

Portfolio Committee Presentation: Compliance and Enforcement Approach

Approach

- Proactive:
 - Strategic pre-active compliance
 - campaigns – followed up with enforcement actions:
 - Project Ferro
 - Paper and Pulp
 - Cement Industry
 - Iron-Ore
 - Etc
 - Planned including EIAs and Waste licences
 - Challenges: Resources

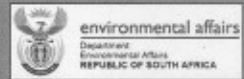
Approach (2)

- Reactive:
 - Unplanned compliance actions
 - Complaints and tip-offs
 - Vele Colliery and HCRW issues at Welcome as examples
 - Challenges:
 - Concurrent functions
 - Non-compliance by Government departments
 - Resources

Approach (3)

- Reactive:
 - Criminal investigations
 - Challenges:
 - Prosecutors
 - Resources

ENFORCEMENT ACTION VELE COLLIERY – COAL OF AFRICA

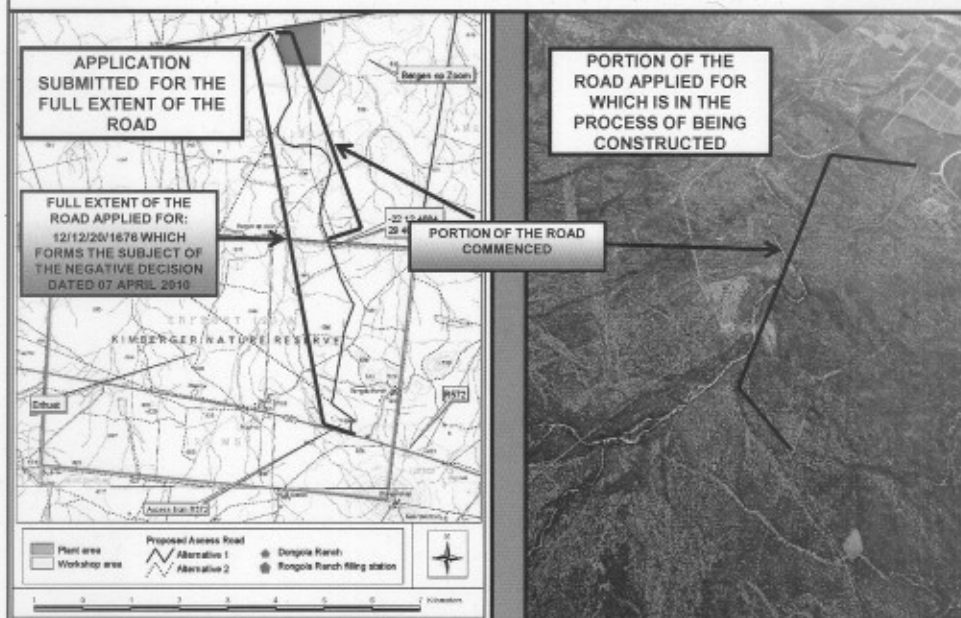


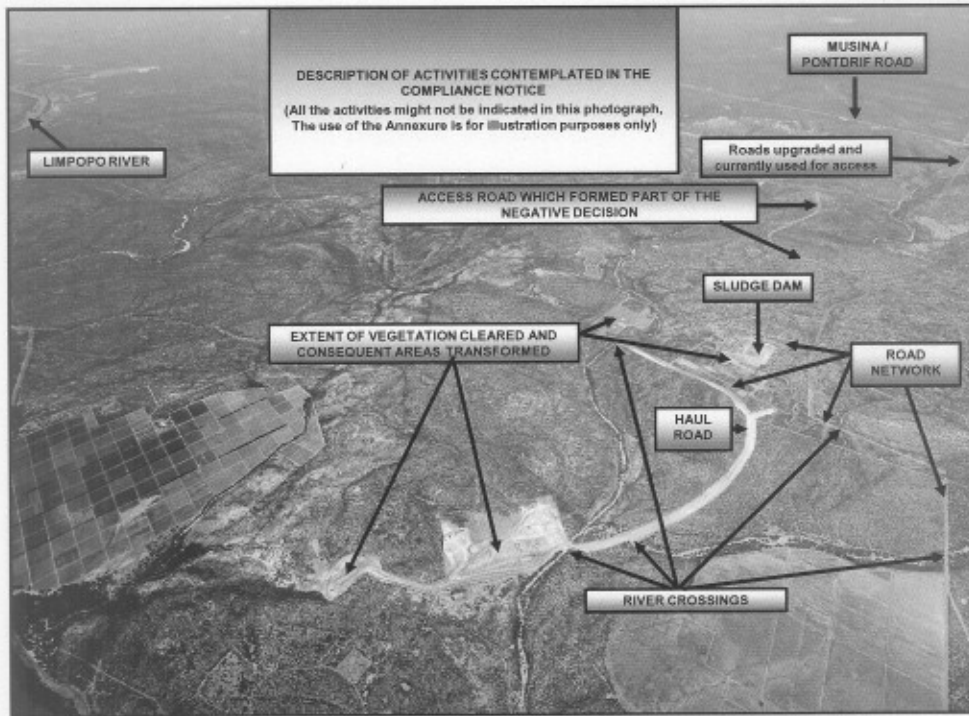
Enforcement process

- Negative decision issued by DEA on 7 April 2010 – access roads and storage of dangerous goods
- Complaint received that activities have commenced on site for which DEA denied authorisation - May 2010
- Investigation revealed additional EIA listed activities commenced with unlawfully – administrative + criminal action
- Authorisation required for EIA activities even if mining licence obtained from DMR

