



06 June 2008
380104

Acting Director General
Department of Environmental Affairs and Tourism
North Tower, Fedusre Forum Building
315 Pretorius Street
Pretoria

Attention: Ms. N. Jezile

Cc Mr. M. Lushaba
Director, Air Quality Management

Dear Ms. Jezile

Proposed Fugitive Fume and Dust Emission Control Project at Assmang Manganese Cato Ridge Works: Environmental Impact Assessment Progress

The meeting as convened at the Assmang Manganese Cato Ridge Works on 15 April 2008 by the Department of Environmental Affairs and Tourism (DEAT) Environmental Management Inspectorate (EMI) task team (Operation Ferro) refers.

At the meeting it was requested by the DEAT officials present that Assmang submit a letter providing details in respect of the delay in implementation of the Fugitive Fume and Dust Emission Control Project, due to the need to obtain environmental authorisation, directly to the Chief Air Pollution Control Officer. Assmang subsequently requested SRK Consulting as the appointed independent environmental assessment practitioner to compile a letter providing an outline as to progress in terms of the environmental impact assessment (EIA).

As such, this letter provides an outline of the EIA for the project since inception and an estimated time frame for completion of the EIA.

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Partners JCJ Boshoff, MJ Braune, JM Brown, JAC Cowan, CD Dalglish, JR Dixon, DM Duthe, T Hart, PR Labrum, DJ Mahlangu, RRW McNeill, HAC Meintjes, BJ Middleton, MJ Morris, GP Murray, GP Nel, VS Reddy, PN Rosewarne, PE Schmidt, PJ Shepherd, VM Simposya, AA Smithen, PJ Terbrugge, KM Uderstadt, DJ Venter, HG Waldeck, A Wood

Directors AJ Barrett, S Mayekiso, BJ Middleton, MJ Morris, PE Schmidt, PJ Terbrugge

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- 18/06/2007 A meeting was held between Ms. S. Allan, Manager of the Southern Region of the Department of Agriculture and Environmental Affairs (DAEA) Environmental Impact Division, Mr. I. Sampson of Shepstone and Wylie Attorneys, Mr. N. Nkomzwayo of Assmang and Ms. K. King of SRK to discuss the proposed Fugitive Fume and Dust Emission Control Project and the need for an EIA on 18 June 2007. It was agreed at the meeting that SRK submit a letter to the DAEA providing details in respect of the project in order that the DAEA may respond as to the need for an EIA.
- 12/09/2007 SRK obtained further detailed information from Assmang on the proposed project and submitted a letter to the DAEA outlining the project and requesting the DAEA to respond as to whether an EIA is required, and if so, whether an exemption may be considered. The letter is submitted to Ms. S. Allen in both hard copy (hand delivered) and digital copy (via email) and two technical documents outlining the proposed activities were attached (the GLPS and ECE reports).
- 12/09–01/11/2007 SRK followed up with Ms. Allan requesting a response to the letter via both email and telephonically on a regular basis. Ms. Allan goes on special leave and requests SRK to liaise with Mr. M. Moses of the eThekweni District Office.
- 01/11/2007 SRK meets with Mr. Moses regarding the project and the SRK letter submitted to DAEA. Mr. Moses recommends that SRK liaise with DEAT as to whether implementation of the proposed activity will require an amendment to Assmang's existing air quality permits, thereby requiring an EIA be undertaken.
- 06/11/2007 SRK submit a letter to Mr. M. Lushaba, Director of DEAT Air Quality Management requesting guidance as to whether implementation of the proposed activity will require an amendment to Assmang's existing air quality permits. SRK confirm receipt of the letter by Mr. Lushaba and follow up telephonically on a regular basis for a response.
- 21/11/2007 SRK submit an EIA application for proposed improvements to current operations at Assmang, including the Proposed Fugitive Fume and Dust Emission Control Project as one of the listed activities. As a result of no response forthcoming from the national and provincial authorities, SRK recommends to Assmang, in terms of the precautionary principle, that an EIA application be submitted for the proposed project. As SRK has recently been appointed by Assmang to undertake an EIA process for other proposed improvement projects (proposed upgrading of the existing waste water and sewage treatment plants at Assmang), SRK recommend that a single full EIA application be submitted for the various improvement projects at Assmang in accordance with Section 15 (1) of the EIA Regulations, namely "*if an applicant intends undertaking two or more activities as part of the same development, a single application on one application form must be submitted in respect of all those activities.*"
- 23/11/2007 A workshop is held at Assmang at which the various improvement projects, including the Fugitive Fume and Dust Emission Control Project are presented and discussed. The relevant authorities (including DEAT, DAEA and eThekweni Municipality) and key interested and affected parties (IAPs) are invited to and attend the workshop.
- 21/01/2008 The Draft Scoping Report for the Proposed Improvements to Current Operations at Assmang, including the Fugitive Fume and Dust Emission Control Project, is distributed to relevant authorities, IAPs and the general public for review and comment. Notification of the EIA and availability of the report is widely distributed through advertisements in five relevant newspapers, ten posters located in key areas in Cato Ridge and on-site, individual letters to all registered IAPs, relevant

