

Appendix G.2

**DECOMMISSIONING AREA 5, DATED
2017, WITH REF. NO.
12/9/11/L60588/5**





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Environment House, 473 Steve Biko Road, Pretoria, 0002. Tel: +27 12 399 9000, Fax: +27 86 625 1042

File Reference: 12/9/11/L60588/5

EDMS Reference: WL162118

Enquiries: Mr Bonginkosi Dlamini

Tel: 012 399 9778 **Fax:** 012 359 3625 **Email:** brdlamini@environment.gov.za
www.environment.gov.za

LICENCE NUMBER : 12/9/11/L60588/5
CLASS : H:H (DECOMMISSIONING AND CAPPING)
WASTE MANAGEMENT FACILITY : TUBATSE CHROME RECOVERY HISTORIC SLURRY
PONDS (AREA 5)
LOCATION : PORTION 6 OF THE FARM GOUDMYN 337 KT,
STEELPORT
LICENCE HOLDER : TUBATSE CHROME (PTY) LTD
ADDRESS : PRIVATE BAG X504, STEELPORT, 1133
CONTACT PERSON : ANDOR ESBACH
CONTACT DETAILS : **TEL:** 013 230 8228

Email: Jacques.vanniekerk@samancorCr.com

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 National Environmental Management: Waste Act, 2008 (Act No.59 of 2008(NE:WA) read with the Environmental Impact Assessment Regulations, 2014, published in Government Notice No. 982 of 04 December 2014 (the Regulations), the Deputy Director General: Chemicals and Waste Management, acting under delegation, hereby grants Tubatse Chrome (Pty)Ltd a Waste Management Licence for the following waste management activities as listed in Category A of the List of Waste Management Activities that have , or are likely to have a detrimental effect of the environment published in Government Notice No 921 dated 29 November 2013:



environmental affairs

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Tubatse Chrome Decommissioning of the Historic Slurry Ponds (Area 5)

(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 Environmental Affairs (DEA) who may be contacted at the address below:

Director: Licensing
Department of Environmental Affairs
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 X 313
PRETORIA
0001

1. SITE DETAILS

1.1 LOCATION

- 1.1.1 This Licence authorises the decommissioning of the historic slurry ponds (area 5) on portion 6 of the farm Goudmyn 337 KT, Steelport within Greater Tubatse Municipality, within the Limpopo Province.
- 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:



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NUMBER OF CORNERS	LATITUDE	LONGITUDE
1.	24° 44' 32.351"	30° 12' 1.816"
2	24° 44' 34.598"	30° 11' 57.842"
3	24° 44' 37.080"	30° 12' 0.608"
4	24° 44' 36.376"	30° 12' 5.857"
5	24° 44' 33.827"	30° 12' 4.565"

1.2 DOCUMENTS CONSIDERED

- 1.2.1 The Waste Management Licence Application Form dated 19 July 2016;
- 1.2.2 The Final Basic Assessment in support of a Waste Management Licence Application for Decommissioning of the Chrome Recovery Plant Historic Slurry Ponds (Area 5) dated August 2016 compiled by Golder Associates and hereinafter referred to as "Report"
- 1.2.3 Water Use Licence issued by Department of Water and Sanitation dated 24 June 2016, and
- 1.2.4 The Record of Decision from the Department of Water and Sanitation, dated 25 March 2017.

LICENCE CONDITIONS

1.3 SITE SECURITY AND ACCESS CONTROL

- 1.3.1 The Licence Holder must ensure effective access control during decommissioning of the slurry ponds 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.



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2. MANAGEMENT

2.1 GENERAL MANAGEMENT

2.1.1 The activities shall be managed and operated:

- a) In accordance with a documented approved Environmental Management Programme (EMPr), that, *inter 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 conditions of this Licence and any other written instruction by the Director; and
- c) By an adequate, competent staff complements.

