



DIRECTORATE: LAND MANAGEMENT REGION 2

REFERENCE NUMBER:

16/3/1/1/F4/17/3051/12

ENQUIRIES:

Lyle Lucas

DATE OF ISSUE:

114 FEB 2014

BY REGISTERED MAIL

The Director Saldanha Steel (Pty) Ltd. Private Bag X11 SALDANHA 7395

Attention: Mr. G. Vrolick

Tel: (022) 709 4047 Fax: (022) 709 4682

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED CONSTRUCTION OF A BRIQUETTING PLANT ON PORTION 13 OF FARM YZERVARKENSRUG NO.127, SALDANHA BAY.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

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 Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Alternative 1 (the preferred alternative) described in the Basic Assessment Report ("BAR") dated August 2013.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Saldanha Steel (Pty) Ltd. c/o Mr. G. Vrolick Private Bag X11 SALDANHA 7395

Tel: (022) 709 4047 Fax: (022) 709 4682

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 -

Activity Number: 28

Activity Description:

The expansion of or changes to existing facilities for any process or activity where such expansion or changes to will result in the need for a permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.

The abovementioned is hereinafter referred to as "the listed activity".

The applicant is herein authorised to undertake the following alternative related to the listed activity:

The proposed development entails the construction of a briquetting plant and associated infrastructure at the existing Stock Yard of the Saldanha Steel Processing Plant on Portion 13 of the Farm Yzervarkensrug No. 127, Saldanha.

Briquettes will be manufactured using the fine metallurgical by-products (DRI fines, coke fines and coal fines) generated by the existing steel manufacturing plant prior to them being used in the steel manufacturing process, in order to prevent the clogging of the system.

Two briquetting methods, namely press briquetting and extrusion are proposed as part of the development. The following components form part of each process:

Press briquetting

A binder is added to loose material;

From:

- Two rotating wheels compress the material under high pressure to form a briquette;
- Briquettes are discharged from the machine and stored in a dry and wellventilated area; and
- Briquettes are re-used in the steel making process.

Extrusion

 The process of extrusion is mechanically similar in nature to press briquetting, however, materials are compressed through a die plate rather than two rotating wheels.

The construction of the briquetting plant will result in the need for a permit for the release of air emissions into the atmosphere.

The development footprint of the briquetting plant and associated infrastructure will be approximately 300m².

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Portion 13 of the Farm Yzervarkensrug No. 127, Saldanha.

The SG 21 digit code is: C0460012000001200013

Co-ordinates:

32° 58¹

56.30" South

18°

01' 01.21" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Resource Management Services cc c/o Larry Eichstadt P.O. Box 4296 **DURBANVILLE** 7551

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Tel:

(021) 975 7396

Fax:

(021) 975 1373

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of five years from the date of issue. The holder must commence with the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation.

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would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity, including site preparation, may not commence during the period of administrative extension.

- 2. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
- 3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)-
 - 3.1 notify all registered interested and affected parties of -
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision.
 - 3.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
 - 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and
 - 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that
 - 3,4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
- 4. A minimum of seven (7) calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2 and 13.

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- The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
- Any changes to, or deviations from the scope of the description set out in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
- The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
- The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the competent authority.

The EMP must be included in all contract documentation for all phases of implementation,

- A copy of the environmental authorisation and the EMP must be kept at the site where the listed activity will be undertaken. Access to the site referred to in section C above must be granted and the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
- 10. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activity authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity was lawfully commenced with); (b) the contact details of the

person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.

- 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
- 11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
- 12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
- 13. The holder must appoint a suitably experienced environmental control officer, or site agent where appropriate during the construction phase of the development to ensure compliance with the EMP and the conditions contained herein.
- 14. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
- 16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 17. All noise and sounds generated must comply with the relevant SANS codes and standards.
- 18. The following recommendations, as stipulated in the Air Quality Report dated June 2013 and compiled by WSP Environment & Energy South Africa (Pty) Ltd., must be

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implemented, unless otherwise stipulated in the Air Emissions License for the proposed development:

- 18.1. A Dust Emissions Management Plan must be developed and implemented for the proposed development. This Plan must include the following:
 - Stockpiles must be covered by hessian sheets or shade cloth 18.1.1. windbreaks to minimise dust emanating from these stockpiles;
 - 18.1.2. Porous barriers must be implemented to reduce offsite dust transmission:
 - 18.1.3. Vehicular speeds must be limited to between 10 and 20 kilometres per hour;
 - Vehicles to be used for materials handling must be appropriately 18.1.4. designed;
 - All construction machinery and equipment must be maintained in 18.1.5. good working order;
 - Construction vehicles and machinery must not be left running when 18.1.6. not in use; and
 - Vehicles 18.1.7. carrying loose aggregate material must be tarped/sheeted at all times to avoid spillage onto the road.
- 18.2. General housekeeping at the proposed facility, including limiting dust on roads and in areas around buildings, needs to be implemented on an ongoing basis,
- 18.3. The air pollution and meteorological monitoring station of ArcelorMittal must be serviced and calibrated on a more regular basis to ensure accurate data recordinas.
- Nitrogen dioxide and VOC emissions must be monitored and recorded.
- 18.5. Passive sampling for VOC's (BTEX range) must be undertaken on a frequent basis:
- 18.6. Dust fallout monitoring must be undertaken on a continuous basis.
- 18.7. Isokinetic fallout monitoring must be undertaken at the following points, where possible, to further develop the emissions inventory for the plant:
 - 18.7.1. Granulation plant;
 - 18.7.2. Caster stack:
 - 18.7.3. Stockhouse extension:
 - 18.7.4. Ore and coal charging at cortex tower;
 - 18.7.5, DR shaft charge hopper; and
 - 18.7.6. Roller hearth furnace stack 1 and 2.
- 18.8. The APPA permit for the facility must be converted to an AEL.
- 19. Dust suppression methods must be used to mitigate dust during construction activities. No potable water must be used to mitigate dust nuisance. Alternative

dust suppression methods (such as shade netting screens) must be implemented instead.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

- 1. An appellant must
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
 - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
- 2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
- 3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
- 4. All notices of intention to appeal and appeal forms must be submitted by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental

Affairs and Development Planning

Private Bag X9186

CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand:

Attention: Mr J. de Villiers (Tel; 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail <u>Jaap.DeVilliers@westerncape.gov.za</u> or URL http://www.westerncape.gov.za/eadp.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 04/02/2014

Copied to: (1) Mr. L. Elchstadt (Resource Management Services)

(2) Ms. N. Duarte (Saldanha Bay Municipality)
(3) Mr. P. Fobricious (West Coast District Municipality)

(4) Ms. J. Leaner (DEADP: Pollution Management)

Fax: (022) 715 1101 Fax: (086) 692 6113

Fax: (021) 483 2571

Fax: (021) 975 1373

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EIA REFERENCE NUMBER: NEAS EIA REFERENCE NUMBER: 16/3/1/1/F4/17/3051/12 WCP/EIA/0001004/2012

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the following:

- a) The information contained in the application form dated 25 June 2012 and received by the competent authority on 26 June 2012, the EMP submitted together with the BAR, received by the competent authority on 23 August 2013 and the amended Comments and Response Report received by the competent authority on 13 December 2013;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Need and Desirability (dated March 2013);
- c) 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);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR dated August 2013;
- e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The public participation process was undertaken jointly for the application in terms of the NEMA and NEM: AQA and included the application for an Atmospheric Emissions License to the West Coast District Municipality. The public participation process included:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activity is to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity;
- the placing of a newspaper advertisement in the 'Weslander' on 04 April 2013 and 'Die Burger' on 04 April 2013.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address significant concerns raised.

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2. Alternatives

The proposed development entails the construction of a briquetting plant and associated infrastructure.

Briquettes will be manufactured using the fine metallurgical by-products (DRI fines, coke fines and coal fines) generated by the existing steel manufacturing plant prior to them being used in the steel manufacturing process, in order to prevent the clogging of the system. The development footprint of the briquetting plant and associated infrastructure will be approximately 300m².

No site alternatives were assessed as the application involves the construction of a briquetting plant within the footprint of the existing facility. Two location alternatives were proposed, as follows:

<u>Alternative 1 Preferred (Herewith authorised)</u>

The proposed development entails the construction of a briquetting plant and associated infrastructure at the existing Stock Yard of the Saldanha Steel Processing Plant on Portion 13 of the Farm Yzervarkensrug No. 127, Saldanha.

Briquettes will be manufactured using the fine metallurgical by-products (DRI fines, coke fines and coal fines) generated by the existing steel manufacturing plant prior to them being used in the steel manufacturing process, in order to prevent the clogging of the system.

Two briquetting methods, namely press briquetting and extrusion are proposed as part of the development. The following components form part of each process:

Press briquetting

- A binder is added to loose material;
- Two rotating wheels compress the material under high pressure to form a briquette;
- Briquettes are discharged from the machine and stored in a dry and well-ventilated area; and
- Briquettes are re-used in the steel making process.

Extrusion

 The process of extrusion is mechanically similar in nature to press briquetting, however, materials are compressed through a die plate rather than two rotating wheels.

