



**Reference:** 19/2/5/4/F3/17/WL0057/22

The Director/s  
Tronox Mineral Sands (Pty) Ltd.,  
P.O. Box 223  
**LUTZVILLE**  
8165

Tel: (027) 217 3042

Cell: 073 709 6556

Email: [Marius.Vlok@tronox.com](mailto:Marius.Vlok@tronox.com)

**For attention:** Mr. Marius Vlok

**VARIATION WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT (ACT NO. 59 OF 2008) FOR THE TRONOX MINERAL SANDS (PTY) LTD., MINERAL SEPARATION PLANT WASTE DISPOSAL FACILITY (WDF) ON PORTION 629 OF THE OLIFANTS RIVER SETTLEMENT OF ERF 1420, VREDENDAL.**

## WASTE MANAGEMENT LICENCE

### A. DECISION

I, Lance McBain-Charles, in my capacity as the Acting Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereafter "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby in terms of the provisions of section 54 (a) and (d) of the NEM:WA, replace the existing Licence (Ref.: E13/2/10/2-F3/12-WL0051/10) issued by the Department of Environmental Affairs and Development Planning with this Waste Management Licence (hereafter "the Licence"), with effect from the date of expiry of the appeal period set out, or the finalisation of an appeal, as provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) National Appeal Regulations, published as Government Notice (GN) No. R. 993 of 8 December 2014, to the abovementioned Licence Holder, for the operation of the Tronox Mineral Sands (Pty) Ltd., Mineral Separation Plant WDF (hereafter "the Facility") on portion 629 of the Olifants river settlement of erf 1420, Vredendal.

**B. DESCRIPTION OF THE ACTIVITY:**

The proposed activity entails the expansion of the existing general waste disposal facility at the Mineral Separation Plant (MSP) of Tronox Mineral Sands (Pty) Ltd., in Koekenaap. The footprint area associated with the expansion of the existing waste disposal facility extends approximately 1.33ha in a northerly direction from the existing waste disposal facility. The area that is proposed for the expansion of the waste disposal facility has been previously disturbed and little natural vegetation remains. The waste disposal Facility will be fenced and access to the Facility will be controlled. The Facility will be managed in terms of the waste management protocol currently in place at the MSP Facility. The Facility is anticipated to receive 7-8 tons of general waste per month.

The following activities identified in Government Notice No. 921 - Category A & B, are hereby authorised:

Category A

3 (1) The storage, including the temporary storage, of general waste at a facility that has the capacity to store in excess of 100m<sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons.

Category B

4(8) The disposal of general waste to land covering an area in excess of 200m<sup>2</sup> and with a total capacity exceeding 25 000 tons.

The granting of this Waste Management Licence is subject to compliance with the conditions set out in Section C.

In this Licence, "Director" means the Director: Waste Management of the Western Cape Department of Environmental Affairs and Development Planning, who may be contacted at the address below:

Director: Waste Management  
Department of Environmental Affairs and Development Planning  
Private Bag X 9086

**CAPE TOWN**

8000.

In this Licence, "Director: RPW" means the Director of Resource Protection and Waste of the Department of Water and Sanitation: Western Cape Provincial Operations, who may be contacted at the address below:

Director: Resource Protection and Waste  
Department of Water and Sanitation  
Private Bag X16

**SANLAMHOF**

7532

## C. LICENCE CONDITIONS

**LICENCE NUMBER:** 19/2/5/4/F3/17/WL0057/22  
**WASTE APPLICATION:** FURTHER OPERATION OF THE TRONOX MINERAL SANDS (PTY) LTD., MINERAL SEPARATION PLANT WDF  
**CLASS:** CLASS B  
**LOCATION:** PORTION 629 OF THE OLIFANTS RIVER SETTLEMENT OF ERF 1420, VREDENDAL  
**LICENCE HOLDER:** TRONOX MINERAL SANDS (PTY) LTD.  
**CONTACT PERSON:** MARIUS VLOK  
**ADDRESS:** P.O. BOX 223, LUTZVILLE, 8165

