

Verwysing
Reference
Isalathiso

E12/2/3/6-F4/16-0409/08



Navrae
Enquiries
Imibuzo

Alvan Gabriel

Datum
Date
Umhla

Of issue
04 FEB 2009

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMicimbi yeNdalo esiNgqongileyo noCwangeiso loPhuhliso

The Director

Saldanha Steel (Pty) Ltd/ ArcelorMittal South Africa Limited

Private Bag X11

SALDANHA

7395

Attention: Mr. G. Vrolick

Tel : (022) 709 4000

Fax: (022) 709 4200

Dear Sir

NON-SUBSTANTIVE AMENDMENT OF A RECORD OF DECISION ISSUED ON 01 SEPTEMBER 2003 FOR THE EXTENSION OF THE EXISTING RAW MATERIALS STOCKYARD ON PORTION 2 OF FARM YZERVARKENSRUG NO. 129, PORTION 8 AND 13 OF FARM YZERVARKENSRUG NO. 127 AND A PORTION OF FARM NO. 195, SALDANHA.

The amendment application received by the Department on 04 March 2008 and the Record of Decision issued by the Department on 01 September 2008 (Reference Number: E12/2/1-229-Farm 129/2, Farm 127/8, Saldanha) refer.

A. DESCRIPTION OF AMENDMENT APPLIED FOR

1. The addition of information (in accordance with Regulation 39(3) of the NEMA EIA Regulations of April 2006) in Section A ("Description of Activity") of the Record of Decision ("ROD") issued by the Department on 01 September 2003 with respect to the storage of Directly Reduced Iron ("DRI") and by-products generated in the process. The description is requested to be amended to include *inter alia* scale from the process, mixed raw materials, iron ore and fines.
2. The amendment of condition 8 in Section G of the ROD. This condition is requested to be amended to include, "The alignment of stockpiles in a north-south direction refer to bulk coke and iron ore stockpiles only and not the small stockpiles of *inter alia* by-products."

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3. The amendment of condition 9 in Section G of the ROD. This condition is requested to be amended to include, "*An alternative method for the wetting of the stockpiles may be used. This may include the use of a retractable hose or wetting by means of a water truck.*"

B. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises the amendments applied for in Section A above.

As such, the ROD issued on 01 September 2003 (Attached as Appendix A) is herewith amended to reflect the abovementioned changes in Sections A and G of the ROD as well as in any other sections of the ROD which may be affected by such amendments.

C. APPEAL

1. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision to authorise the activity –

- 1.1. notify all registered interested and affected parties of the outcome of the amendment application and the reasons for the decision; and –
- 1.2. specify the date on which the amendment authorisation was issued;
- 1.3. inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
- 1.4. advise all registered interested and affected parties that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By post: Provincial Minister for Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 3rd floor Leeusig Building
1 Dorp Street
Cape Town
8001

- 1.5 inform all interested and affected parties that a prescribed Notice of Intent to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email jedevill@jgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>;

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- 1.6 inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant; and
- 1.7 If the applicant should decide to appeal, the applicant must –
- lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and,
 - submit the appeal within 30 days of the lodging of the notice of intention to appeal and,
 - serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

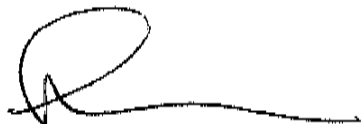
D. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

- a) The information contained in the Application for Amendment of Environmental Authorisation received on 04 March 2008;
- b) The information contained in the initial application culminating in the Department issuing the ROD dated 01 September 2003;
- c) Relevant information contained in the Departmental information base including the Department's guidelines and information documents (*NEMA Environmental Impact Assessment Regulations Guideline and Information Document Series*) that provides information and guidance for applicants, authorities and interested and affected parties ("I&APs") on the procedures to be followed; and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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

Yours faithfully



ANTHONY BARNES

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)

DATE OF DECISION:

4/2/09

Copies to: Mr. M. Meiring (Saldanha Bay Municipality)

Fax: (022) 715 1101

Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)

Appendix A:

Record of Decision issued on 01 September 2003

Verwysing
Reference
Isalathiso

E12/2/1-229-Farm 129/2 Farm 127/8, Saldanha



Navrae
Enquiries
Imibuzo

SHADLEY MACKENZIE

Datum
Date
Umhla

Of Issue

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

01/09/2003

The Managing Director
Iskor 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 RAW MATERIALS STOCKYARD AT SALDAHNA STEEL, SALDAHNA.

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 extension of the existing raw materials stockyard to cover an area of approximately 7ha. The stockyard will be used for the storage of 40 000t of coke (approximately 8 000t are used per month) and 20 000t of iron ore. The proposed site will be lined with compacted layers of crushed calcrete and would be sloped downwards to facilitate drainage from the area and to prevent ingress of water into the underlying aquifer. Runoff would be collected in a lined drainage ditch with a sand trap at its end and diverted to an existing lined stormwater collection pond.

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

Item 9: Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), and

hereinafter referred to as "the activity"

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B. LOCATION:

The proposed activity will be located on the Saldanha Steel, 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.

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.

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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, 11, 12, 16 and 18
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: 6,7,8 and 9
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. All the requirements as specified by the Chief Air Pollution Control Officer in terms of the Atmospheric Pollution Prevention Act, 1965, must be adhered to and complied with at all times.
6. The final design, drainage and lining of the proposed extension area must conform to the Department of Water Affairs and Forestry's minimum requirements prior to construction commencing.
7. The stormwater drainage system for the proposed extension must be linked into the Saldanha Steels existing stormwater drainage system
8. Stockpiles must be aligned in a north/south direction, to reduce the surface area presented to the prevailing wind, thereby mitigating the generation of dust.
9. The existing sprinkler system, which uses treated sewage water, must be extended to include the proposed new stockyard area.