The construction of the briquetting plant will result in the need for a permit for the release of air emissions into the atmosphere.

The development footprint of the briquetting plant and associated infrastructure will be approximately 300m².

This is the preferred location for the briquetting plant as the plant will be in close proximity to processes which generate the by-products used in the briquetting process.

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Alternative 2

The proposed development entails the construction of a briquetting plant and associated infrastructure at the Bag House of the Saldanha Steel Processing Plant on Portion 13 of the Farm Yzervarkensrug No. 127, Saldanha.

This location was not preferred due to the distance of the proposed site from the processes that generate the by-products which are to be used in the briquetting process. This will increase the handling time of the material and the unnecessary transport of these materials to the plant.

"No-Go" Alternative

The "no-go" alternative will mean that the existing facility will remain in its current form. As the preferred alternative has been designed in such a manner that it will not result in unacceptable impacts, the "no-go" alternative was not warranted.

3. Impacts, assessment and miligation measures

3.1. Activity Need and Desirability

The proposed briquetting plant will improve the economic efficiency of the plant, aid in the reduction in stockpiling of materials on site and reduce the occurrence of clogging of the existing plant arising from the current method.

The proposed development will be located in an existing industrial area zoned for industrial use. No additional services or infrastructure are required from the local authority.

Approximately 20 new employment opportunities will be created in the construction phase and approximately 22 permanent new employment opportunities will be created during the operational phase.

3.2. Biophysical Impacts and biodiversity

The general gradient of the site is relatively flat and the surrounding area largely comprises of heavy industrial activities. No natural vegetation occurs on the site as it has been previously transformed by industrial activities. No watercourses are located in close proximity to the site.

With the implementation of the conditions of this Environmental Authorisation and the EMP, the potential negative environmental impacts are expected to be managed to acceptable levels.

3.3. Dust and Noise Impacts

3.3.1. The findings of the Air Quality Assessment Report (dated June 2013 and compiled by WSP Environment & Energy South Africa (Pty) Ltd.) as included in the BAR, states that the addition of the briquetting operation will not cause any increase in impact at identified receptors (Mykonos, Saldanha, Jacob's Bay, Vredenburg, Transnet and Langebaanweg).

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3.3.3. All noise and sounds generated during all phases of the proposed development will comply with the relevant SANS codes and standards. Furthermore, noise impacts will be mitigated by the implementation of the EMP.

3.4. Air pollution

The findings of the Air Quality Assessment Report (dated June 2013 and compiled by WSP Environment & Energy South Africa (Pty) Ltd.) as included in the BAR, states that the impact of emissions (SO_2 , No_2 and PM_{10}) from the proposed briquetting operation on surrounding receptors are predicted to be minimal.

- 3.5. Impact Assessment and significance
 - 3.5.1. The potential for polluting the air as a result of emissions from the briquetting plant have been identified in the BAR as being of low significance. According to the findings of the Air Quality Assessment Report (dated June 2013 and compiled by WSP Environment & Energy South Africa (Pty) Ltd.) the addition of the briquetting operation is not expected to cause any increase in the impacts at identified receptors and the impact of the existing plant on the environment is expected to be reduced through recycling by-products otherwise stored on site in stockpiles.
 - 3.5.2. The noise impact as a result of the proposed construction and operation activities has been identified in the BAR as being of low significance as construction activities will take place during working hours only and the plant is located in an industrial area with no residential areas in close proximity. All noise and sounds generated will comply with the relevant SANS codes and standards. This has been included in the EMP and the conditions of this Environmental Authorisation.
 - 3.5.3. The generation of dust as a result of the proposed construction activities has been identified in the BAR as being of low significance as appropriate dust suppression methods will be implemented. Dust suppression measures have been included in the EMP and as a condition of this Environmental Authorisation.

National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment:
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

The development will result in both negative and positive impacts.

Negative impacts include:

- Potential air pollution as a result of emissions from the briquetting plant; and
- Generation of noise and dust as a result of the proposed construction and operational activities of the proposed development.

The Department is satisfied that the negative impacts of significance will be addressed by the conditions contained in this Environmental Authorisation and the mitigation measures contained in the EMP.

Positive impacts include:

- Reducing stockpilling of fine metallurgical by-product materials as the materials will be
 used in the briquetting process;
- Optimising the operational efficiency of the plant by impeding the on-going system clogging problems resulting from the current system;
- Generation of approximately 20 new employment opportunities during the construction phase; and
- Generation of approximately 22 permanent new employment opportunities during the operational phase.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, compliance with the EMP and BAR, the competent authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-END-