### 1. LOCATION

- 1.1. This Licence authorises Tronox Mineral Sands (Pty) Ltd., to operate the existing licensed waste disposal Facility at the Mineral Separation Plant on Portion 629 of the Olifants River on Erf 1420 Settlement, District of Vredendal, Western Cape Province (herein after referred to as the Facility).
- 1.2. The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 18 November 2010 and Management Licence Application Additional Information Annexure (August 2010) dated 15 April 2011 submitted by the Licence Holder which is defined as follows:

**Table 1:** Boundaries of the Facility:

Number of corners	Latitude (S)	Longitude (E)
1	31° 27' 38 .16"	18° 17' 52 .83"
2	31° 27' 39 .29"	18° 17' 55 .99"
3	31° 27' 43 .51	18° 17' 54 .50"
4	31° 27' 42 .89"	18° 17' 51 .27"

- 1.3. The location of the property on which the Facility is situated:

**Table 1:** Location of the entrance of the Facility:

Latitude (S)	Longitude (E)
31° 27' 40 .97"	18° 17' 53 .81"

- 1.4. The footprint of the Facility and its associated infrastructure is 6029 177m<sup>2</sup>
- 1.5. The SG 21 Digit code of the Facility is C07800070000 | 42000000.

## 2. **PERMISSIBLE WASTE**

- 2.1. Any portion of the Facility which has been constructed or developed according to Condition 4 of this Licence may be used for the collecting, storing and disposing of general waste. Waste from residential, commercial and industrial areas which are classified as general waste according to the Minimum Requirements for Waste Disposal by Landfill – DWAF, Republic of South Africa, Second edition, 1998 (hereinafter referred to as "Minimum Requirements"), and any future norms and standards developed by the Department are licenced. See Annexure II for waste which may not be accepted at the Facility.

## 3. **APPOINTMENT OF A WASTE MANAGEMENT CONTROL OFFICER/ENVIRONMENTAL CONTROL OFFICER**

- 3.1. A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr). The WMCO/ECO must:
- a) identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste;
  - b) report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Director through means reasonably available and;
  - c) monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

## 4. **CONSTRUCTION**

- 4.1. This Licence does not negate the Licence Holder's responsibility to comply with any other statutory requirements that may be applicable for the undertaking of the listed activities.
- 4.2. The Licence must be made binding to the main contractor as well as individual contractors and the conditions should be included in tender documentation for the construction contract.
- 4.3. The Facility construction must be carried out under the supervision of the WMCO/ECO who must submit a declaration to the Director upon completion that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed waste management activities.
- 4.4. The Facility must be constructed and developed in accordance with recognised civil engineering practice and must be carried out under the supervision of a qualified person proposed by the Licence Holder and approved by both Director and Director for: RPW to ensure that it remains stable. The Facility's liner design must adhere to the Minimum Requirements.
- 4.5. A registered professional engineer must submit the drawings and a certificate or alternatively a letter to the Director that the construction of the Facility is in accordance with the recognised civil engineering practice to the Director for approval within 3 months of completion of construction.
- 4.6. The Facility must be constructed as per the approved Surface Drainage and Site Development plan dated 27 February 2012.
- 4.7. After construction of the Facility or further development within the Facility, the Licence Holder shall notify the Director thereof and the person referred to in condition 4.5 shall submit a certificate or alternatively a letter to the Director: RPW that the construction of the Facility or further development within the Facility, as proposed by the Licence Holder and approved by the

Director: RPW, is in accordance with recognised civil engineering practice before disposal or waste activity may commence on Facility. The completed construction works of the Facility shall be inspected by an official of the Department and the person referred to in condition 4.6. If the Director is satisfied with the construction of the Facility or any further development within the Facility and has given written permission, the Licence Holder may use the Facility or any further development within the Facility for the disposal or any other waste activity.

