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File Reference, 12/9/11/L210104065322/4/N

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www.environment.gov.za

LICENCE NUMBER

: 12/9/11/L210104065322/4/N

SECTOR

HAZARDOUS: RECYCLING OF WASTE

WASTE MANAGEMENT FACILITY

ASSMANG LIMITED

LOCATION

1 EDDIE HAGAN DRIVE IN CATO RIDGE, ETHEKWINI

METRO, KWAZULU-NATAL

LICENCE HOLDER

ASSMANG LIMITED

ADDRESS

P O BOX 21, CATO RIDGE, 3680

CONTACT PERSON

MR. WESSEL OOSTHUIZEN

CONTACT DETAILS : TELL: 031 782 5000

CELL: 082 453 6361

EMAIL: WESSELO@FERALLOYS.CO.ZA

WASTE MANAGEMENT LICENCE IN TERMS OF SECTION 49(1) (a) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

in terms of section 49(1) (a) of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) (NEM:WA) read with the Environmental Impact Assessment Regulations, 2014, (as amended), published in Government Notice No. R.982 of 04 December 2014 (the Regulations), the Chief Director: Hazardous Waste Management and Licensing, acting under delegation, hereby grants Assmang Limited a Waste Management Licence for the following waste management activities as listed in category A of the Government Notice No. 921 dated 29 November 2013:

Category A:

(13) "The expansion of a waste management activity listed in Category A or B of this Schedule which does not trigger an additional waste management activity in terms of this Schedule".

Page 1 of 19 12/9/11/L201005123128/3/N

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In this Licence, "Director" means the Director: Licensing of the National Department of Forestry, Fisheries and the Environment, who may be contacted at the address below:

Director: Licensing

Department of Forestry, Fisheries and the Environment,

Private Bag X 447

PRETORIA

0001

1. SITE DETAILS

1.1 LOCATION

- 1.1.1 This Licence authorises the Expansion of Assmang Limited hazardous waste recycling facility on 1 Eddie Hagan Drive in Cato Ridge, within the jurisdiction of the eThekwini Metropolitan Municipality, KwaZulu-Natal Gauteng Province. (Hereafter referred to as "the Site").
- 1.1.2 The location of the Site must be according to the co-ordinates indicated on the licence application form, which is defined as follows:

Number of corners	Latitude	Longitude
1	29° 42' 36.785" S	30° 36' 48.661" E
2	29° 42' 38.101" S	30° 36' 51.917" E
3	29° 42' 39.630" S	30° 36' 51.097" E
4	29° 42′ 39.334" S	30° 36' 50.363" E
5	29° 42' 41.371" S	30° 36' 49.272" E
6	29° 42' 40.351" S	30° 36' 46.750" E

- 1.2 DOCUMENTS CONSIDERED
- 1.2.1 The Final Basic Assessment Report for the expansion of a recycling of hazardous waste (baghouse and sludge) at Assmang Limited compiled by SRK Consulting (Pty) Ltd hereinafter referred to as "Report"; and
- 1.2.2 The Waste Management Licence Application Form dated 17 December 2020.

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Page 2 of 19 12/9/11/L210104065322/4/N



GENERAL LICENCE CONDITIONS

- 1.3 SITE SECURITY AND ACCESS CONTROL
- 1.3.1 The Licence Holder must ensure effective access control of the Waste Management Site to prevent unauthorised entry.
- 1.3.2 Weatherproof, durable and legible signs must be clearly displayed and easily visible at each entrance to the site.
- 1.3.3 These signs shall be drafted in the minimum of three official languages applicable in the area and must be displayed to the geographical location where the licence is utilised.
- 1.3.4 The Licence holder must prevent recycling, recovery and treatment of hazardous waste that is not authorised on Site.

2. MANAGEMENT

2.1 GENERAL MANAGEMENT

- 2.1.1 The activities shall be managed and operated:
 - a) In accordance with a documented Environmental Management Programme (EMPr), that, "inter alia", identifies and minimises the risk of pollution, including but not limited to those arising from those arising from operations, maintenance, accidents, incidents and non-conformance as well as those drawn to the attention of the Licence Holder as a result of complaints;
 - b) In accordance with conditions of this Licence and any other written instruction by the Director; and
 - c) By an adequate, competent staff complement.
- 2.1.2 Any persons having duties that are or may be affected by this Licence must have convenient access to a copy thereof, which copy must be kept at or near the place where those duties are carried out.
- 2.1.3 A copy of this Licence may be published by the Department, in its discretion, on any website or other media.

