact that page 4 of the authorisation, that normally include the description of the activities authorised, were missing from the authorisation supplied at the time of the audit. During the review of the EMP for the PCD and associated infrastructure, dated November 2011, no material deviations form the project description was noted.
3.5	This activity must commence within a period of four (4) years of the date of issue. If commence of the activity does not occur within the period, the authorisation lapses and a new application for environmental authorisation must be in order for the activity to be undertaken.	N/A	This condition is a once-off requirement audited during the previous EA audits undertaken. It was however indicated within the 2015 External Audit Report undertaken by ENVASS that the condition was compliant. This requirement was not verified during this audit.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.6	This authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.	N/A	Noted.
	MANAGEMENT AND MONITORING OF THE ACTIVITIES		
3.9	The Environmental Management Programme (EMPr) submitted together with the Environmental Impact Assessment report is hereby approved and must be implemented and adhered to during the construction and operation of the activity.	2	The EMPr for the PCD and water management infrastructure were available, and an audit of compliance was undertaken in 2013 by Cabanga Concepts. No annual EMPr audit has been undertaken since. As the EMPr requires annual performance assessments, this condition was scored as partially compliant. It is recommended that auditing of this EMPr is implemented on an annual basis as per the EMPr requirement.
3.10	Monitoring boreholes must be established for the proposed monitoring of the water quality.	4	Borehole monitoring was established in line with the Water Use Licence requirements.
3.11	Monitoring of water quality must be undertaken upstream and downstream of the Pollution Control Facilities on a monthly basis.	4	A water quality monitoring programme has been implemented and includes surface water monitoring of the watercourses up and downstream of the mine.
3.12	The Department retain the right to monitor and/or inspect the proposed project during both construction and operations phases.	N/A	Noted.
3.13	A Groundwater monitoring plan must be developed if the groundwater shows discrepancies in terms of its quality. Such a plan must be developed with the intervention of a groundwater specialist and must be duly approved by the Department of Water Affairs prior to its implementation.	4	A groundwater monitoring plan has been implemented in line with the Water Use Licence approved by DWS.
3.14	The holder of the authorisation must submit a post-construction environment audit report to the Department within thirty days (30)	N/A	This condition is a historic, once off requirement and was not verified during this audit. The previous audit undertaken in 2017, by Enviso, rated this condition as compliant.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
	after completion of the construction activities. The audit report must be compiled by an independent auditor.		
COMMISSIONING AND OPERATION OF THE ACTIVITY			
3.12	Fourteen (14) days written notice must be given to the department that the activity will commence. Commencement for the purposes of this condition includes site preparations. The notice must include a date on which it is anticipated that the activity will commence.	N/A	This condition is an historic, once off requirement and was not verified during this audit. The previous audit undertaken in 2017, by Enviso, rated this condition as compliant.
3.15	The pollution of adjacent areas due to improper storage of construction materials as well as other hazardous substances must be prevented.	N/A	The mine is currently in the operational phase and this condition refers to the construction phase of the project.
3.16	Measures must be taken to prevent and to reduce erosion.	2	Measures were implemented to prevent and manage soil erosion in most areas. Erosion concerns were however noted within the storm water drain to the south-east of the admin buildings, to the south and north of the incline shaft and on the subsoil stockpile.
3.17	Stockpiling of any soil material must not be placed in proximity of sensitive areas such as wetlands, flood lines, drainage lines etc.	2	It was noted that soil material was historically stockpiled within the sensitive areas to the south-east of the mine. No evidence of recent stockpiling of soil material within sensitive areas was noted during the audit. It is recommended that an assessment of the area is undertaken to determine the state of these stockpiles and if they should be removed.
3.18	An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a licensed landfill site.	4	Evidence of waste separation and safe disposal was available at the time of the audit. Waste water is being re-used in the mining and beneficiation processes.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.19	Any complaints received from the public during construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all parties engaged.	N/A	It was reported that complaints from the public will be recorded and tracked for corrective action within the HSE Incident Register. It was however noted that no complaints were received after the care and maintenance and re-start of mining by the new owners in 2018.
3.20	Construction personnel must be sensitised to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during constructions, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.	N/A	The mine is currently in the operational phase and this condition refers to the construction phase of the project.
3.21	The pollution control dams must be designed in such a manner that they prevent seepage of contaminated water from entering and polluting ground water.	4	The PCDs inspected during the audit were all lined to prevent seepage.
3.22	The design of the pollution control dams (PCDs) must ensure adequate capacity to prevent overflowing.	4	The capacity of the PCDs are adequate to prevent overflow. The PCDs are interlinked with pumps and pipelines to manage the levels. It is anticipated that, if any overflow is experienced, it would be due to operational management of the PCD levels and not the capacities.
3.23	Dust depression measure must be implemented during times of high dust generation.	4	No dust concerns were noted at the time of the audit. It was reported that dust suppression is undertaken as and when required.
3.24	Water Use Licence must be obtained for all the applicable water related activities prior to commencing of the activity.	2	A Water Use Licence was obtained for most of the water uses at the mine. Certain of the water uses were however not licenced as part of the Water Use Licence. These activities include the Genset Dam and the activities undertaken within and in close proximity of the watercourse and wetland.
3.25	General waste generated during all phases of the activities must be disposed of at a permitted disposal facility.	4	Waste is managed by waste service providers and waste transfer notes were provided during the audit.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
	SITE CLOSURE AND DECOMMISSIONING		
3.26	A decommissioning and Rehabilitation Plan must be submitted to the Department for approval at least six (6) months prior to the decommissioning of the proposed project.	N/A	The mine is still in operational phase and no decommissioning activities are currently planned.
	GENERAL		
3.27	A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorisation official of the Department who requested to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property	4	An electronic copy of the NEMA Authorisation (17/2/5/GS-58) was provided by the mine representative for auditing purposes.
3.28	Where any of the applicants contact details change, including the name of the responsible person, the physical or postal addresses and/or the telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.	4	Proof of notification of the change of contact details was provided, dated 21 May 2018.
3.29	The holder of the authorisation must notify the department in writing and within 24 (twenty-four) hours if condition of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the noncompliance.	4	An internal audit report was undertaken by GSW against the requirements of the NEMA Authorisations in 2018. This audit report was submitted to the DMR, Witbank on 8 June 2018.
3.30	Non- compliance within a condition of this authorisations may result in criminal prosecution or other action provided for in the National Environmental Management Act, 1998 and the regulations.	N/A	Noted.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.31	National government, provincial government, local authorities or committees appointed in terms of the condition of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where contraction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.	N/A	Noted.



