



ALLRISE

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07 October 2024

Dear Mr Moodley,

**RE: JINDAL IRON ORE (PTY) LTD – MELMOTH IRON ORE PROJECT (“MIOP”)
ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) - KZN 30/5/1/2/2/10130 MR
COMPLAINT & REQUEST FOR A MEETING**

1. I write on behalf of our clients the South Durban Community Environmental Alliance (“SDCEA”); the Nkwaleni Water User Association (“NWUA”); and the Nkwalini and Surrounds Supporting Sustainable Rural Development community organisation (“NSSSRD”) who are registered Interested and Affected Parties (“I&APs”) in the aforementioned EIA process.

2. These organisations were also registered I&APs who actively participated in Jindal's previous EIA for the application for environmental authorisation and a waste management licence (ref: DMRE KZN 30/5/1/2/2/10108MR) that the Department of Mineral Resources and Energy refused in its decision dated 29 January 2024.
3. Subsequently, Jindal submitted a new application for environmental authorisation and waste management licence. Notification of I&APs commenced in July 2024 however many I&APs, including our clients' members, and All Rise, were not provided with written notice and found out through third parties, while others were notified as late as 8 August 2024 or not at all.
4. Not only was the notification process and comment period on the draft Scoping Report highly flawed and non-compliant with Chapter 6 of the EIA Regulations, 2014, but the draft Scoping Report itself was severely deficient and failed to meet the prescribed reporting requirements of Appendix 2 of the said Regulations.
5. These public participation and reporting flaws are set out in detail under the following headings in the comments submitted on 19 August 2024:
 - 5.1. Lapsed and unlawful application for environmental authorisation and waste management licence.
 - 5.2. Inadequate public participation.
 - 5.3. Misleading, omitted and inconsistent information.
 - 5.4. Flawed draft Scoping Report and plan of study for EIA.
 - 5.5. Resubmission of issues raised previously (as the EAP had failed to incorporate any of the issues previously raised by I&APs in the Scoping Report).
6. I attach a copy of our clients' comments of 19 August 2024 attached hereto as Annexure A.
7. Although the EAP - Tshifcor Investment and Resources (Pty) Ltd ("TCIR") - did in some instances extend the deadline for comment on the draft Scoping Report to allow for a 30 day comment period, the Final Scoping Report was prepared and submitted to DMPR before these comments were due.
8. This was confirmed by the EAP by email on 27 August 2024 (Annexure B). In this same correspondence, she undertook to provide a copy of the Final Scoping Report and the Comments and Responses report by 30 August 2024. However, she has not done so and has subsequently ignored our follow-up email of 2 September 2024 (Annexure C). We have

not received any correspondence from the EAP in the five weeks since. There has also been no acknowledgement of receipt of our correspondence of 13 September 2024 (Annexure D).

9. In view of the above:

- 9.1. We hereby request that the Department refuse Jindal's current application for environmental authorisation and a waste management licence based on failure of the applicant and EAP to comply with EIA Regulations. These are not flaws that can be remedied by the Department setting certain conditions for the environmental impact reporting process that is to follow. The whole EIA process needs to be redone from scratch in order that Scoping is truly consultative and procedurally fair.
- 9.2. However, should the Department have already accepted the Scoping Report, which in our view would be highly irregular and procedurally unfair, we hereby lodge a complaint in terms of Regulation 14 for the EAP's failure to comply with Regulations 13(1) (b), (c), (d) and (f) on the basis of our clients' submissions of 19 August 2024, supplemented by this letter. We request that the Department immediately suspend the EIA process and instruct the applicant to appoint a new EAP to redo the work done to date. Further, the new process should only be permitted to commence once special measures have been taken to resolve the longstanding and growing conflict related to Jindal's proposed MIOP, which in this year alone, has claimed the lives of two community members, with assassination attempts on two others.
- 9.3. We further request a meeting with the DMPR before the end of October 2024 so that our clients can engage directly the DMPR to explain their grievances about Jindal's EIA processes to date and the danger that many community members are facing.

10. We look forward to receiving your response to our clients' complaint and a proposed meeting date as a matter of urgency given the high level of conflict as a result of the mining right application and EIA process.

11. Kindly acknowledge receipt.

Yours sincerely,

Janice Tooley

(Sent by email and therefore not signed)