Page 3 of 19 12/9/11/L210104065322/4/N



2.2	DESIGNATION OF WASTE MANAGEMENT CONTROL	
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- 2.2.1 A Waste Management Control Officer (WMCO) must be designated in writing to monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the licence and standard operation procedures. The WMCO must:
 - (a) Report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the licensing authority.
- 2.2.2 The Licence Holder shall not be exempted from any other legal obligations in terms of the NEM:WA by virtue of the duties and responsibilities of the WMCO.

2.3 EMERGENCY PREPAREDNESS PLAN

- 2.3.1 The Licence Holder must draft, maintain and implement an emergency preparation plan that shall be reviewed annually during the conducting of audits, after emergencies as well as after any minor or major incident and or accident.
- 2.3.2 Such plan shall include measures to address:
 - a) Power failure;
 - b) Equipment malfunction;
 - c) Site fires:
 - d) Spillage (on Site); and
 - e) Natural disasters such as floods;
- 2.3.3 The plan must include contact details of the nearest police station, ambulance services and the emergency centre.

3. PERMISSIBLE WASTE

- 3.1 Any portion of the Site, which has been developed according to condition 4 below, may be used for the recycling of bag-house dust and sludge.
- The classification, acceptance and disposal criteria as listed in the Waste Classification and Management Regulations, 2013 (hereinafter referred to as "the WC&MR") must be conformed to.

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Page 4 of 19 12/9/11/L210104065322/4/N



4. FURTHER DEVELOPMENT OF THE FACILITY

- 4.1 Further development of the site must be carried out under the supervision of a registered professional civil engineer.
- 4.2 The site plan must only be changed under the supervision of a registered professional engineer.
- 4.3 The recycling area must have a firm and impermeable base to prevent contamination of underground water.
- The Licence Holder must construct and maintain on a continuous basis, drainage and containment system capable of collecting and storing all contaminated runoff water arising from the site in the event of 1:100 year rain event. The system must under the said rainfall event, maintain a freeboard of one metre.

5. GENERAL IMPACT MANAGEMENT AND OPERATION

- 5.1 IMPACT MANAGEMENT
- 5.1.1 Waste which is not permissible on Site must be dealt with according to relevant legislation or the Department's policies and practices.
- 5.1.2 The Licence Holder must prevent spillages. Where they happen nonetheless, condition 2.3.1 above shall apply and the Licence Holder must ensure the effective and safe cleaning of such spillages.
- 5.1.3 The recycling facility must not impact on a water resource or on any other person's water use, property or land and must not be detrimental to the health and safety of the public in the vicinity of the activity.
- 5.1.4 The Licence Holder must ensure that emissions from the activities shall be free from odour at levels likely to cause annoyance.
- 5.1.5 The Licence Holder must prevent the occurrence of nuisance conditions or health hazards.
- 5.1.6 The Licence Holder must ensure that all personnel who work with hazardous waste are trained

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to deal with these potential hazardous situations so as to minimise the risks involved. Records of training and verification of competence must be kept by the Licence Holder.

- 5.2 OPERATION
- 5.2.1 The Licence Holder must ensure that the facility operates within its design parameters at all times.
- 5.2.2 The Licence Holder must ensure that the recycling of hazardous waste takes place within its design parameters at all times.
- 5.2.3 The Licence Holder must ensure that the recycling areas have bunded walls with adequate capacity to contain the maximum volume that is recycled in the area.
- 5.2.4 The Licence Holder must ensure that the waste that is generated during the processes undertaken onsite and cannot be managed onsite must be sent to waste management facilities authorised to accept and handle such waste.
- 5.2.5 Wastewater resulting from the cleaning of floors and storm water from the site must only be discharged into a natural environment after testing that it conforms to the general/special standards, as published by the Department of Water Affairs in Government Notice 991 of 18 May 1984 or its successor.
- 5.2.6 The Licence Holder must take all reasonable steps to ensure that the integrity of the waterproof base and infrastructure are routinely monitored and corrective action must be taken before containment integrity is breached.

6. INVESTIGATIONS

- 6.1 If, in the opinion of the Director, environmental pollution, nuisances or health risks may be occurring or are occurring on the Site, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.
- 6.2 Should the investigation carried out as per conditions 6.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit mitigation measures to the satisfaction of the Director.

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Page-8701 19 12/9/11/L210104065322/4/N



7. RECORDS

- 7.1 The Licence Holder must keep records and update all the information referred to in Annexure II and submit this information to the Director on an annual basis.
- 7.2 All records required or resulting from activities required by this Licence must:
 - (a) Be legible;
 - (b) Be compiled as soon as reasonably practicable and should form part of the external audit report;
 - (c) If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable; and
 - (d) Be retained in accordance with documented procedures.
- 7.3 Records demonstrating compliance with this Licence must be maintained for 5 years.

