

Verwysing  
Reference  
Isalathiso

E12/2/1-229-Farm 129/2 Farm 127/8, Portion of Farm 195



Navrae  
Enquiries  
Imibuzo

SHADLEY MACKENZIE

Datum  
Date  
Umhla

Of Issue

01/09/2003

**Departement van Omgewingsake en Ontwikkelingsbeplanning**  
**Department of Environmental Affairs and Development Planning**  
**ISEBE leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso**

The Managing Director  
Isacor Flat Steel Products  
Private Bag X 11  
Saldanha  
7395

**Attention: Mr S Späniq**

Tel : (022) 709 4048  
Fax: (022) 709 4100

Dear Sir

**APPLICATION: PROPOSED EXTENSION OF EXISTING BRINE EVAPORATION  
PONDS AT SALDAHNA STEEL**

With reference to your application, find below the Record of Decision in respect of this application.

**RECORD OF DECISION**

**A. DESCRIPTION OF ACTIVITY:**

The proposed development entails the construction of 3.5ha of additional evaporation ponds. An additional 0.5ha area would be required for infrastructure such as the proposed extension of the existing access road. The proposed ponds would be constructed in accordance with DWAF's Minimum Requirements. The proposed ponds would be lined with a double layer of High-Density Polyethylene (HDPE), separated by a layer of clay. A leak detection system would be installed below the proposed new ponds, and two additional boreholes would be drilled to ensure that groundwater quality is adequately monitored.

The existing calccrete road will be extended along the southern boundary of the proposed ponds to provide access to the area. Excavated material would be used to construct 1.5m berms around the proposed ponds to shield them from windborne dust. These berms would be revegetated in accordance with Saldanha Steel's current practice.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Item 8: The disposal of waste as defined in section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrade or closure of facilities for all waste, ashes and building rubble.

**hereinafter referred to as “the activity”**

**B. LOCATION:**

The existing brine evaporation ponds are located south of the main plant. The proposed new ponds will be located adjacent to the existing evaporation ponds. The proposed activity will be located on the Saldanha Steel Plant, Portion 2 of the Farm Yzervarkensrug No. 129, Portion 8 and 13 of the Farm Yzervarkensrug No. 127 and a portion of farm No 195.

The co-ordinates are:        18° 29' 00" South  
   33° 18' 00" East

**C. APPLICANT:**

Iscor Flat Steel Products  
Private Bag X 11  
Saldanha  
7395  
Tel : (022) 709 4048  
Fax: (022) 709 4100

**D. CONSULTANT:**

Crowther Campbell & Associates  
Unit 35 Roeland Square  
30 Drury Lane  
Cape Town  
8001  
Tel: (021) 461 1118/9  
Fax: (021) 461 1120

**E. SITE VISIT(S):**

No site visits were conducted.

**F. DECISION:**

In terms of Section 28A and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Applicant is hereby exempted by relevant authority (as defined in GN No, R1183 of 5 September 1997, as amended), from:

- (a) Providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997, as amended.

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*Chief Directorate: Environmental Affairs*

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No, R1183 of 5 September 1997, as amended) hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

**G. CONDITIONS OF AUTHORISATION:**

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of construction activities.
  - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
  - 2.2 The said notice must also include proof of compliance with the following conditions described herein:  
Conditions: 1, 12 and 14
3. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of operation activities.
  - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
  - 3.2 The said notice must also include proof of compliance with the following conditions described herein:  
Conditions: 5,6 and 7
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
5. The final design of the proposed brine ponds must conform and be approved by the Department of Water Affairs and Forestry's (DWAF) in accordance with DWAF's Minimum Requirements, prior to construction commencing.
6. A leak detection system must be installed below the proposed new ponds, and two additional boreholes must be drilled to ensure that groundwater quality is adequately monitored. The positioning of the boreholes must be done in consultation with the Department of Water Affairs and Forestry.
7. Excavated material must be used to construct 1.5m berms around the proposed ponds to shield them from windborne dust. These berms must be revegetated in accordance with the Western Cape Nature Conservation Board and the current practice's employed by Saldanha Steel.

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8. The berms must be positioned on the south side of the proposed ponds to shield the ponds from the prevailing winds, thereby reducing the formation of any salt spray.
9. Saldanha Steel's Environmental Requirements applicable to Contractors on site (Document No: SS-317-10-0034) must be complied with and adhered to at all times.
10. Saldanha Steel's Environmental Management System must be updated to incorporate the operation of the proposed brine evaporation ponds. This should include the ongoing monitoring of groundwater quality.
11. The results of all monitoring studies as a result of the proposed extension of the brine ponds must be presented at the Saldanha Steel Monitoring Committee meetings and the minutes of the meetings must be forwarded to the Local Authority and this Directorate.
12. The applicant must, within five calendar days of the date of issue of this Record of Decision:
  - Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
  - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
    - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
    - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
  - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
  - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email [lvdborg@pawc.wcape.gov.za](mailto:lvdborg@pawc.wcape.gov.za) or URL <http://www.westerncape.gov.za/eadp> must accompany the appeal.
  - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

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13. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.
14. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
15. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
16. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

**H. RECOMMENDATIONS:**

None

**I. KEY FACTORS AFFECTING THE DECISION:**

*Biophysical*

The existing brine ponds is located immediately west of the main plant and the proposed extension will be located adjacent to the existing stockyard. The area proposed for the extension of the brine ponds is currently being used for the storage of scrap metal. The land was previously disturbed during the construction of the plant and rehabilitated upon completion of the plant.