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

2.2.2 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



Tubatse Chrome Decommissioning of the Historic Slurry Ponds (Area 5)

- 2.3.1 The Licence Holder must maintain and implement an emergency preparedness plan and review it annually, after each emergency incident and major accident. The plan must, amongst others, include measures to address:
- a) Equipment malfunction;
 - b) Site fires;
 - c) Spillage (on Site);
 - d) 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 rehabilitation of the current pollution plume shall be in accordance with the Water Use Licence (WUL) conditions stipulated in condition 11.1 under site specific conditions with licence number 03/B41J/AG/4545 issued by Department of Water and Sanitation (DWS) dated June 2016.
- 3.2 Construction and further development within the Site must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa, 2000. (Act No. 46 of 2000)
- 3.3 The Site, or any portion thereof must be covered and maintained in such a way that:
- a) The formation of pools, and/or damming due to rain is prevented;
 - b) Free surface runoff of rainwater is ensured;
 - c) Contamination of stormwater is prevented;
 - d) No objects or material which may hamper the rehabilitation of the site are present; and
 - e) erosion is managed.
- 3.4 The removal of waste from the site and rehabilitation must be performed during dry periods to avoid creating a recharge zone on the surface of the ponds in an effort to minimise contaminants seeping into the groundwater system.

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Tubatse Chrome Decommissioning of the Historic Slurry Ponds (Area 5)

- 3.5 Considering that the waste will be removed from site for use as doming for the rehabilitation of the existing capped baghouse dust facility, soil testing as well as water quality testing must continue around the site to verify if further rehabilitation measures must be investigated.
- 3.6 Any development which occurs within 1:100 year flood line and/or within the horizontal distance of 500m from the boundary of a wetland would require a water use licence in terms of section 40 of the National Water Act, 998 (Act 36 of 1998)

4 WATER QUALITY MANAGEMENT

4.1 STORMWATER MANAGEMENT

- a) All stormwater arising as a result of precipitation on land adjacent to the Site must be prevented from entering the Site, diverted and drained from the Site via channels and trapezoidal drains designed to contain the 1:50 year flood.
- b) Uncontaminated stormwater must under no circumstances be used to dilute leachate emanating from the Site. The Licence Holder must ensure that all the contaminated stormwater is captured in the stormwater control dam and must be pumped to the process water treatment plant for reuse and recycling.
- c) Stormwater channels around the site must be maintained in a sustainable manner, not be lined with a concrete and be made as natural as possible.
- d) The energy dissipaters, little traps and sediment traps must be installed in the stormwater channels to reduce velocity of the stormwater.

4.2 LEACHATE MANAGEMENT

- a) Leachate from site, including contaminated runoff water must be collected into leachate collection system and/or be treated to comply with the quality requirements as prescribed by the Director which may be determined from time to time and shall be drained from the facilities in a legal manner.
- b) Leachate detection system must be monitored on a daily basis for possible leakages. Should a leak or failure be suspected or detected during monitoring or at any time, it must be regarded as an incident according to condition 8.1 below and be addressed to the satisfaction of the Director.



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5 MONITORING

5.1 WATER MONITORING

- a) The Licence Holder must ensure that surface and groundwater quality monitoring is undertaken and maintained as per Water Use Licence with licence number 03/B41J/AG/4545 issued by the Department of Water and Sanitation dated 24 June 2016.
- b) The monitoring points with regard to condition 5.1 (a) above may not be changed prior to notification to and written approval by the Director.
- c) Monitoring boreholes must be equipped with lockable caps. The Director: RPW reserves the right to take water samples at any time and to analyse these samples or have them analysed.

5.2 DETECTION MONITORING

- a) Monitoring for surface and groundwater 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.
- b) Should all the parameters after being monitored for a period of at least two years not show any increasing trend as measured against the standards for drinking water quality, the groundwater monitoring frequency could be changed to a bi-annually frequency. The approval must be granted by the Director before the frequency is changed.

5.3 INVESTIGATIVE MONITORING

- 5.3.1 If, in the opinion of the Director, a water quality variable listed under the detection monitoring programme, as referred to in condition 5.2 (a), shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that variables of concern are within the acceptable limit.

5.4 POST-CLOSURE WATER MONITORING

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



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6 METHODS OF ANALYSIS

- 6.1 The Licence Holder shall carry out tests in accordance with methods prescribed by and obtained from the South Africa Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008), to analyse the sample taken under the monitoring programmes special in condition 5.
- 6.2 The Licence Holder shall only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to the Director.