Table 8: Checklist of compliance to the conditions of the NEMA EA (17/2/4/G (GS) - 36).

EA Ref #	Condition	Compliance Rating	Comments/ Verification
	SCOPE OF AUTHORISATION		
3.1.1	Authorisation of the activity is subject to the conditions contained in this authorisation which are part of the environmental authorisation and are legally binding on the holder of the authorisation.	N/A	Noted. Statement.
3.1.2	The holder of the authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.	N/A	Noted. Statement.
3.1.3	This authorisation refers only to the activity as specified and described above. Any other activity listed under section 24 of the National Environmental Management Act (Act 107 of 1998, as amended) and which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the National Environmental Management Act and the regulations promulgated in terms of these laws.	N/A	Noted. Statement.
3.1.4	This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.	N/A	Noted. Statement.
	MANAGEMENT AND MONITORING OF THE ACTIVITY		
3.2.1	The Environmental Management Plan (EMP) submitted as part of the application for environmental authorisation is approved and must be implemented and adhered to throughout the life cycle of these activities.	4	It was reported that the revised EMPr (MP 30/5/1/2/2/68 MR), dated February 2012 was submitted for the NEMA application. Regular Performance Assessments of the EMPr are undertaken. The latest EMPr Performance Assessment was undertaken in 2018.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.2.2	The holder of the authorisation must submit a post-construction environmental audit report to the Department. The audit report must be compiled by an accredited independent auditor.	4	Ongoing NEMA EA Compliance Audits are undertaken and these reports are submitted to the Department. The 2018 Internal EA Compliance Audit was submitted to the DMR on 8 June 2018.
3.2.3	The Department retains the right to monitor and/ or inspect the proposed project during both construction and operational phases.	N/A	Noted.
3.2.4	Monitoring of boreholes for ground water quality must be done monthly and records must be kept at the offices on site.	4	Groundwater monitoring are undertaken on a monthly basis at the IWUL monitoring locations.
3.2.5	Any pollution incidents associated with the development in any nearby watercourse must be reported to DWA within 24 hours.	4	Quarterly Water Quality Reports are submitted to the DWS. These reports report on the potential pollution from the mining activities. Additionally, if an incident occurs that may cause pollution in the nearby watercourses, it is reported to the DWS as soon as it is known.
	SPECIFIC CONDITIONS		
3.3.1	The applicant must assign the development to a full time-based team of Environmental Officers/Scientists who will among others: (a) Ensure strict compliance of the development with the conditions of the Environmental Authorisation as well as measures contained in the Environmental Management Plan; (b) Discuss and advise employees on site about the environmental good practice; (c) Monitor compliance during operation of these activities; (d) Keep records of all environmental audits and must be communicated to this Department on regular bases.	4	A team of environmental specialists are assigned to monitor and ensure compliance and advise on environmental good practise. The relevant audit reports, NEMA EA and EMPr audits are submitted to the Department.
3.3.2	No service roads should be constructed across the valley bottom wetlands and floodplains.	2	Service roads were historically constructed across wetlands as indicted within the updated Mining Right EMPr, dated February 2012. As per the EMPr, these areas should be rehabilitated. No recent construction of access roads within wetlands was noted during the audit.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.3.3	Soil stockpiles must only be located in the designated area not in any of the delineated wetlands.	2	It was noted that soil material was historically stockpiled within the sensitive areas to the south-east of the mine. No evidence of recent stockpiling of soil material within sensitive areas was noted during the audit.
3.3.4	Blocking of storm water drainage system must be prevented and storm water must be managed to prevent soil erosion.	2	Measures were implemented to manage storm water and prevent soil erosion in most areas. Erosion concerns were however noted within the storm water drain to the south-east of the admin buildings, to the south and north of the incline shaft and on the subsoil stockpile.
3.3.5	Runoff and storm water must be diverted around the side of waste station body through cut-off drains or channels/a system of berms.	4	Runoff and storm water are diverted through cut-off drains and or berms.
3.3.6	All waste generated on the site must be stored, handled and disposed of in a registered landfill site or as directed by any other relevant authority. Under no circumstances shall burning of waste be allowed on site.	4	Waste is collected and disposed by waste service providers. Proof of safe disposal of waste was provided at the time of the audit.
3.3.7	Dust monitoring points must be placed at strategic areas to give genuine results.	4	Dust monitoring is being undertaken on a monthly basis. No concerns were noted with regards to the locations of the monitoring points.
