

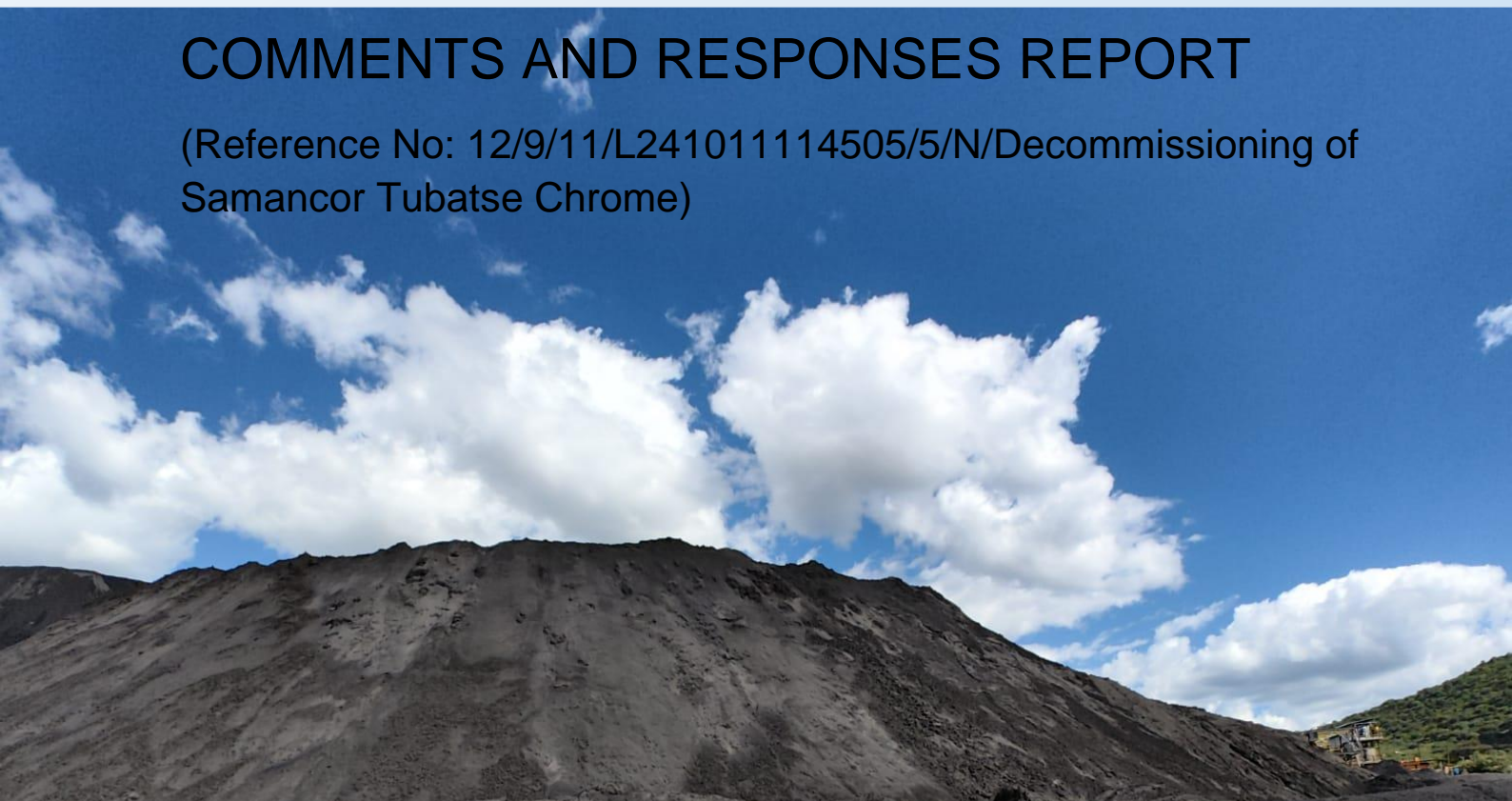


Tubatse Chrome (Pty) Ltd

APPLICATION FOR WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF HISTORICAL SLURRY PONDS (AREA 5)

COMMENTS AND RESPONSES REPORT

(Reference No: 12/9/11/L241011114505/5/N/Decommissioning of Samancor Tubatse Chrome)





Tubatse Chrome (Pty) Ltd

**APPLICATION FOR WASTE MANAGEMENT
LICENCE FOR THE DECOMMISSIONING OF
HISTORICAL SLURRY PONDS (AREA 5)
COMMENTS AND RESPONSES REPORT**

TYPE OF DOCUMENT (VERSION) CONFIDENTIAL

PROJECT NO. 41106247

**OUR REF. NO. 12/9/11/L241011114505/5/N/DECOMMISSIONING OF SAMANCOR
TUBATSE CHROME**

DATE: OCTOBER 2024



Tubatse Chrome (Pty) Ltd

**APPLICATION FOR WASTE MANAGEMENT
LICENCE FOR THE DECOMMISSIONING OF
HISTORICAL SLURRY PONDS (AREA 5)**
COMMENTS AND RESPONSES REPORT

