



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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File Reference: 12/9/11/L190524153649/4

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LICENCE NUMBER : 12/9/11/L190524153649/4
SECTOR : WASTE FACILITY DECOMMISSIONING
WASTE MANAGEMENT FACILITY : ASSMANG MANGANESE CATO RIDGE WORKS
DECOMMISSIONING
LOCATION : EDDIE HAGAN DRIVE, CATO RIDGE
(REMAINDER 139 ON THE FARMS UITKOMST AND
DOORNRUG NO 852 WITHIN THE ETHEKWINI
METROPOLITAN MUNICIPALITY, KWAZULU- NATAL
PROVINCE)
LICENCE HOLDER : ASSMANG MANGANESE (PTY) LTD – CATO RIDGE
WORKS
ADDRESS : P.O BOX 21, CATO RIDGE, 3680
CONTACT PERSON : MR WESSEL OOSTHUIZEN
CONTACT DETAILS : TEL: 031 782 5001 / 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 the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) read with the Environmental Impact Assessment Regulations 2014, published in Government Notice No. 982 of 04 December 2014 (the Regulations), the Chief Director: Hazardous Waste Management and Licensing, acting under



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delegation, hereby grants Assmang Manganese (Pty) Ltd a Waste Management Licence for the following waste management activities as listed in Category A of Government Notice No 921 dated 29 November 2013:

(14) *"The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule."*

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

Director: Licensing
Department of Forestry, Fisheries and the Environment
Private Bag X447
PRETORIA
0001

In this Licence, "Director: CM" means the Director: Compliance Monitoring of the National Department of Forestry, Fisheries and the Environment (DFFE) who may be contacted at the address below:

Director: Compliance Monitoring
Department of Forestry, Fisheries and the Environment
Private Bag X447
PRETORIA
0001

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the National Department of Water and Sanitation (DWS) who may be contacted at the address below:

Director: Resource Protection and Waste
Department of Water and Sanitation
Private Bag X313
PRETORIA
0001



Assmang Cato Ridge Candy Filter Plant and Slimes Dam Decommissioning

1. SITE DETAILS

1.1 LOCATION

1.1.1 This Licence authorises the decommissioning of a candy filter plant and slimes dam at the Assmang Manganese Cato Ridge works on Eddie Hagan Drive, Cato Ridge, (remainder 139 on the farms Uitkomst and Doornrug No. 852) within the jurisdiction of eThekweni Metropolitan Municipality, KwaZulu Natal 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:

Slimes Dam

NUMBER OF CORNERS	LATITUDE	LONGITUDE
1.	29° 43' 19.53"S	30° 36' 36.81"E
2.	29° 43' 17.05"S	30° 36' 36.54"E
3.	29° 43' 18.00"S	30° 36' 39.37"E
4.	29° 43' 22.25"S	30° 36' 37.31"E
5.	29° 43' 21.15"S	30° 36' 34.13"E

Candy Filter Plant

NUMBER OF CORNERS	LATITUDE	LONGITUDE
1.	29° 43' 10.06"S	30° 36' 29.60"E
2.	29° 43' 09.18"S	30° 36' 29.56"E
3.	29° 43' 09.40"S	30° 36' 30.56"E
4.	29° 43' 10.91"S	30° 36' 29.72"E
5.	29° 43' 10.68"S	30° 36' 28.85"E



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1.2 DOCUMENTS CONSIDERED

- 1.2.1 The Waste Management Licence Application Form dated 21 May 2019;
- 1.2.2 The final Basic Assessment Report (BAR) for the Assmang Cato Ridge Works Candy filter plant and slimes dam decommissioning on the remainder 139 on the farms Uitkomst and Doornrug No. 852 within the jurisdiction of eThekweni Metropolitan Municipality, KwaZulu - Natal Province compiled by WSP Environmental and dated August 2019 and hereinafter referred to as the "Report; and
- 1.2.3 The Record of Decision (RoD) from the Department of Water and Sanitation dated 05 March 2021.

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 in at least three official languages applicable in the area must be displayed at each entrance to the site.
- 1.3.3 The signs must indicate the risks involved in entering the Site, include the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Site.

2 MANAGEMENT

2.1 GENERAL MANAGEMENT

- 2.1.1 The activities shall be managed and operated:
 - a) In accordance with an approved Environmental Management Programme report (EMPr), that, *inter*



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alia, identifies and minimises the risk of pollution, including 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 the site operational and maintenance plan;
- c) In accordance with conditions of this Licence and any other written instruction by the Director; and
- d) 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.