- 4.8. Should any heritage remains be exposed during excavations or any actions on the Facility, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any heritage remains be destroyed. The heritage site must be marked and fenced off and must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation) within 48 hours. 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 artefacts and bone remains; structures and other built features; rock art and rock engravings; ship wrecks; 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.

## **5. MANAGEMENT**

### 5.1. General Management

- 5.1.1 The Addendum to the EMPr dated June 2011, submitted as part of the Final Basic Assessment Report, is hereby approved, and must be implemented together with all the conditions of this Licence.
- 5.1.2 An application for the amendment to the EMPr must be submitted to the Licensing Authority if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Licensing Authority.
- 5.1.3 The applicable sections of the EMPr must be included in all contract documentation for all phases of implementation.
- 5.1.4 The Licence Holder must notify the Licensing Authority immediately of any events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.
- 5.1.5 The waste management listed activities at the Facility must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 5.1.6 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties will be carried out.
- 5.1.7 A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activities will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.

5.1.8 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

## 5.2 Emergency Preparedness Plan

5.2.1 The Licence Holder must maintain and implement an emergency preparedness plan and review it after each emergency and/or major incident and when conducting external audits. The plan must, among others, include:

- a) Natural disasters such as floods;
- b) Vehicle/machinery fire or malfunction;
- c) Facility fires, accidents, spills, explosions etc.;
- d) Industrial action; and
- e) Contact details of police, ambulance and any emergency centre in close proximity to the Facility.

## 6. IMPACT MANAGEMENT

6.1. The Licence Holder must:

- a) Ensure that litter or mud arising from the activities that may cause pollution are cleared from affected areas outside the Facility as soon as practicably possible.
- b) Ensure that emissions from the activities are free from any odour at levels likely to cause nuisance conditions outside the Facility, as perceived by an authorised officer of the Department or any interested and affected parties.
- c) Ensure that effective vector (flies and vermin) control measures are in place and that it is maintained .
- d) Ensure that effective dust control is exercised to avoid any dust emanating from the processing of waste in terms of builder's rubble and the operation of the waste disposal facility.
- e) Ensure that run-off water arising on the Facility does not come in contact with the waste.
- f) Ensure that waste water not be discharged to a water source, or to land where it could cause pollution. Waste water should be contained and disposed of in terms of the relevant legislation.
- g) Ensure that all activities be free from noise at levels likely to cause a nuisance, harm or disturbance in terms of the Western Cape Provincial Noise Regulation (PN 627/98) and any amendments.
- h) Ensure that the provisions of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996) are met to ensure the health and safety of staff.
- i) The Licence Holder must set targets to recover recyclables at the Facility as part of an overall strategy to divert waste from being disposed of at waste disposal facilities.

6.2. Any complaint from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable time frame to the satisfaction of the Department and record it in terms of Condition 13.

## **7. OPERATIONAL**

### **7.1. Facility Security and Access Control**

- 7.1.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed and having gates locked outside the hours of operation.
- 7.1.2 The Licence Holder must prevent the acceptance, reclamation, reuse and recycling of waste not authorised for disposal at the Facility as per Condition 2.1.
- 7.1.3 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least three of the official languages applicable in the area. These notices must prohibit unauthorised entry, state the hours of operation, include the type of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility. Signage must also be displayed at the areas used for each of the waste activities at the Facility.
- 7.1.4 The Facility must have a perimeter fence to a minimum height of 1.8 metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry to the Facility and to curtail the spreading of windblown litter.