3.3.8	The soil stockpiles must be shaped to reduce soil compaction and must be managed properly to avert any wash down to nearby water courses.	2	Evidence of erosion of the subsoil stockpile located to the west of the shaft was noted. Silt wash from the stockpile could potentially reach the nearby watercourse.
3.3.9	Dust suppression measure must be implemented to avoid pollution of the environment and diseases that might infect workers.	4	It was reported that dust suppression measures are implemented, and dust monitoring is undertaken on a monthly basis. No dust concerns were noted at the time of the audit as it was raining.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.3.10	Any complaints received from employees or anyone within the immediate vicinity must be attended to as soon as possible and addresses to the satisfaction of all concerned.	2	Complaints from employees are recorded within a hard copy complaint book/register. During the review of the register, it could not be confirmed if the internal complaints were addressed. Additionally, it was reported that complaints from the public will be recorded and tracked for corrective action within the HSE Incident Register. It was however noted that no complaints were received after care and maintenance and since the re-start of mining by the new owners in 2017/2018.
3.3.11	Handling and storage of any hazardous waste must comply with the relevant statutory requirements and these hazardous materials must be stored in designated, lined and bunded areas.	4	No concerns were noted with regards to the handling and storage of hazardous waste.
3.3.12	Any spilled product must be directed towards a separator pit where fuel should be removed and disposed of in a hazardous waste treatment facility.	2	An oil-water separator was present at the workshop area, but it was not functional at the time of the audit.
3.3.13	Fuel, lubricants and hydrocarbons must be stored in bunded facilities.	2	Most of the fuel, lubricants and hydrocarbons are stored in bunded areas. It was noted that the bunded area used for the storage of hydrocarbons were broken within the laydown area.
3.3.14	The conveyor must incorporate turnovers to minimize spillage during normal operation. Should spillages occur due to malfunctioning of the conveyor or any other reason, clean-up of all the spillages must be undertaken as soon as possible.	2	It was reported that spillages from the conveyors are undertaken regularly. Spillages from the ROM conveyor were however noted at the time of the audit.
3.3.15	All equipment is subjected to noise specification that will reduce the overall noise at the closest receiving environment and ensure that the noise level do not exceed the legal limits.	2	No excessive noise was noted at the time of the audit. No noise monitoring reports were however available to confirm that the noise limits do not exceed the legal limits.
3.3.16	The pollution control dams must be designed in such a manner that they prevent seepage or contaminated water from entering and polluting ground water.	4	The PCDs inspected during the audit were all lined to prevent seepage.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.3.17	The design of the pollution control dams must ensure adequate capacity to prevent overflowing.	4	The capacity of the PCDs are adequate to prevent overflow. The PCDs are interlinked with pumps and pipelines to manage the levels. It is anticipated that, if any overflow is experienced, it would be due to operational management of the PCD levels and not the capacities.
3.3.18	The construction and operation activities related to the infrastructure must comply with the relevant provision of the Occupational Health and Safety Act (Act No. 85 of 1993).	N/A	Compliance to the Occupational Health and Safety Act, of 1993 was not reviewed as part of this audit. The designated safety department ensures compliance to the relevant Health and Safety Legislation. No obvious unsafe practices was noted at the time of the audit.
3.3.19	An authorisation in terms of the National Water Act, of 1998 (Act No. 36 of 1998) obtainable from the Department of Water Affairs must be obtained for the operation of all activities that triggers a Water Use License.	2	A Water Use Licence was obtained for most of the water uses at the mine. Certain of the water uses was however not licenced as part of the Water Use Licence. These activities include the Genset Dam and the activities undertaken within and in close proximity of the watercourse/wetland.
3.3.20	Suitable fire protection systems must be accessible on site when urgently required to deal with an emergency situation. Such as fire detection and firefighting systems must be accessible to workers on site.	4	Fire fighting equipment was noted during the audit.
3.3.21	An Integrated Emergency Plan must be developed and include:	4	Emergency Response Plans (ERPs) are included within the EMPr's (MP 30/5/1/2/2/68 MR) and (17/2/3 GS-58). The ERPs materially comply with conditions 3.3.22 - 3.3.25 of the EA.
3.3.22	Proper communication system between mine personnel and other facilities on-site, adjacent neighbours and fire brigade.	4	
3.3.23	Code to identify the kind and severity of a release or spillage when communicating it through to one another.	4	
3.3.24	Actions to take in the case of various releases, spillages and occurrence of the fire.	4	



