



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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LICENCE NUMBER : 12/9/11/L18060411440/3
SECTOR : DECOMMISSIONING OF INCINERATOR
WASTE MANAGEMENT FACILITY : LONMIN WESTERN PLATINUM LTD
LOCATION : 1 PLATINUM ROAD, VULCANIA EXT 2, BRAKPAN,
EKURHULENI METROPOLITAN MUNICIPALITY
GAUTENG PROVINCE
LICENCE HOLDER : LONMIN WESTERN PLATINUM LTD
ADDRESS : P. O. BOX 1021, VULCANIA EXT 2, 1541
CONTACT PERSON : MRS BONGEKILE NGQULUNGA
CONTACT DETAILS : TEL: 011 365 6530 FAX: 011 813 2135: CELL:083 391 8846
EMAIL: BONGEKILE.NGQULUNGA@LONMIN.COM

WASTE MANAGEMENT LICENCE IN TERMS OF SECTION 49(1) (a) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

In terms of section 49(1) (a) of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) (NEM: WA) read with the Environmental Impact Assessment Regulations, 2014, (as amended), published in Government Notice No. R.982 of 04 December 2014 (the Regulations), the Deputy Director General: Chemicals and Waste Management, acting under delegation, hereby grant Lonmin Western Platinum Ltd a Waste Management Licence for the following waste management activities as listed in category A of the List of waste management Activities that have, or Likely to have or are Likely to have a detrimental effect of the Environmental published in Government Notice No. 921 dated 29 November 2013:

A. Pardon



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Category A

(14) *"The decommissioning of a facility for a waste management activity listed in category A of this schedule".*

In this Licence, "Director" means the Director: Licensing of the National Department of Environmental Affairs (DEA) who may be contacted at the address below:

Director: Licensing
Department of Environmental Affairs
Private Bag X447
PRETORIA
0001

1. SITE DETAILS

1.1 LOCATION

1.1.1 This licence authorises Decommissioning of the historic Lonmin Western Platinum Ltd incinerator that is located at 1 Platinum Road, Vulcania Ext 2, Brakpan, Ekurhuleni Metropolitan Municipality Gauteng Province (hereafter referred to as "the site").

1.1.2 The location of the Site must be according to the co-ordinates indicated on the licence application form, which is defined as follows:



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Number of corners	Latitude	Longitude
A	26° 16' 9.95"	28° 23' 11.22"
B	26° 16' 5.91"	28° 23' 13.18"
C	26° 16' 7.14"	28° 23' 21.78"
D	26° 16' 56.21"	28° 23' 18.76"
E	26° 16' 5.33"	28° 23' 7.87"
F	26° 16' 9.44"	28° 23' 0.32"
G	26° 16' 14.48"	28° 23' 6.87"
Incenerator position	26° 16' 1.93"	28° 23' 11.76"

1.2 DOCUMENTS CONSIDERED

- 1.2.1 Basic Assessment Report compiled by Jones & Wagener dated August 2018, hereafter referred to as the "Report"; and
- 1.2.2 The Waste Management Licence Application Form dated 17 April 2018.

GENERAL LICENCE CONDITIONS

1.3 SITE SECURITY AND ACCESS CONTROL

- 1.3.1 The Licence Holder must ensure effective access control during decommissioning of a Lonmin Western Platinum Ltd to prevent unauthorised entry.
- 1.3.2 Weatherproof, durable and legible signs in at least three official languages applicable in the area must be displayed at each entrance to the site.
- 1.3.3 These signs shall be drafted in the minimum of three official languages applicable in the area and must be displayed to the geographical location where the licence is utilized.



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2. MANAGEMENT

2.1 GENERAL MANAGEMENT

2.1.1 The decommissioning and rehabilitation activities shall be managed and operated:

- a) In accordance with a documented approved Environmental Management Programme (EMPr) in appendix G of the final BAR, that, inter alia, identifies and minimises the risk of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformance as well as those drawn to the attention of the Licence Holder as a result of complaints; and
- b) In accordance with conditions of this Licence and any other written instruction by the Director; and
- c) By an adequate, competent staff complement

2.1.2 Any persons having duties that are or may be affected by this Licence must have convenient access to a copy thereof, which copy must be kept at or near the place where those duties are carried out.