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10. The new haul road, which is to be constructed to provide access to the stockyard, must be paved as to mitigate dust impacts associated with transportation.
11. Any monitoring boreholes that are affected by the proposed project must be relocated. This must be done in consultation with the Department of Water Affairs and Forestry.
12. A suitably qualified botanist must undertake a search and rescue of any plant species of special concern prior to commencement of any activity on site.
13. 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.
14. Saldanha Steel's Environmental Management System must be updated to incorporate the operation of the proposed stockyard extension. This should include the ongoing monitoring of dust, stormwater control and groundwater quality.
15. The results of all monitoring studies as a result of the proposed extension 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.
16. 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.

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- Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email lvdberg@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.
17. 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.
 18. 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.
 19. 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.
 20. 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 stockyard area is located immediately west of the main plant and the proposed extension will be located adjacent to the existing stockyard. Most of the area proposed for the extension of the stockyard is unoccupied and consists of land that was rehabilitated following construction of the original plant. Approximately one third of the area is occupied by a topsoil stockpile that would need to be relocated further westwards or utilised for rehabilitation of the quarry.

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 stockyard falls within the Saldanha Steel boundary and is zoned 'heavy industrial'. The site is currently unused.

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Groundwater

Groundwater in the area occurs in two aquifers, the upper Langebaan Limestone aquifer and lower Uyekraal Aquifer. During the original EIA for Saldanha Steel, groundwater in the vicinity of the plant was found to have a salinity of approximately 8 000mg/l, which is unsuitable for domestic or livestock use (CSIR, 1995). The aquifers were found to be *brak* and were not considered to be of national importance. 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.

Dust impacts

The preliminary assessment of fugitive dust examined the current situation at the temporary coke stockpile, as well as the potential changes to fugitive dust emission levels if the permanent stockyard was extended to accommodate both the current quantity of coke (8 000t/month) or an increased quantity (10 000t/month). The fugitive dust resulting from the proposed new access road was also examined and dust levels were compared for a paved and unpaved surface. The main source of fugitive dust was expected to arise from handling of the iron ore at the permanent stockyard and this was included in the assessment.

It was found that the reduced handling of the coke as a result of the proposed relocation of the coke stockpile would result in a decrease in Inhalable Particulate Emissions (PM10) and Total Suspended Particulate (TSP) of approximately 50%.

The second source of fugitive emissions is the proposed haul road. At present, a 1.1km-long, paved haul road services the existing stockyard. It is proposed to construct an additional 1km-long haul road to the stockyard extension. The preliminary assessment found that, for an unpaved road, vehicle-entrained TSP emissions would increase from the current levels. However, TSP emissions for a paved road would only represent a 0.5 fold (at 8 000t/month) and 0.95 (at 10 000t/month) fold increase in vehicle-entrained emissions.

Therefore the assessment found that an unpaved road would result in the generation of a substantial increased level of fugitive emissions. In order to ameliorate dust impacts as a result of vehicular movements, Saldanha Steel has undertaken to pave the proposed haul road.

Cumulative effects of the activity

The preliminary air emission assessment concluded that there would be a significant reduction in coke emissions. The total fugitive emissions resulting from the handling of the iron ore (excluding the 20 000t temporary stockpile) and coke show that overall particulate emissions would marginally improve by 4-6%. Furthermore, with the implementation of the conditions as contained in this Record of Decision, this Directorate is of the opinion that the cumulative effects of the activity will be of low significance.

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NEMA Principles/NEMA section 28

The proposed extension of the existing raw materials stockyard pursued the selection of the best practicable environmental option. 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.

The current temporary stockyard does not comply with the requirements of Saldanha Steel in terms of drainage and dust control. The area is unlined and flat, so the potential for groundwater contamination is relatively high. There is no infrastructure for dust control in the form of watering and double handling of the raw material from this area to the stockyard for input into the plant increases the generation of dust. The proposed extension would be designed to improve dust control and drainage and reduce double handling of the material. The applicant therefore gives effect to the general 'duty of care' as prescribed in section 28 of NEMA, which provides that every person that has caused or may cause significant pollution or degradation of the environment, must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring.

Alternatives

The operational reach of the raw materials reclaimer and the proximity of water infrastructure for dust control inhibit consideration of alternative sites. The preferred site was selected on account of its location adjacent to the existing stockyard. This would make possible the utilisation of existing infrastructure. Even though the temporary stockyard could be upgraded, the financial implications of acquiring and installing a second set of equipment for reclaiming were not considered financially viable. The "No Project" option was also considered. This is not considered to be acceptable due to the current lack of environmental control at the site in terms of dust and groundwater pollution.

Public Participation

The public participation process that was undertaken included the following;

- Distribution of Background Information Documents to Interested and Affected Parties (IAP's)
- Media notices to inform IAP's
- Public meetings and Open House Meetings
- 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. The Directorate is of the opinion that all significant environmental issues and concerns were adequately addressed in the Final Scoping Report.

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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 or UFI: <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.

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.

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Chief Directorate: Environmental Affairs

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)
(2) Ravi Pillay (DEAT)

Fax: (021) 461 1120
Fax: (021) 949 8165