EA Ref #	Condition	Compliance Rating	Comments/ Verification
3.3.25	Responsible personnel management of different actions.	4	
3.3.26	In the event of an accidental spillage, clean-up of the spillages must be undertaken within 48 hours.	0	Evidence of hydrocarbon spillages were noted that was not cleaned in numerous areas on the mine.
3.3.27	Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during the operation, all activities must cease immediately and the South African Resources Agency (SAHRA) must be informed accordingly.	N/A	No construction activities were undertaken at the time of the audit. No material of cultural or archaeological significance were noted at the time of the audit.
3.3.28	Should any archaeological artefacts be exposed during the excavations and operation of the mining activities, the operation must be stopped immediately, and a registered Heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be removed or destroyed from the site before the relevant Heritage Resource Agency is informed about the findings.	N/A	No material of cultural or archaeological significance were noted at the time of the audit. It was reported that no archaeological artefacts were exposed during the excavations and operation of the mining activities for the reporting period.
3.3.29	The use of borrow pit must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Mineral Resources.	N/A	Noted. No burrow pits were noted to be in use at the tie of the audit.
	SITE CLOSURE		
4.1	Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.	N/A	The mine is still in operational phase and no decommissioning activities are currently planned.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
4.2	A Rehabilitation Plan must be submitted to this Department for approval at least six (6) months prior to the decommissioning of the facility.	N/A	The mine is still in operational phase and no decommissioning activities are currently planned.
GENERAL			
5.1	A copy of this authorization must be kept at the property where the activity will be undertaken. The authorization must be produced to any authorized official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.	4	An electronic copy of the NEMA Authorisation (17/2/4/G (GS)-36) was provided by the mine representative for auditing purposes.
5.2	The holder/applicant of this authorisation is responsible for compliance with the duty of care remediation as contained in Section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).	N/A	Noted. Statement.
5.3	Any changes to or deviations from the project description set out in this authorization must be approved in writing by the Department before such changes or deviations may be affected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.	N/A	No deviations from the project description in the EA was noted at the time of the audit.
5.4	Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.	4	Proof of notification of the change of contact details was provided, dated 21 May 2018.



