



**MINISTER  
ENVIRONMENT, FORESTRY AND FISHERIES  
REPUBLIC OF SOUTH AFRICA**

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Ref: EDMS MCE188773

Ms Mariette Liefferink  
CEO: Federation for Sustainable Development  
Private Bag X153  
**BRYANSTON**  
2021

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Dear Ms Liefferink

**COMPLAINT IN RESPECT OF ALLEGED UNLAWFUL OR ILLEGAL CONDUCT BY DILOKONG CHROME MINE (PTY) LIMITED, DRIEKOP, LIMPOPO**

I refer to your letter dated 30 September 2019, addressed to the Minister, Director-General, and Limpopo Regional office of Mineral Resources and copied to me. Your letter provides the details of the alleged unlawful or illegal conduct by Dilokong Chrome Mine (Pty), Driekop, Limpopo ("DCM"), more specifically the sinking of a mine shaft and the establishment of a waste dump on a water course on Portion 2 of the Farm Mooihoek, 225, by DCM, which you allege took place without the requisite mining authorisation.

In terms of the legislative amendments that were effected to environmental legislation in late 2014, the "One Environmental System" provided that the Minister of Mineral Resources would be the competent authority for the issuing of Environmental Authorisations and Waste Management Licences if these activities related to prospecting, exploration, mining or operations. Besides, it was agreed that the undertaking of compliance and enforcement activities that relate to non-compliances with these authorisations would fall within the purview of the Department of Mineral Resources (DMR) to regulate.

To this end, section 31BB of the National Environmental Management Act 107 of 1998 (NEMA) provides for the designation of Environmental Mineral Resource Inspectors (EMRI) to execute these functions. The duty to respond to complaints, such as the illegal sinking of a mine shaft and the establishment of a waste dump on a water course for a mining operation, falls within the exclusive jurisdiction of EMRIs to further investigate.



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Environmental Management Inspectors (EMIs) from the Department of Environmental Affairs may only become involved in the investigation of such a contravention once the procedure set out in section 31D (4) – (9) has been followed. This section requires that a complainant who alleges that a specific compliance monitoring and enforcement function relating to prospecting, exploration, mining and production has not been implemented or has been inadequately implemented, must submit, in writing, information substantiating such allegations to the Minister of Mineral Resources. If the complainant is not satisfied with the response from the Minister of Mineral Resources, the complainant may submit, in writing, such information to me with substantiating documentation, including details of their previous engagements with the DMR. On receipt of such information, I am required to consult with the Minister of Mineral Resources on his response to the complainant; who may, in turn, agree, that EMIs may assist or support EMRIs in the execution of their compliance monitoring and enforcement functions; or direct the EMIs to undertake these functions in the place of EMRIs.

You are therefore advised to await a response from the Minister, Director-General and Limpopo Regional office of Mineral Resources to your letter of 30 September 2019; and the accompanying compliance and enforcement response from their EMRIs. If their response is not to your satisfaction, you may wish to consider initiating the procedure provided for in section 31D (4) – (9) of NEMA.

Thank you for your efforts to alert this Department to the alleged non-compliances by DCM. I trust that your correspondence will be met with a suitable response from the Department of Mineral Resources.

Yours sincerely



**MS B D CREECY, MP  
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES**

DATE: 22/11/2019