2.1.3 A copy of this Licence may be published by the Department, in its discretion, on any website or other media.

2.2 EMERGENCY PREPAREDNESS PLAN

2.2.1 The Licence Holder must maintain and implement an emergency preparedness plan. The plan must, amongst others, include measures to address:

- a) Power failure;
- b) Equipment malfunction;
- c) Site fires;
- d) Spillage (on Site);
- e) Natural disasters such as floods; and
- f) The plan must include contact details of the nearest police station, ambulance services and the emergency centre.





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3. DECOMMISSIONING AND REMEDIATION MEASURES

- 3.1 Decommissioning and rehabilitation of the Site must be carried out in accordance with recognised civil engineering practice, and under the leadership of a registered engineer who must send a letter or a certificate to the Director on completion to certify that construction and decommissioning activities are compliant with engineering standards approved by the Director.
- 3.2 The Licence Holder must decommission the incinerator and rehabilitate the Site in accordance with an EMPr and DWA's best practice guidelines on decommissioning planning (2005).
- 3.3 The Licence Holder must ensure that all waste removed during the decommissioning of the waste management facility is sent off site either for recycling or disposal at waste management facilities licenced to accept such waste.
- 3.4 The decommissioned incinerator must be dismantled such that it may not be used for incineration of waste in future.
- 3.5 The Licence Holder must ensure that emissions from the activities shall be free from odour at levels likely to cause annoyance.
- 3.6 The Licence Holder must put measures in place to ensure that only uncontaminated rubble is used for infilling purposes.
- 3.7 The Licence Holder must prevent the occurrence of nuisance conditions or health hazards.
- 3.8 The Contaminated Storm Water that may arise from decommissioning must not impact on any water resource or on any other person's water use, property or land and must not be detrimental to the health and safety of the public in the vicinity of the activity.
- 3.9 Waste must be classified as per the Waste Classification and Management Regulations, GN No. R634 as published by the Department of Environmental Affairs.



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- 3.10 Unless pre-classified, waste must be assessed for landfill disposal as per the National Norms and Standards for assessment of Waste for Landfill Disposal, GN635 as published by the Department of Environmental Affairs.
- 3.11 Unless restricted or prohibited, disposal of waste to landfill must be undertaken as per the National Norms and Standards for Disposal of Waste to Landfill, GN636 as published by the Department of Environmental Affairs.
- 3.12 The Licence Holder must ensure Hazardous waste is kept separate from domestic waste and must be stored in sealed and suitable marked containers for removal to a licenced hazardous waste Landfill site
- 3.13 The Licence Holder must ensure that hazardous waste disposal contractor is licenced and must ensure waste disposal certificates are provided to Lonmin Western Ltd.

4. MONITORING

4.1 MONITORING METHODS AND PARAMETERS

4.1.1 The Licence Holder must carry out all tests required in terms of this Licence in accordance with published laboratory analysis methods or those prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008).

4.1.2 The Licence Holder may only use another method of analysis if approved by the Department.

4.2 WATER QUALITY MONITORING

4.2.1 Surface water monitoring shall be performed in all storm water drains on and adjacent to the Site at locations selected in conjunction with the Department of Water and Sanitation (DWS) and at such a frequency as determined by the responsible authority.



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5. INVESTIGATIONS

- 5.1 If, in the opinion of the Director, environmental pollution, nuisances or health risks may be occurring or are occurring on the Site, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.
- 5.2 If in the opinion of the Director and/or Director: CMI, water pollution may be occurring or is occurring, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables at those monitoring points and at such frequency as may be specified by Director: CMI.
- 5.3 Should the investigation carried out as per conditions 6.1 and 6.2 above reveal any unacceptable levels of pollution, the Licence Holder must submit mitigation measures to the satisfaction of the Director.

6. RECORDS

- 6.1 All records required or resulting from activities required by this Licence must:
- (a) Be legible;
 - (b) Be made as soon as reasonably practicable and should form part of the external audit report;
 - (c) If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable; and
 - (d) Be retained in accordance with documented procedures.
- 6.2 Records demonstrating compliance with condition 2.1.1 must be maintained for five years.
- 6.3 Records of waste generated during decommissioning including classification, assessment for disposal, waste manifest and disposal certificates must be kept to a minimum period of 5 years