8. REPORTING

- The Licence Holder must, within 24 hours, notify the Director of the occurrence or detection of any incident on the Site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 8.2 The Licence Holder must, within 14 days, or a shorter period of time, if specified by the Director, from the occurrence or detection of any incident referred to in condition 8.1, submit an action plan, which must include a detailed time schedule, and resource allocation, signed off by top management, to the satisfaction of the Director and/or the Director: CM of measures taken to:
 - a) Correct the impact resulting from the incident;
 - b) Prevent the incident from causing any further impact; and
 - c) Prevent a recurrence of a similar incident.
- 8.3 In the event that measures have not been implemented within 21 days of the incident to address impacts caused by the incident referred to in condition 8.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- The Licence Holder must keep an incident and complaints register, which must be attached to the external audit report, as well as the Department for audit purposes.

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- 8.5 The Department must be notified without delay in the case of the following:
 - Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - b) The breach of this Licence; and
 - c) Any significant adverse environmental and health effects.
- 8.6 The Department must be notified within 14 days of the following changes:
 - a) Licence Holder's trading name, registered name or registered office address;
 - b) Particulars of the licence Holder's ultimate holding company (including details of an ultimate holding where a licence holder has become a subsidiary; and
 - c) Steps taken with a view to the Licence Holder, or any one of them, going into bankruptcy, entering into arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
- 8.7 The Audit report must be finalised within 60 days of the finalisation of the external audit. Each external audit report referred to in condition 9.2.1 below and must be submitted on the South African Waste Information System (SAWIS) within 30 days from the date on which the external auditor finalised the audit.
- The Licence Holder must register with the South African Waste Information System and report as per the requirement of the Waste Information Regulations which can be accessed on www.sawis.gov.za.

9. AUDITING

- 9.1 INTERNAL AUDITS
- 9.1.1 Internal audits must be conducted bi-annually by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in condition 9.2.1.
- 9.2 EXTERNAL AUDITS
- 9.2.1 The Licence Holder must appoint an independent external auditor to audit the site annually and the auditor must compile an audit report documenting the findings of the audit, which must be submitted by the licence holder according to condition 8.7 above.

Page 8 of 19 12/9/11/L210104065322/4/N



- 9.2.2 The audit report must:
 - a) Specifically state whether conditions of this licence are adhered to;
 - b) Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
 - c) Specify target dates for the implementation of the recommendations by the Licence Holder to achieve compliance;
 - d) Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by the Licence Holder and whether corrective action taken for the previous audit non conformities was adequate; and
 - e) Show monitoring results graphically and conduct trend analysis.
- 9.3. DEPARTMENTAL AUDITS AND INSPECTIONS
- 9.3.1 The Department reserves the right to audit and/or inspect the Site without prior notification at any time and at such frequency as may be determined by the Director.
- 9.3.2 The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information he/she may require.

10. LEASING AND ALIENATION OF THE SITE

- 10.1 Should the Licence Holder want to alienate or lease the Site, he/she must notify the Director in writing of such an intention at least 120 days prior to the said transaction for approval.
- 10.2 Should the approval be granted, the subsequent Licence Holder shall remain liable for compliance with all licence conditions.
- 11. TRANSFER OF WASTE MANAGEMENT LICENCE
- 11.1 Should the Licence Holder want to transfer the Licence, he/she must apply in terms of Section 52 of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- 11.2 Any subsequent Licence Holder shall be bound by conditions of the Licence.



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12.	GENERAL
12.1	The expansion of the licensed activity may not commence within twenty (20) days of the date of signature of this Licence.
12.2	Should the Licence Holder be notified by the Minister in writing of a suspension of the Licence pending any appeals decision, the licence holder may not commence with the activities licensed by the Minister.
12.3	After the appeal period has expired and no good cause to extend the appeal period has been submitted, the activity may commence provided a notice has been submitted to the Department. The notice must include a date on which it is anticipated that the activity will commence.
12.4	The activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the Licence lapses and a new application for a Licence must be made in order for the activity to be undertaken.
12.5	If the Licence Holder anticipates that commencement of the activity would not occur within two (2) year period, he/she <u>must</u> apply and <u>show good cause</u> for an extension of the licence six (6) months prior to its expiry date.
12.6	This Licence shall not be transferable unless such transfer is subject to condition 11.1.
12.7	Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
12.8	Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the National Environmental Management: Waste Act, 2008.
12.9	This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of National and Provincial Legislation and any relevant Ordinance, Regulation, By-

In terms of section 28 and 30 of the NEMA and section 19 and 20 of the National Water

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12.10

law or relevant National Norms and Standards.



No.36 of 1998, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about the environmental risks of their work and training them to operate in an environmentally acceptable manner.