### **7.2. Facility Management and Operations**

- 7.2.1 The Facility must be Managed and Operated:
  - 7.2.1.1 So that waste containers are not overfilled to prevent nuisance, pollution and/or littering incidents.
  - 7.2.1.2 In such a way that waste containers and concrete areas on which waste is stored or handled must be cleaned regularly and effectively maintained at the drop off area.
  - 7.2.1.3 In such a manner that no nuisance conditions such as odour or health hazards occur.
  - 7.2.1.4 So that no waste is burned at the Facility.
  - 7.2.1.5 So that waste disposed of at the Facility must be compacted and covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Director.
- 7.3. The Licence Holder must make use of moveable fences to control windblown litter.
- 7.4. Waste disposed of at the Facility must not be reclaimed.
- 7.5. The Licence Holder must take all reasonable steps, such as suitable zoning and/or written agreements with adjacent landowners, to establish and maintain an unbuilt area or "buffer zone" of 500 meters between the Facility and the nearest residential and/or light industrial areas during the operative life of the Facility. Heavy industries or industries which may create nuisance conditions may be allowed within the buffer zone in terms of the appropriate legislation.
- 7.6. The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 7.7. The Licence Holder must ensure that the Facility layout and levels of the surface of the Facility is free-draining throughout so that no ponding of leachate/runoff to occur on or around the disposal areas.
- 7.8. The Licence Holder must ensure that all runoff water arising on land adjacent to the Facility, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in 50 (fifty years) does not come in contact with the waste.
- 7.9. Operational works on the Facility must be constructed and maintained on a continuous basis by the Licence Holder to divert and drain from the working face of the Facility, all runoff water arising on the Facility, which could be expected as a result of the estimated maximum precipitation. Such operational works, under the said rainfall event, must maintain a freeboard of 0.5 m (half a metre).

- 7.10. Runoff water referred to in condition 7.9 must comply with the quality requirements as per the Department of Water and Sanitation, or with such quality requirements as may from time to time be determined by the Minister and shall be drained from the Facility in a legal manner.
- 7.11. Runoff water referred to in condition 7.9 which does not comply with the quality requirements applicable in terms of condition 7.10 and all leachate must, by means of works which must be constructed and maintained on a continuous basis by the Licence Holder to be treated to comply with the aforementioned quality requirements and be discharged in a legal manner.
- 7.12. The height of the waste body within the Facility shall not exceed the ground level.
- 7.13. The slope of the sides of the Facility must be constructed in such a manner that little or no erosion occurs.
- 7.14. The Licence Holder must ensure that stormwater is prevented to flow onto and off the Facility (including through the entrance gate) by means of clay and soil berms.
- 7.15. Erosion-protection must be provided to berms by means of vegetation.
- 7.16. The areas designated to various processes or waste types should be clearly marked.
- 7.17. Waste that is not permissible under Condition 2.1 must be dealt with according to relevant legislation or the Department's policies and practices.

## **8. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 8.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring at the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 8.2. Should the investigation carried out as per condition 8.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **9. MONITORING**

### **9.1. Monitoring Methods and Parameters**

- 9.1.1 The Licence Holder shall carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008).
- 9.1.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licensing Authority, specifying that the method is at least equivalent to the SABS method.
- 9.1.3 The Licence Holder must put in place a monitoring and measurement plan that must inter alia include:
  - a) Tonnage received, reclaimed, composted and transferred;
  - b) waste types and sources;
  - c) air quality monitoring;
  - d) Storm water and leachate monitoring; and
  - e) Surface and ground water monitoring.



## **10. WATER POLLUTION INVESTIGATIONS**

- 10.1. If, in the opinion of the Director and Director: RPW, groundwater and/or surface pollution may be or is occurring the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.
- 10.2. Investigations carried out in terms of conditions 10.1 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Director.
- 10.3. Should the investigation carried out as per conditions 10.1 and 10.2 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **11. AUDITING**

### **11.1. Internal Audits**

- 11.1.1 Internal audits must be conducted quarterly by the Licence Holder and on each audit occasion an official report 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 11.2 and the internal audit report must be submitted to the Director.

### **11.2. External Audits**

- 11.2.1 The Licence Holder must appoint a suitable qualified independent external auditor to audit the Facility annually and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 11.2.2 The audit report must:
- a) Specifically state whether conditions of this Licence are adhered to;
  - b) Include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
  - c) Specify target dates for the implementation of the recommendations to achieve compliance;
  - d) Specify whether corrective action which was taken for the previous audit's non-compliances was adequate.