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7. REPORTING

- 7.1 The Licence Holder must, within 24 hours, notify the Director of the occurrence or detection of any incident on the Site, or incidental to the operation of the Site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 7.2 The Licence Holder must, within 14 days, or a shorter period of time, if specified by the Director, from the occurrence or detection of any incident referred to in condition 7.1, submit an action plan, which must include a detailed time schedule, and resource allocation, signed off by top management, to the satisfaction of the Director and/or the Director: CMI 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.
- 7.3 In the event that measures have not been implemented within 21 days of the incident to address impacts caused by the incident referred to in condition 7.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 7.4 The Licence Holder must keep an incident and complaints register, which must be attached to the external audit report, as well as the Department and DWS for audit purposes.
- 7.5 The Department must be notified without delay in the case of the following:
- a) Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - b) The breach of this Licence; and
 - c) Any significant adverse environmental and health effects.
- 7.6 The Department must be notified within 14 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



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- c) Steps taken with a view to the Licence Holder, or any one of them, going into bankruptcy, entering into arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

8. AUDITING

8.1 INTERNAL AUDITS

8.1.1 Internal audits must be conducted monthly 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 and must specifically state whether the conditions of this Licence are adhered to. The internal audit reports must be made available to the external auditor. Each monthly report must be submitted to the Department until decommissioning and rehabilitation activities are completed.

8.2 EXTERNAL AUDITS

8.2.1 The Licence Holder must appoint an independent external auditor to audit the site once off upon completion of the rehabilitation and this auditor must compile an audit report documenting the findings of the audit, which must be submitted to the Department by the Licence Holder.

8.2.2 The external audit report must:

- a) Specifically state whether conditions of this Licence were adhered to.
- b) Include and interpretation of all available data and test results regarding the operation of the site and all its impact on the environment.
- c) Specify the target dates for the implementation of the recommendations by the Licence Holder to achieve compliance.
- d) Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by the Licence Holder and whether corrective action taken for the previous audit non conformities was adequate.
- e) Show monitoring and conduct trend analysis

8.3 DEPARTMENTAL AUDITS AND INSPECTIONS



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- 8.3.1 The Department reserves the right to audit and/or inspect the Site without prior notification at any time and at such frequency as may be determined by the Director.
- 8.3.2 The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information he/she may require.

9. REHABILITATION AND CLOSURE OF THE SITE

- 9.1 The Site or any portion thereof must be maintained in such a way that no objects or materials including facilities and old machinery which may hamper the rehabilitation of the Site are present.

10. GENERAL

- 10.1 The decommissioning and rehabilitation of the licenced activity may not commence within twenty (20) days of the date of signature of this Licence.
- 10.2 Should an appeal be lodged with the Minister, in terms of section 47 (7) of NEMA the appeal will automatically suspend a waste management license, pending the outcome of the appeal.
- 10.3 After the appeal period has expired and no good cause to extend the appeal period has been submitted, the activity may commence provided a notice has been submitted to the Department. The notice must include a date on which it is anticipated that the activity will commence.
- 10.4 The activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the Licence lapses and a new application for a Licence must be made in order for the activity to be undertaken.
- 10.5 If the Licence Holder anticipates that decommissioning and rehabilitation of the activity would not occur within two (2) year period, he/she **must** apply and **show good cause** for an extension of the licence six (6) months prior to its expiry date.
- 10.6 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of National and Provincial Legislation and any relevant Ordinance, Regulation, By-law or relevant National Norms and Standards.



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- 10.7 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of National and Provincial Legislation and any relevant Ordinance, Regulation, By-law or relevant National Norms and Standards.
- 10.8 Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
- 10.9 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the National Environmental Management: Waste Act, 2008.
- 10.10 In terms of section 28 and 30 of the NEMA and section 19 and 20 of the National Water Act No. 36 of 1998, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about the environmental risks of their work and training them to operate in an environmentally acceptable manner.

11. APPEAL OF LICENCE

- 11.1 The Licence Holder must notify every registered interested and affected party, in writing and within twelve (12) days, of receiving the Department's decision.
- 11.2 The notification referred to in 11.1 must –
- 11.2.1 Specify the date on which the Licence was issued;
- 11.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 2 of GN No. R 993 of 08 December 2014 in terms of National Environmental Management Act, 1998, as amended (see annexure 1);
- 11.2.3 Advise the interested and affected party that a copy of the Licence and reasons for the decision will be furnished on request; and



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11.2.4 An appeal against the decision must be lodged in terms of chapter 2 of GN No. R 993 of 08 December 2014 in terms of NEMA 1998, as amended, from the date of this license, with:

The Minister: Department of Environmental Affairs

Private Bag X 447

PRETORIA

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Tel No.: 012 399 9356

Email: appealsdirector@environment.gov.za

MR. MARK GORDON

DEPUTY DIRECTOR-GENERAL: CHEMICALS AND WASTE MANAGEMENT

DATE: 27/11/2018