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QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks	Comments & Responses Report	Comments & Responses Report		
Date	July 2024	October 2024		
Prepared by	Jashmika Maharaj	Jashmika Maharaj		
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Authorised by	Olivia Allen	Olivia Allen		
Signature				
Project number	41106247	41106247		
Report number	01			
File reference	corp.pbwan.net\za\Central_Data\Projects\41100xxx\41106247 - Area 5 Decommissioning WM\41 PA\01-Reports\02- Final BA\01 BA			

CONTENTS

1. COMMENTS AND RESPONSES 1

TABLES

Table 1-1 - Comments Received	2
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APPENDICES

APPENDIX A

ORIGINAL COMMENTS

1. COMMENTS AND RESPONSES

A Public Participation Process (PPP) was previously undertaken for the Draft Basic Assessment Report between 14 August and 12 September 2023 (30-day public review and commenting period for the project). All concerns, comments, viewpoints and questions (collectively referred to as 'issues') received during the comment period have been documented and responded to adequately in the Comments and Response Report ("CRR"). All comments received from stakeholders on the draft Basic Assessment Report (dBAR) have been captured and responded to within **Table 1-1**. The original comments are included in **Appendix A** of this CRR.

Table 1-1 - Comments Received

Date of Comment, Format of Comment, Name of Organisation/I&AP	Comments	Response	Report Reference
Department of Forestry, Fisheries, and the Environment (DFFE): Biodiversity Conservation			
<p>12 September 2023</p> <p>Letter (via Email)</p> <p>Seoka Lekota</p> <p>DFFE Directorate: Biodiversity Conservation</p>	<p>The Directorate: Biodiversity Conservation has reviewed and evaluated the report.</p> <p>It was noted during the review that a Waste Management Licence for the decommissioning of Area 5 was issued to Tubatse in 2017 (Ref. No. 12/9/11/L60588/5). However, the licence validity lapsed as there were delays in the construction of the hazardous waste disposal facility on which the Area 5 material was to be removed to. The predominant land use in the area is mining and industrial. Therefore, the terrestrial biodiversity species and plant species were not assessed as the Area 5 is an existing facility located within an existing industrial site and not located near wetlands or watercourses.</p> <p>Based on the above, the Directorate: Biodiversity Conservation does not have any objection to the proposed development provided that all mitigation measures as stipulated in the report are adhered to. Kindly note that the National List of Threatened Ecosystems was revised therefore the final report must refer to the Revised National List of Threatened Terrestrial Ecosystems 2022.</p> <p>NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota.</p>	<p>WSP acknowledge the comment and that this Department has no objection to the proposed decommissioning of Area 5.</p> <p>Section 5.9 of the BAR was updated using the “Revised National List of Threatened Terrestrial Ecosystems 2022”.</p> <p>In addition, the project database was updated to include the contact information for the Biodiversity Conservation Directorate and is included in Appendix C.1 of the BAR.</p>	<p>Section 5.9 of the BAR; Appendix C.1</p>

Date of Comment, Format of Comment, Name of Organisation/I&AP	Comments	Response	Report Reference
Department of Forestry, Fisheries, and the Environment			
14 October Letter via email Rhulani Makhubele DFFE	<p>The Department confirms having received waste management application form for the above-mentioned activity on the 06 September 2024.</p> <p>You are hereby reminded to comply with the requirement: Regulations 45 of GN No. R982 regarding the period allowed for complying with the requirements of the regulations, and Regulation 41, 43 and 44 of GN No. R982 with regard to the allowance of commenting period for interested and affected parties on all reports submitted.</p> <p>Your application has been assigned with a reference number (12/9/11/L241011114505/5/N/Decommissioning of Samancor Tubatse Chrome) Kindly quote this reference number in any future correspondence in respect of your application. The responsible officer for the processing of your application is Mr Phumudzo Mavhunga who can be contacted on (012) 399 9783/ 072 763 0725 or pmavhunga@dfpe.gov.za.</p> <p>Please draw the applicant's attention to the fact that the activity must not commence prior to waste license being granted by the Department.</p> <p>Should you require further detailed information, please do not hesitate to contact this office.</p> <p>Yours sincerely Mr Matjeiele Phaladi Director: Licensing Department of Forestry, Fisheries & Environment The Letters Signed by: Mr. Lucas Mahlangu</p>	<p>WSP acknowledges this comment. A Public Participation Process (PPP) was previously undertaken for the Draft Basic Assessment Report between 14 August and 12 September 2023 (30-day public review and commenting period for the project). WSP understands that given the time delay between this public consultation process and submission of the final application to DFFE, the DFFE has requested a further round of public consultation on the BAR. The BAR will be made available from 24 October to 25 November 2024. All comments received will be responded to and the final CRR will be submitted to the DFFE following the completion of the second PPP.</p>	