12.11 This Licence is valid for a period of ten (10) years and shall be reviewed every five (05) years from the date of issue. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence could be amended or withdrawn or the validity thereof extended.

13 APPEAL OF LICENCE

- 13.1 The licence holder must notify every registered interested and affected party, in writing and within twelve (12) days, of receiving the Department's decision.
- 13.2 The notification referred to in 13.1, must –
- 13.2.1 Specify the date on which the Licence was issued;
- 13.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 2 of GN No. R 993 of 04 December 2014 in terms of National Environmental Management Act, 1998, as amended (see Annexure 1);
- 13.2.3 Advise the interested and affected party that a copy of a Licence will be furnished on request; and
- 13.2.4 An appeal against the decision must be lodged in terms of chapter 2 of GN No. R 993 of 04 December 2014 in terms of NEMA 1998, as amended, from the date of this license, with: The Minister, Department of Environmental Affairs, Private Bag X 447, PRETORIA, 0001, Tel No. 012 399 9356, Email: AppealsDirectorate@environment.gov.za

MS MISHELLE GOVENDER

1009

CHIEF DIRECTOR: HAZARDOUS WASTE MANAGEMENT AND LICENSING

DATE: 09/06/2011

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ANNEXURE I

APPEALS PROCEDURE IN TERMS OF THE NATIONAL APPEAL REGULATIONS GN 993 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT LICENCE

1. LODGING OF AN APPEAL

- 1.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, and a copy to the applicant, and registered interested and affected parties within twenty (20) days from:
 - The date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - The date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licencing authority, in the case of decisions other than those referred to above.
- 1.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as "Appendix A" and accompanied by:
 - A completed Appeal and Response Form setting out the grounds of the appeal,
 - Supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made, and

Page 12 of 19 12/9/11/L210104065322/4/N



Appendix A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road, Environment House, Arcadia, Pretoria, 0002

Appeliant's contact	t information:
Name:	
Address:	
Phone:	
Cell:	
Email:	



					-
Projec	t information:				
Project	name:				
Authori	isation register nu	ımber as on enviro	onmental authorisation:		
Authori	isation date as or	n environmental au	uthorisation:	-	
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•		proval are contain		r of authorisation or rejection. The authorisation document, attached to	
•		st be accompanied true by a commiss		ng documents or copies of these the	at
•	formulate your	objections or cond	cerns as averments and	ey rest must be set out. You shou not as questions about the project not contribute to the merits of you	xt.
•	To assist in this may be used if		wing questions are listed	d as a guideline only – more spac	æ
1.	Are you lodging	this appeal as an	individual or on behalf o	f a community/organisation?	
	Individual	Community/ organisation		•	
	If on behalf of a	community or org	anisation, please provide	e proof of mandate to do so.	
					5
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Yes	No
	ovide reasons:
	peal based on factors associated with environmental impacts not taken into accartment in refusing or authorising the application?
Yes	No
Please pr	ovide reasons:
	agree to the activity proceeding if your concerns can be addressed by rectifying mitigating or eliminating the impacts of the activity?
	agree to the activity proceeding if your concerns can be addressed by rectifyir

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Page 15 of 19 12/9/11/L210104065322/4/N



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Are you	fundamentally opposed to any development activity on the site?	
Yes	No	
	rovide reasons:	
Do you h	ave an objection in principle against the development?	
Yes	No	
Please p	rovide reasons:	
	ur appeal contain any new information that was not submitted to nt or department prior to the department's consideration of the app	
1		

If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.



8. **DECLARATION:** I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience. **APPELLANT** DATE: I, the undersigned, declare that the information stated above is to my knowledge a true reflection of the status at Assmang Limited recycling facility. Signature: Name: Capacity: Place: Date:

Assmang Manganese Cato Ridge: Expansion of Hazardous Waste Recycling Facility.



ANNEXURE II

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS

AME OF SITE:	DATE OF	REPORT: (v/m/d)	
CENCE REF NO:		(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Registered owner(s) of pro	perty on which waste m	anagement facility is situated:	
Name	<u>-</u>	Telephone	
Postal Address		Fax	
		Postal Code	
Identity number Educational Qualifications Other Relevant competencies:		Tel. After hours	
	and approximate quant	tities of waste recycled, recov	ered and
Type of waste (Specify)	Quantity (Tons)	Source	V III



4.	ndicate the type of waste and approximate quantities of waste recycled, recovered and
	reated during the year:

Type of waste	Quantity (Tons)	Recycled.	
	-		
	-		
TOTAL			
IUIAL			

I, the undersigned, declare that the information stated above is to my knowledge a true reflection of the status at Assmang Limited recycling facility.

Signature:		_
Name:		
Capacity:		
Place:	<u>s</u> 5	
Date		