## **12. DEPARTMENTAL AUDITS AND INSPECTIONS**

- 12.1. The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director.
- 12.2. The findings of these audits or inspections must be made available to the Licence Holder and Residents Monitoring Committee within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- 12.3. The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.

### **13. RECORD KEEPING**

- 13.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 13.2. All records required or resulting from activities required by this Licence must:
- a) be legible;
  - b) be made available to anyone who may request them and should form part of the any audit report;
  - c) if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - d) be retained in accordance with documented procedures which are approved by the Department; and
  - e) be made available to the Department upon the request of the Director.

### **14. REPORTING**

- 14.1. The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility which has the potential to cause, or has caused any pollution.
- 14.2. The Licence Holder must within 14 (fourteen) days, or such time specified by the Director, from the occurrence or detection of any incident referred to in condition 14.1 submit an action plan, which must include a detailed time schedule and resource allocation signed off by management 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 impact; and
  - c) prevent a recurrence of a similar incident.
- 14.3. In the event that measures have not been implemented within 21 (twenty one) days of the incident to address impacts caused by the incident referred to in condition 8.1 and 10.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 14.4. The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 14.5. Prior written notification must be given to the Director of the following events and in the specified timeframes:
- a) As soon as practicable prior to the permanent cessation of any operational activities;
  - b) Full or partial cessation of the operational activities for a period likely to exceed 3 months; and
  - c) Full or partial resumption of the operation of all or part of the activities after a cessation notified under (b) above.
- 14.6. The Department must be notified within 7 (seven) days of any changes to the management of the Facility, including the name of the incoming person, together with evidence that such person has the required technical competence.

- 14.7. The Department must be notified within 14 (fourteen) days of the following changes:
- a) Licence Holder's trading name, registered name or registered office address;
  - b) particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - c) steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 14.8. All audit reports (internal and external) must be submitted to the Director within thirty (30) days from the date on which the auditor finalised the audit.
- 14.9. The Licence Holder must register and report quantities of waste to the Department's Integrated Pollutant and Waste Information System (IPWIS) which can be accessed on the URL <http://ipwis.pgwc.gov.za/ipwis3/public>. Reporting on IPWIS must be done on a quarterly basis.

## 15. REHABILITATION AND CLOSURE OF THE FACILITY

- 15.1. The Licence Holder shall, at least 60 (sixty) days prior to the intended closure of the Facility, notify the Director by registered mail of such closure and submit final rehabilitation plans for approval.
- 15.2. The Licence Holder must rehabilitate the Facility or any portion thereof, in accordance with a closure report and rehabilitation plan, which must be submitted to the Department for approval at least 1 (one) year prior to the intended closure of the Facility, or any portion thereof.
- 15.3. Immediately following the cessation of operations, with the intention to close the Facility, the surface of the Facility shall be covered in such a way that:
- a) the formation of pools due to rain is prevented;
  - b) free surface runoff of rain-water is ensured;
  - c) contamination of storm water is prevented;
  - d) no objects or materials which may hamper the rehabilitation of the Facility are present; and
  - e) little or no erosion occurs until the approved rehabilitation (and end use) plan referred to in condition 15.2 is completely implemented.
- 15.4. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts on the environment, after operations on the Facility have ceased.

## 16. LEASING AND ALIENATION OF THE FACILITY

- 16.1. Should the Licence Holder want to alienate or lease the Facility, he/she must notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction. Should the approval be granted, the Licence Holder shall remain liable to compliance with all Licence conditions.

## 17. TRANSFER OF THE WASTE MANAGEMENT LICENCE

- 17.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA, 2008.
- 17.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

## **18. COMMENCEMENT**

- 18.1. The construction of the licensed activity may not commence within 30 (thirty) days of the date of signature of the Licence.
- 18.2. Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorised activities, he/she may not commence with the activities until authorised by the Director in writing.
- 18.3. After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.
- 18.4. This activity must commence within a period of 3 (three) years from the date of issue. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for waste management Licence must be made in order for the activity to be undertaken.
- 18.5. If the proponent anticipates that commencement of the activity would not occur within 3 (three) year period, he/she must apply and show good cause for an extension of the Licence<sup>6</sup> (six) months prior to its expiry date.