Date of Comment, Format of Comment, Name of Organisation/I&AP	Comments	Response	Report Reference
	Designation: Control Environmental Officer Grade B		
South African Heritage Resources Agency (SAHRA)			
14 August 2023 Email Communication Nokukhanya Khumalo SAHRA	<p>Please ensure that an application is made to SAHRA in this regard.</p> <p>Please note that all development applications are processed via our online portal, the South African Heritage Resources Information System (SAHRIS) found at the following link: http://sahra.org.za/sahris/. We do not accept emailed, posted, hardcopy, faxed, website links or DropBox links as official submissions.</p> <p>Please create <u>an application on SAHRIS for each EA application</u> and upload all documents pertaining to the Environmental Authorisation Application Process. As per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA), an assessment of heritage resources must form part of the process and the assessment must comply with section 38(3) of the NHRA. If a case already exists on SAHRIS regarding the development, please upload the documents to that case.</p> <p>Once all documents including all appendices are uploaded to the case applications, please ensure that the status of the case is changed from DRAFT to SUBMITTED. Please ensure that all documents produced as part of the EA process are submitted as part of the application.</p> <p>**Please Note**</p>	WSP acknowledges this comment. However, the proposed is for the decommissioning of historical slurry ponds (Area 5) within the existing Tubatse Chrome facility. In addition, a Heritage Exemption Letter was provided by a Hertiage Practitioner to support that no potential impacts on heritage resources is foreseen for the proposed project. The Heritage Exemption Letter is included in Appendix D.3 of the BAR.	Appendix D.3 of the BAR

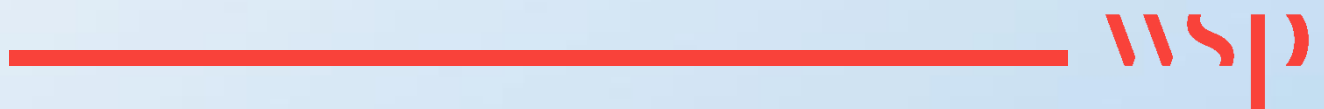
Date of Comment, Format of Comment, Name of Organisation/I&AP	Comments	Response	Report Reference
	<p>An application fee is now required for all section 38 applications. Please ensure that the SAHRIS application contains a proof of payment as per the notice at the following link: https://sahris.sahra.org.za/content/what-are-sahra-processing-fees-and-banking-details. A payment of R 2 000.00 for each application is required. Please make separate payments with the specific reference numbers. Applications that do not include a proof of payment will be considered incomplete and will not be processed until proof of payment is provided.</p> <p>If a case on SAHRIS has been created, please respond to this email with the case ID number.</p>		
<p>17 April 2024</p> <p>Nokukhanya Khumalo</p> <p>SAHRA</p>	<p>Final Comment:</p> <p>In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)</p> <p>The draft BAR, and the Heritage Letter of Recommendation for Exemption by has been submitted to SAHRA for commenting in terms of section 38(8) and 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).</p> <p><i>Tasker, D. February 2024. REQUEST FOR EXEMPTION FROM A HERITAGE IMPACT STUDY: APPLICATION FOR WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF HISTORICAL SLURRY PONDS (AREA 5), ASSOCIATED WITH THE TUBATSE FERROCHROME PLANT, STEELPOORT, FETAKGOMO TUBATSE LOCAL MUNICIPALITY, LIMPOPO PROVINCE.</i></p>	<p>WSP acknowledges this comment, and the original comment is included in Appendix A of this CRR.</p>	<p>Appendix A of this CRR.</p>

Date of Comment, Format of Comment, Name of Organisation/I&AP	Comments	Response	Report Reference
	<p>The slurry pond to be decommissioned has altered its current landscape when they were constructed, and any heritage that may have occurred will have been damaged and destroyed. There are known sites within the surrounding area and the investigation of previous research and maps of the area noted a historical settlement over 60m away from the slurry pond and was not affected by the pond at the time. The decommissioning will not affect those sites. The author recommends no further heritage studies.</p> <p>According to the SAHRA Palaeontological sensitivity map the study area is of low sensitivity and no palaeontological studies are required as the area has been disturbed already.</p> <p><u>Final Comment</u></p> <p>The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final BAR and EMPr:</p> <ul style="list-style-type: none"> ■ 38(4)a – The SAHRA Development Applications Unit (DAU) has no objections to the proposed development; ■ 38(4)b – The recommendations provided by the heritage specialists are supported and must be adhered to. There are no further specific additional conditions apart from the following standard conditions: ■ 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA DA Unit (Nokukhanya 		

Date of Comment, Format of Comment, Name of Organisation/I&AP	Comments	Response	Report Reference
	<p>Khumalo/Natasha Higgitt 021 202 8660) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule;</p> <ul style="list-style-type: none"> ■ 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA DA Unit (Nokukhanya Khumalo/Natasha Higgitt 021 202 8660), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offence in terms of section 51(1)e of the NHRA and item 5 of the Schedule; ■ 38(4)d – See section 51(1) of the NHRA;38(4)e – The following conditions apply with regards to the appointment of specialists: <ul style="list-style-type: none"> • i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA; <p>The Final BAR and EMPr must be submitted to SAHRA for record purposes;</p> <p>The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application;</p> <p>Should you have any further queries, please contact the designated official using the case number quoted</p>		

Appendix A

ORIGINAL COMMENTS





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