2.2 DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER

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 Licence Holder must keep proof of designation of the WMCO.

2.2.2 The WMCO must report any non-compliance with any Licence conditions or provisions of NEM: WA to the licensing authority.

2.2.3 The duties and responsibility of the WMCO should not be seen as exempting the Licence Holder from any other legal obligations in terms of the NEM: WA.

2.3 EMERGENCY PREPAREDNESS PLAN

2.3.1 The Licence Holder must maintain and implement an emergency preparedness plan and review it annually when conducting an audit and after each emergency incident and major accident. The



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plan must, amongst others, include measures to address:

- a) Power failure;
- b) operational malfunction;
- c) Site fires;
- d) Spillage (on Site); and
- e) Natural disasters such as floods

2.3.2 The plan must include contact details of the nearest police station, ambulance services and the emergency centre as well as the contact details of the on-site emergency response person/s.

3. DECOMMISSIONING OF THE SITE

3.1 The closure must be carried out as specified in the Engineering Design Drawings: FA-1780-80404 – Work within existing slimes dam – layout and details, FA-1641-801-C-Layout and concrete protection layer details, FA 276 - Effluent & Water Reticulation Scheme, Final basic assessment report: Assmang Cato Ridge Works – Candy Filter Plant and Slimes Dam decommissioning signed by Nigel Seed (EAP) dated August 2019.

3.2 The closure plan must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa, 2000 (Act 46 of 2000).

3.3 The Site, or any portion thereof must be covered and maintained in such a way that:

3.3.1 The formation of pools, and or damming due to rain is prevented;

3.3.2 Free surface runoff of rain-water is ensured;

3.3.3 Contamination of storm water is prevented; and

3.3.4 Minimal or no erosion occurs.

3.4 Disposal of additional waste on the existing H: H site will only be allowed if the Licence Holder can demonstrate prior to additional use that the facility's performance complies to a Class A barrier system.



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- 3.5 The Licence Holder must keep records of waste type and volume disposed of by date and receiving facility. The records must be made available to the Director annually or upon request.
- 3.6 The Director must be given an opportunity to recover the geomembrane samples from the slimes facility during decommissioning.
- 3.7 The Director must not be held responsible for any damages or losses suffered by the applicant or its successor in title in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this WML or any other subsequent document emanating from these conditions of acceptance.

4. MONITORING

4.1 Water monitoring

- 4.1.1 The Licence Holder must develop and implement a groundwater quantity and quality monitoring programme. The monitoring programme must include both the newly drilled and historic boreholes up gradient and down gradient on the site.
- 4.1.2 The ground water monitoring should be conducted on a quarterly basis in order to quantify impacts on the groundwater resources.
- 4.1.3 In the case of pollution at any stage, the cause of the pollution must be determined and remediation measures should be implemented to reduce the potential for any migration of any contaminants from the site.
- 4.1.4 In the event that groundwater and downstream users are affected by unacceptable water quality as a result of a contamination plume emanating from the site activities, the Licence Holder must compensate the users with potable water.
- 4.1.5 All monitoring boreholes must be locked or secured so as to prevent pollution or any other interference.



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to ensure that the integrity of water sampling is maintained.

4.2 Detection monitoring

4.2.1 Monitoring for groundwater and surface water quality must be conducted for variables listed in Annexure II on a quarterly basis or such a frequency as may be determined by the Director.

4.3 Investigative monitoring

4.3.1 If, in the opinion of the Director, a water quality variable listed under the detection monitoring programme, as referred to above shows an increasing trend, the Licence Holder must initiate a monthly programme until such time that the variable is within acceptable limits.

4.4 Post closure monitoring

4.4.1 Groundwater monitoring must continue after closure of the site and must be maintained for a period of 30 years, or for such a period and/or frequency as may be determined by the Director for variables listed in annexure II quarterly.

4.4.2 The groundwater monitoring must be continued post closure of the site until the water quality is within acceptable standards and the Director approves that the monitoring can cease.

5. METHODS OF ANALYSIS

5.1 The Licence Holder must carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008), to analyse the samples taken under the monitoring programme specified in condition 4.

5.2 The Licence Holder must only use another method of analysis if written proof that the method is at least equivalent to the SABS method and is confirmed by the Director.

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6 INVESTIGATIONS

- 6.1 If, in the opinion of the Director, pollution, nuisances or health risks may be or is 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 condition 6.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit and implement mitigation measures to the satisfaction of the Director.