## **19. GENERAL**

- 19.1. This Licence shall not be transferable unless such transfer is subject to condition 17 above.
- 19.2. This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-law and relevant National Norms and Standards.
- 19.3. This Licence is valid for a period of 10 (ten) years from the date of signature of this Licence. The licence may be reviewed at any time before that date. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 19.4. Should the Licence Holder want to conduct the waste management activity beyond the 10 (ten) years, the Licence Holder must apply for a review of the Licence<sup>1</sup> (one) year before the expiry date.
- 19.5. Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(l) of the NEM:WA , 2008.
- 19.6. In terms of sections 28 and 30 of the NEMA, and sections 19 and 20 of the National Water Act, 1998 (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 Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

## **D. APPEAL OF LICENCE**

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 1.2 An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
  - 1.2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.3 An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
  - 1.3.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
  - 1.3.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.4 The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 1.5 The appeal and the responding statement must be submitted to the address listed below:

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 Marius Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001  
By email: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) .

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [Marius.Venter@westerncape.gov.za](mailto:Marius.Venter@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Licence 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 greatly appreciated.

Yours faithfully,

### **ACTING DIRECTOR: WASTE MANAGEMENT**

Cc: (1) Ms Louisa Thuynsma (Environmental Assurance (Pty) Ltd.  
(2) Mr Noe Malise (DWS: Resource Protection and Waste)  
(3) Ms Wilna Moolman (DWS: Resource Protection and Waste)

Email: [louise@envass.co.za](mailto:louise@envass.co.za)

Email: [NoeM@dws.gov.za](mailto:NoeM@dws.gov.za)

Email: [MoolmanW@dws.gov.za](mailto:MoolmanW@dws.gov.za)

## **ANNEXURE**

### **A. REASONS FOR THE DECISION (APPEALABLE)**

The reasons for this decision, as well as the factors affecting the broader development that were considered in the variation application to ensure the effective implementation of this decision, are explained below. All the following information that was available to the Department was taken into account in the Department's consideration of the application:

- a) The information contained in the non-substantive Variation Application Form for a Waste Management Licence received by the Department on 1 May 2022 to apply for the renewal of the current Tronox Mineral Separation Plant WDF WML, the transfer of name from Exxarro Namakwa Sands (Pty) Ltd., to Tronox Mineral Sands (Pty) Ltd., and the subsequent non-substantive variations regarding the corrections to the Facility coordinates for the Facility.
- b) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process (PPP), and the Environmental Assessment Practitioner's responses thereto.
- c) The objectives and requirements of relevant legislation, applicable policies and guidelines, including Section 2 of NEMA.

The PPP comprised of the following:

- a) 30-day I&AP's Registration and public review and comment period on pre-application variation report (3 February 2022 - 4 March 2022);
- b) Advertisements were placed in the "Ons Kontrei" in English on 4 February 2022;
- c) Notification sent to registered I&AP's via email; and
- d) Submission of the variation application to the Department on 3 May 2022.

### **B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE):**

The information contained in the Waste Management Licence Application form dated 17 November 2010, the Final Basic Assessment Report (BAR) together with the Waste Management Licence Application Additional Information Annexure dated June 2011 and the site inspections conducted on 17 August 2011 as well as the addendum to the final BAR dated April 2012 compiled by Savannah Environmental (Pty) Ltd; was taken into account in the Department's consideration of the application. Comments raised by interested and affected parties throughout the Public Participation Process (PPP) and the applicant and the Environmental Assessment Practitioner's responses thereto as well as the Record of Decision (RoD) dated 12 October 2012 by the Department of Water Affairs (DWA) was taken into account. The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998) have also been considered in this decision.