*Planning*

Saldanha Steel falls under the authority of the Saldanha Bay Municipality and is covered by the Vredenburg – Saldanha Urban Structure Plan. The proposed site for the expansion of the brine ponds falls within the Saldanha Steel boundary and is zoned 'heavy industrial'.

Neighbouring land to the north and north-east is owned by Anglo-American, some of which is occupied by the Namakwa Sands smelter. Iscor, Saldanha Steel's parent company, owns the remainder of the surrounding properties. Most of this land is undeveloped.

*Groundwater*

Groundwater in the area occurs in two aquifers, the upper Langebaan Limestone aquifer and lower Uyekraal Aquifer. The aquifers were found to be *brak* and are not considered to be of national importance. The groundwater level is approximately 4 - 4.5m below ground level. However, groundwater in the vicinity of the plant has a salinity of approximately 8 000mg/l, which is unsuitable for domestic or livestock use (CSIR, 1995). Even though the aquifers were considered to be unsuitable for domestic and livestock use, it is the opinion of this Department that the potential for any groundwater pollution will be effectively mitigated with the implementation of the conditions as contained this Record of Decision.

### *NEMA Principles/NEMA section 28*

The proposed ponds would be constructed in accordance with DWAF's Minimum Requirements, which will include a double-layered lining of High-Density Polyethylene (HDPE) separated by a layer of clay. The design will include a leak detection system, which will collect any leakage from the proposed new ponds. A leak detection system is in place at the existing ponds and an extensive system of boreholes is used to monitor groundwater quality at the plant, three of which are positioned specifically to monitor the existing ponds. In addition two additional boreholes would be drilled at the proposed new ponds. It is the opinion of this Directorate that the proposed activity pursued the best practicable environmental option. Furthermore the proposed activity achieves a balance between social, environmental and economic sustainability and is therefore in line with the principles regarding sustainable development as contained in NEMA. This is based on the following

- that pollution and degradation of the environment are minimised;
- that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions;
- that the negative impacts on the environment and on people's environmental rights are minimised.

### *Alternatives*

A number of alternatives were considered which included alternative technologies, disposal methods and locations. Alternative technologies considered included the installation of a brine concentrator or mechanical crystallisers. Due to high cost associated with these technologies (installation and maintenance) as well as the highly corrosive nature of the salts it was not deemed feasible. Alternative disposal methods were also considered. Liquid brines could be transported by tanker truck to a site in Gauteng for disposal as hazardous waste. However, the transport of the brines has a major cost implication, in addition to the risks involved in long-distance transport of hazardous waste. Furthermore there is doubt whether the Gauteng facility has the capacity to treat and dispose of large volumes on a continuous basis. Alternative site were also considered, however the area to the west and south-west was considered to be the appropriate site, as it is used only for the temporary storage of scrap metal and infrastructure could easily extended to this area. The no go alternative was not considered to be acceptable in the long term due to the lack of capacity of the existing ponds. Due to the high evaporation rate along the West Coast and the fact that no additional energy or other resources would be required, the proposed site was considered the most appropriate for the proposed activity.

### *Public Participation*

The public participation process that was undertaken included the following;

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- Compilation and distribution of Background Information Documents to Interested and Affected Parties (IAP's)
- Media notices to inform IAP's on the commencement of the scoping study.
- Release of the Draft Scoping Report for public and authority comment.

The public participation processes that were followed met all the requirements of the EIA Regulations. Several issues were raised relating directly to the impact of the ponds on groundwater quality, the design of the brine ponds, the disposal of salts and the formation of salt sprays. The environmental consultant adequately addressed the concerns of the Interested and Affected Parties and the Department is of the opinion that all significant environmental issues and concerns were adequately addressed in the Final Scoping Report.

**J. DURATION AND DATE OF EXPIRY:**

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

**K. APPEAL:**

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals **must be directed within thirty (30) days** of the date of the issuing of this Record of Decision, to:

Minister of Agriculture, Environmental Affairs and Development  
Planning  
Private Bag X9179  
Cape Town  
8000  
Tel: (021) 483 4700  
Fax: (021) 483 3890

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

**If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.**

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email [lvdberg@pawc.wcape.gov.za](mailto:lvdberg@pawc.wcape.gov.za) or URL <http://www.westerncape.gov.za/eadp> must accompany the appeal.

In terms of section 28A(4) of the aforesaid Act, the Minister or competent authority may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.

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If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



DIPOLELO ELFORD  
**CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**

DATE OF DECISION: 31/08/03

Copies to: (1) Kate Johnson (Crowther Campbell & Associates)

Fax: (021) 461 1120