7 RECORDING

- 7.1 All records required or resulting from activities required by this Licence must:
- (a) Be legible;
 - (b) Be made 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.
- 7.2 Records demonstrating compliance with condition 7.1 must be maintained for five years.

8 REPORTING

- 8.1 The Licence Holder must, within 24 hours, notify the Director and Director: CM 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



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satisfaction of the Director 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.

8.4 The Licence Holder must keep an incident report and complaints register, which must be made available to the external auditor as well as the Department for the purpose of audit.

8.5 The Department must be notified without delay in the case of the following:

- a) Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- b) Non-compliance with the conditions 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 composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

8.7 The Licence Holder must register with the South Africa Waste Information System (SAWIS) and report quantities of waste managed as per the Waste Information System.

8.8 Each external audit report referred to in condition 9.2 below must be submitted to the Director within



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30 days from the date on which the external auditor finalised the audit report.

- 8.9 The information required in terms of condition 4 must be reported to the Department in a yearly report. The information must be included into a trend report, which must contain a graphical presentation of all monitoring results obtained previously, as well as an interpretation and discussion of the results of each monitoring occasion.
- 8.10 The Licence Holder must submit a written report to the Department regarding any deviations from plans described in this waste management licence and must obtain written permission from the Department before such deviations may be implemented.

9 AUDITING

9.1 INTERNAL AUDITS

- 9.1.1 Internal audits must be conducted biannually 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 below.

9.2 EXTERNAL AUDITS

- 9.2.1 The Licence Holder must appoint an independent external auditor to audit the facility 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 9.2.3 below.
- 9.2.2 The audit report must:
- Specifically state whether conditions of this licence are adhered to;
 - Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
 - Specify target dates for the implementation of the recommendations by the Licence Holder to achieve compliance;
 - Contain recommendations regarding non-compliance or potential non-compliance and must specify



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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.

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 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.

12. GENERAL

12.1 The decommissioning may not commence within twenty (20) days of the date of signature of this Licence.



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- 12.2 Should the Licence Holder be notified by the Minister in writing of a suspension of the Licence pending any appeals decision, you 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 Director. The notice must include a date on which it is anticipated that the activity will commence.
- 12.4 If the Licence Holder anticipates that commencement of the activity would not occur within two (2) year period, he/she must apply and show good cause for an extension of the licence six (6) months prior to its expiry date.
- 12.5 This Licence shall not be transferable unless such transfer is subject to condition 11.1 above.
- 12.6 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-law or relevant National Norms and Standards.
- 12.7 Transgression of any condition of this Licence could result in the Licence being withdrawn, revoked and suspended 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 In terms of section 28 and 30 of the NEMA and section 19 and 20 of the National Water Act 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.
- 12.10 This Licence is valid for a period of five (5) years. Should the decommissioning process not be



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completed within this timeframe, the licence holder may apply for an extension of the licence, and show good cause why the licence should be extended. The department may, based on the motivation provided in this regard, extend the validity period of this waste management licence.

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 08 December 2014 in terms of National Environmental Management Act, 1998, as amended (see Annexure I);

13.2.3 Advise interested and affected parties that a copy of this 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 08 December 2014 in terms of NEMA 1998, as amended, from the date of this licence, with: The Minister: Department of Forestry, Fisheries and the Environment, Private Bag X 447, PRETORIA, 0001

Tel No. 012 399 9356, Email: appealsdirector@environment.gov.za

MS MISHELLE GOVENDER
CHIEF DIRECTOR: HAZARDOUS WASTE MANAGEMENT AND LICENSING

DATE: 16/07/2021



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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



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Appendix A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Telephone: 012 399 9626 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

Appelants contact information :

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

Authorisation date as on environmental authorisation:



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IMPORTANT! Please note:

- The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.
- The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.
- The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.
- To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
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If on behalf of a community or organisation, please provide proof of mandate to do so.

2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
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Please provide reasons:

3. Is your appeal based on factors associated with environmental impacts not taken into account by the



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department in refusing or authorising the application?

Yes	No
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Please provide reasons:

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	No
-----	----

Please provide reasons:

5. Are you fundamentally opposed to any development activity on the site?

Yes	No
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Please provide reasons:

6. Do you have an objection in principle against the development?

Yes	No
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Please provide reasons:



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7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

Yes	No
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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:



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ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at quarterly intervals for:

Alkalinity (P. Alk)

Ammonia (NH₃-N)

Chemicals Oxygen Demand (COD)

Chlorides

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)