7 RECORDING

- 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) If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - c) Be made available on request to the Licensing Authorities; and
 - d) Be retained in accordance with documented procedures.
- 7.3 Records demonstrating compliance with this Licence must be maintained for at least five (05) years.

8 REPORTING

- 8.1 The Licence Holder must, within 24 hours, notify the Director of the occurrence or detection of any incident on the Site which has the potential to cause, or has caused environmental pollution.
- 8.2 The Licence Holder must, within 14 days, or a shorter period of time, if specialised by the Director, from the occurrence or detection of any incident referred to in condition 8.1 submit an action plan, which shall include a detailed time schedule, to the satisfaction of the Director of measures taken to—
- a) correct the impact resulting from the incident;
 - b) prevent the incident from causing any further impacts;
 - c) prevent a recurrence of a similar incident; and



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- d) In the event that measures have not been implemented within 21 days 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.
- 8.3 The information required in terms of condition 5 must be reported to the Director in a yearly report. The information must also be included into a trend report, which must contain a graphical presentation of all results obtained previously at any specific point, as well as an interpretation and discussion of the results of each monitoring occasion.
- 8.4 The Licence Holder must submit a written report to the Director regarding any deviations from plans described in this Licence and must obtain written permission from the Director before such deviations may be implemented.
- 9 AUDITING**
- 9.1 INTERNAL AUDITS
- 9.1.1 Internal audits must be conducted quarterly during the duration of decommissioning activities by the Licence Holder and on each audit occasion an official reports 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 until such time decommission and rehabilitation of the site is complete. The auditor must compile an audit report documenting the findings of the audit, which must be submitted by the licence holder.
- 9.2.2 The external audit report must:
- a) Specifically state whether conditions of this Licence were adhered to;
 - b) Include and interpretation of all available data and test results regarding the operation of the site and all its impact on the environment;

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- c) Specify targets 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;
- e) Show monitoring results graphically and conduct trend analysis.

9.3.3 Audit reports must be finalised within sixty (60) days of the finalisation of the external audit. Each external audit report referred to in condition 9.2.1 above must be submitted to the Director within thirty (30) days from the date on which the external auditor finalised the audit.

9.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- a) 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 Department.
- b) The Licence Holder must make any records or documentation available to the Department upon request, as well as any other information he/she may require.

10 GENERAL

- 10.1 The construction of the licenced activity may not commence within twenty (20) days of the date of signature of this Licence.
- 10.2 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 licenced by the Minister.
- 10.3 After the appeal period has lapsed and no good cause to extend the appeal period has been showed and 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.
- 10.4 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



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be made in order for the activity to be undertaken.

- 10.5 If the Licence Holder anticipates that commencement of the activity would not occur within two (2) years period, he/she must apply and show good cause for an extension of the licence six (6) months prior to its expiry date.
- 10.6 This Licence must 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.
- 10.7 Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
- 10.8 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the NEM: WA.
- 10.9 In terms of section 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) 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.

11 APPEAL OF LICENCE

- 11.1 The Licence Holder must notify every registered interested and affected party, in writing and within twelve (12) days, of receiving the Department's decision.
- 11.2 The notification referred to in 11.1 must –
- a) Specify the date on which the Licence was issued;



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b) Inform the registered interested and affected party of the appeal procedure provided for in Chapter 2 of GN No. R993 of 08 December 2014 in terms of National Environmental Management Act, 1998, as amended (see Annexure I);

c) Advise the interested and affected party that a copy of a Licence will be furnished on request; and

12.1.1 An appeal against the decision must be lodged in terms of chapter 2 of GN No. R993 of 08 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: appealsdirector@environment.gov.za

MR MARK GORDON

DEPUTY DIRECTOR-GENERAL: CHEMICALS AND WASTE MANAGEMENT

DATE: 20/06/2017



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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:

Mr Z Hassam at 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

Appelants contact information:

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

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Authorisation date as on environmental authorisation:

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:

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

Aluminium (Al)

Calcium (Ca)

Chlorides (Cl)

Chromium hexavalent (Cr⁶⁺)

Chromium total (Cr)

Electrical Conductivity (EC)

Flouride (F)

Magnesium (Mg)

Manganese (Mn)

Nitrates (NO₃)

PH

Sodium (Na)

Sulphate (SO₄)

Vanadium

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