EA Ref #	Condition	Compliance Rating	Comments/ Verification
5.5	Non-compliance with a condition of this authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.	N/A	Noted. Statement.
5.6	National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorization or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorization.	N/A	Noted. Statement.



5.3 FINDINGS OF THE AUDIT

The key findings of the audit are provided for each of the EAs in Table 9 and Table 10 below.

Table 9: Table of findings of the NEMA EA (17/2/3 GS-58).

Finding Ref. #	EA Ref #	Condition	Finding
1	3.9	The Environmental Management Programme (EMPr) submitted together with the Environmental Impact Assessment report is hereby approved and must be implemented and adhered to during the construction and operation of the activity.	The EMPr for the PCD and water management infrastructure were available, and an audit of compliance was undertaken in 2013 by Cabanga Concepts. No annual EMPr audit was undertaken since. It is recommended that auditing of this EMPr is implemented on an annual basis as per the EMPr requirement.
2	3.16	Measures must be taken to prevent and to reduce erosion.	Measures were implemented to prevent and manage soil erosion in most areas. Erosion concerns were however noted within the storm water drain to the south-east of the admin buildings, to the south and north of the incline shaft and on the subsoil stockpile. (Refer to Finding 6 for pictures.)
3	3.17	Stockpiling of any soil material must not be placed in proximity of sensitive areas such as wetlands, flood lines, drainage lines etc.	It was noted that soil material was historically stockpiled within the sensitive areas to the south-east of the mine. (Refer to Figure 16)
4	3.24	Water Use Licence must be obtained for all the applicable water related activities prior to commencing of the activity.	Certain of the water uses are not licenced as part of the Water Use Licence. These activities include the Genset Dam and the activities undertaken within and near of the watercourse and wetland.



Table 10: Table of findings of the NEMA EA (17/2/4/G (GS) - 36).