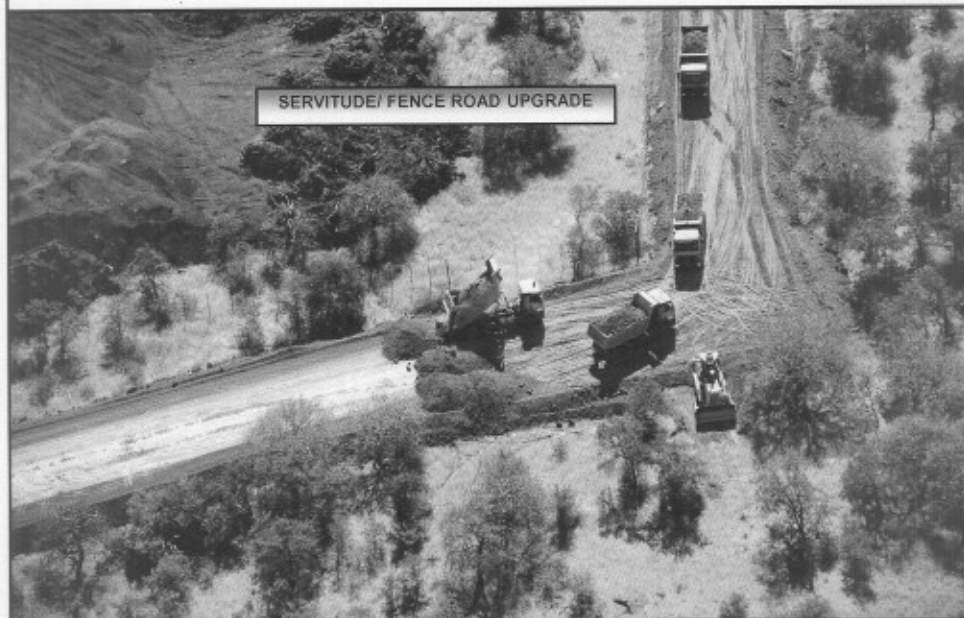


APPLICATION SUBMITTED FOR THE FULL EXTENT OF THE ROAD AND THE UNLAWFULLY COMMENCED WITH PORTION IN CONTRAVENTION OF THE DECISION DATED 07 APRIL 2010





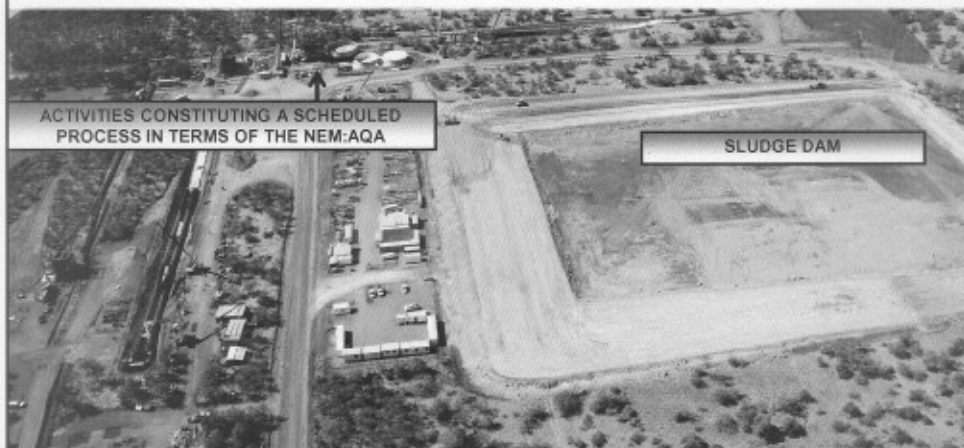
EXTENT OF ROAD UPGRADES CURRENTLY IN PROGRESS



ROADS CURRENTLY USED FOR ACCESS PURPOSES



SLUDGE DAM AND ACTIVITIES THAT MIGHT TRIGGER ADDITIONAL ENVIRONMENTAL AUTHORISATION



Enforcement actions cont...

- Three pre-compliance notices issued – meet administrative justice requirements
- Compliance notice issued – 5 August 2010
- Instructed to, among others, cease with all activities unlawfully commenced and prohibited use thereof
- Suspension application to Minister – she allowed use of roads for purposes of complying with environmental requirements of EMPR
- Objection to notice being considered by Minister



Section 24G rectification application

- CoAL submitted s24G application for some of unlawful activities on 5 September 2010
- Regular meetings with CoAL representatives to guide the process
- Additional information requested in October 2010 and CoAL advised to apply for other unlawful activities
- Draft EIR submitted to DEA in December 2010 – comments to be finalised by DEA in January 2011
- Public participation process ongoing
- Additional s24G application submitted by CoAL in January 2011