Finding Ref. #	EA Ref #	Condition	Finding
5	3.3.2	No service roads should be constructed across the valley bottom wetlands and floodplains.	Service roads were historically constructed across wetlands and soil material was historically stockpiled as indicated within the updated Mining Right EMPr, dated February 2012. As per the EMPr, these areas should be rehabilitated. (Refer to Figure 16)
	3.3.3	Soil stockpiles must only be located in the designated area not in any of the delineated wetlands.	
6	3.3.4	Blocking of storm water drainage system must be prevented and storm water must be managed to prevent soil erosion.	Erosion concerns were noted within the storm water drain to the south-east of the admin buildings, to the north and south of the incline shaft and on the subsoil stockpile. Silt wash from the stockpile could potentially reach the nearby watercourse.
	3.3.8	The soil stockpiles must be shaped to reduce soil compaction and must be managed properly to avert any wash down to nearby water courses.	

Photographic Record:



(a)



(b)



(c)

Figure 3: Erosion at the storm water drain to the east of the offices (a), north of the shaft (b) and on the subsoil stockpile (c).



Figure 4: Uncontained dirty storm water from the co-disposal facility (a), ROM conveyor, workshops and laydown area (b).

7	3.3.10	Any complaints received from employees or anyone within the immediate vicinity must be attended to as soon as possible and addresses to the satisfaction of all concerned.	It was reported that complaints from the public will be recorded and tracked for corrective action within the HSE Incident Register. It was however noted that no complaints were received after care and maintenance and since the re-start of mining by the new owners in 2017/2018. Complaints from employees are recorded within a hard copy complaints book/register. During the review of the register, it could not be confirmed if the internal complaints were addressed timeously.
8	3.3.12	Any spilled product must be directed towards a separator pit where fuel should be removed and disposed of in a hazardous waste treatment facility.	An oil-water separator at the workshop area was not functional at the time of the audit.
Photographic Record:			



Figure 5: Oil-skimmer at oil-water separator system at the workshop.

9	3.3.13	Fuel, lubricants and hydrocarbons must be stored in bunded facilities.	It was noted that the bunded area used for the storage of lubricants and hydrocarbons were broken within the laydown area.
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Photographic Record:



Figure 6: Broken bund wall at the laydown area.

10	3.3.14	The conveyor must incorporate turnovers to minimize spillage during normal operation. Should spillages occur due to malfunctioning of the conveyor or any other reason, clean-up of all the spillages must be undertaken as soon as possible.	Spillages from the ROM conveyor were noted at the time of the audit.
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Photographic Record:



Figure 7: Spills from the ROM conveyor.

11	3.3.15	All equipment is subjected to noise specification that will reduce the overall noise at the closest receiving environment and ensure that the noise level do not exceed the legal limits.	No noise monitoring reports were available to confirm that the noise limits do not exceed the legal limits.
12	3.3.19	An authorisation in terms of the National Water Act, of 1998 (Act No. 36 of 1998) obtainable from the Department of Water Affairs must be obtained for the operation of all activities that triggers a Water Use License.	Certain of the water uses were not licenced as part of the Water Use Licence. These activities include the Genset Dam and the activities undertaken within and near of the watercourse/ wetland.
13	3.3.26	In the event of an accidental spillage, clean-up of the spillages must be undertaken within 48 hours.	Evidence of hydrocarbon spillages were noted in numerous areas on the mine.

Photographic Record:



Figure 8:Hydrocarbon spillages noted during the audit.



6 PHOTOGRAPHIC RECORD



Figure 9: Dust bucket to the north-west of the mining activities.



Figure 10: Levels of the PCDs.



Figure 11: Access road within the wetland boundary to the north-east of the mining area.



Figure 12: Concrete trench around the co-disposal overflowing towards the watercourse to the south-east of the mining area.



Figure 13: Housekeeping concerns at Mooiplaats Colliery.



Figure 14: Waste storage areas.



Figure 15: Designated hazardous storage area that was lined, access controlled and signposted.



Figure 16: Access roads, stockpiles and general disturbance requiring rehabilitation within wetlands. (Courtesy of the Mining Right EMPr, prepared by Cabanga in 2012.)



7 CONCLUSION

EIMS undertook the 2018 NEMA EA Audit to assess compliance with the conditions of the Mooiplaats Colliery EAs. The results of the audit have been described in Table 7 and Table 8 and the deficiencies are listed in Table 9 and Table 10. A summary of compliance is illustrated in Table 11.

Table 11: Summary of compliance with the requirements of the NEMA EAs.

Description	NEMA EA (17/2/3 GS-58)	NEMA EA (17/2/4/G (GS) - 36)
Number of Conditions	30	46
N/A Conditions	13	15
Fully Compliant Conditions	13	20
Partially Compliant Conditions	4	10
Non-Compliant Conditions	0	1
Compliance Score	88.24%	80.65
Number of Findings Raised	4	9

Mooiplaats should be reminded of the requirements of Regulation 34 of the EIA Regulations, 2014 with regards to findings of the audit. Regulation 34 states:

- 4) *“Where the findings of the environmental audit report contemplated in sub-regulation (1) indicate-

 - a) insufficient mitigation of environmental impacts associated with the undertaking of the activity; or
 - b) insufficient levels of compliance with the environmental authorisation or EMPr and, where applicable the closure plan;
 the holder must, when submitting the environmental audit report to the competent authority in terms of sub-regulation (1), submit recommendations to amend the EMPr or closure plan in order to rectify the shortcomings identified in the environmental audit report.*
- 5) *When submitting recommendations in terms of sub-regulation (4), such recommendations must have been subjected to a public participation process, which process has been agreed to by the competent authority and was appropriate to bring the proposed amendment of the EMPr and, where applicable the closure plan, to the attention of potential and registered interested and affected parties, including organs of state which have jurisdiction in respect of any aspect of the relevant activity and the competent authority, for approval by the competent authority.*
- 6) *Within 7 days of the date of submission of an environmental audit report to the competent authority, the holder of an environmental authorisation must notify all potential and registered interested and affected parties of the submission of that report, and make such report immediately available-

 - a) to anyone on request; and
 - b) on a publicly accessible website, where the holder has such a website.”*



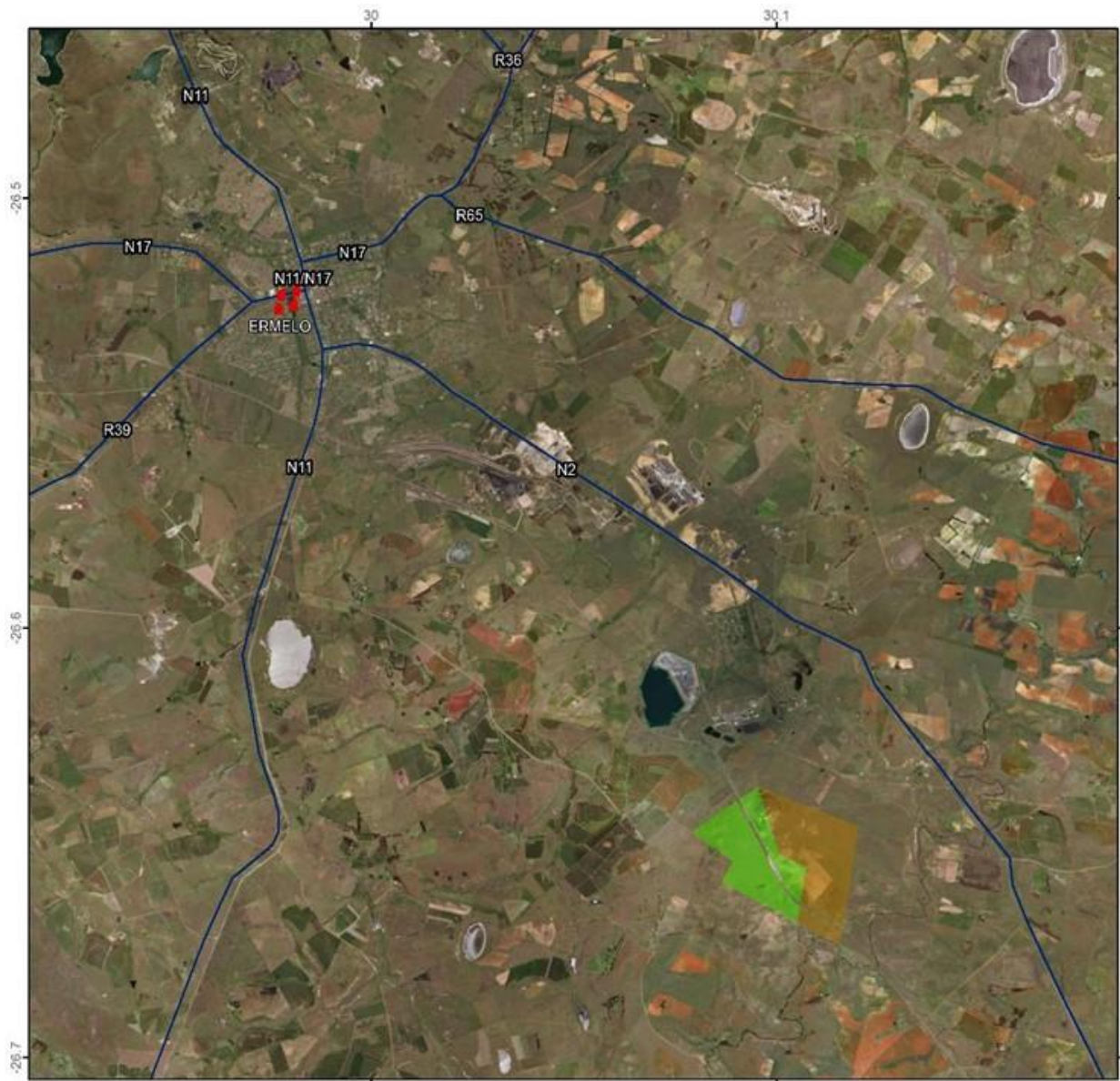
8 ASSUMPTIONS, LIMITATIONS AND GAPS IN KNOWLEDGE

The following assumptions, limitations and gaps in knowledge apply to the audit:

- The information contained in this report was sourced from information and data supplied by third parties that is assumed to be complete, valid and true.
- This report is based on information available at the time of the assessment. The information, data, observations and evidence on what this report is based is beyond the control of EIMS and may change without notice. EIMS will not be liable for any loss or damage which may arise directly or indirectly because of such changes.
- No representation or warranty, express or implied, is or will be made in relation to, and no responsibility or liability is or will be accepted by EIMS in relation to the accuracy of this report.
- Where reference is made to legislation or other statutory provisions in this report the original legislation or other statutory provisions will always take precedence and the reader is directed to revert to the original legislation or statutes.
- The helipad authorised by EA (17/2/1/18 MP – 29) is not currently being used by the mine and consequently it was requested that the audit of the EA (17/2/1/18 MP – 29) is excluded from this report.



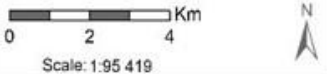
Appendix 1: Mooiplaats Colliery Locality Map



Locality Map Mooiplaats Colliery

Legend

- Towns
- Roads
- Mooiplaats 290IT
- Portion 1
- Portion 9



Coord System: GCS Hartebeesthoek 1994
Datum: Hartebeesthoek 1994
Units: Degree
Ref: Mooiplaats locality

Date: 2018/05/07
Compiled: PH
Reviewed: FB
Approved: FB





Appendix 2: Mooiplaats Colliery Layout Map



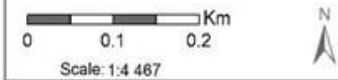
30.1



Layout Map Mooiplaats Colliery

Legend

- Mooiplaats management areas
- IWUL Authorised Properties**
- Portion 1 of Mooiplaats 290IT
- Portion 9 of Mooiplaats 290IT



Coord System: GCS Hartebeesthoek 1994
 Datum: Hartebeesthoek 1994
 Units: Degree
 Ref: Mooiplaats locality_layout

Date: 2018/05/07
 Compiled: PH
 Reviewed: FB
 Approved: FB