authorities and site neighbours and the distribution of executive summaries of the report. The adverts, posters and executive summaries are distributed in both English and Zulu versions. Copies of the report are made available for public review at the Assmang Training Centre, the Cato Ridge and Hillcrest Libraries, the SRK offices in Pietermaritzburg, the SRK website and copies are made available on request by SRK.

- 21/01–27/02/2008 Comment period on the Draft Scoping Report. One-on-one meetings to discuss the report are held with all relevant authorities and key IAPs including the KwaXimba Traditional Council, Assmang Shop Stewards, the Ward Councillor, the relevant community, environmental and ratepayers associations, Department of Water Affairs and Forestry, Department of Labour, Ethekwini Municipality, DEAT and DAEA. All IAPs and authorities support the Fugitive Fume and Dust Emission Control Project and the primary issue raised by IAPs is that the timeframe for implementation of the project is considered lengthy due to the need to undertake the EIA process.
- 25/02/2008 Mr. Lushaba of DEAT responds to SRK's letter of 05 November 2007 indicating that the Fugitive Fume and Dust Emission Control Project would require an amendment to Assmang's air quality permits and recommends a Basic Assessment process.
- 27/02/2008 A meeting is held at Assmang with DEAT, DAEA and eThekweni Municipality at which the authorities inform Assmang of their decision that, due to the explosion of Furnace No. 6 at Assmang on 24 February 2008 which resulted in fatalities, the EIA process for the proposed expansion should be placed on hold. SRK request feedback from the authorities regarding the EIA process for the Fugitive Fume and Dust Emission Control Project and it is agreed that SRK submit a letter to the DAEA outlining recommendations in terms of the way forward.
- 05/03/2008 SRK submit a letter to DAEA recommending that the Fugitive Fume and Dust Emission Control Project be withdrawn from the full EIA process and a Basic Assessment process be undertaken.
- 11/04/2008 DAEA submit a responding letter to SRK indicating that a Basic Assessment process is to be undertaken.
- 09/05/2008 The Draft Basic Assessment Report is distributed for public comment. Notification of the Basic Assessment and availability of the report is widely distributed through advertisements in English and Zulu placed in five relevant newspapers, posters (English and Zulu) placed on-site and individual letters to all registered IAPs, relevant authorities and site neighbours. Copies of the report are made available at the Cato Ridge and Hillcrest Libraries, the SRK offices in Pietermaritzburg, the SRK website and are provided on request from SRK.
- 09–30/05/2008 Comment period on the Draft Basic Assessment Report. As all key IAPs provided comment on the Draft Scoping Report during January and February 2008 and there has been no substantive change to the proposed activity but simply a change in the EIA process from full EIA to Basic Assessment, substantial additional comment was not expected on the Basic Assessment Report. Only one comment was received during the comment period from Cl. J. Lindsay providing general recommendations as to air quality management on the site as already included in the Integrated Air Quality Management Plan currently being implemented for the site.

SRK request DAEA, DEAT and eThekweni Municipality to provide a date during the last week of May 2008 or first week of June 2008 to meet to discuss the Basic Assessment Report.

11/06/2008

eThekweni Municipality Environmental Health Department indicate that the first date they are available to meet is 11 June 2008 and request a meeting at their Durban offices. Mr. Lushaba from DEAT is unable to attend this meeting but has indicated that he will raise any comments/issues relating to the project at the DEAT EMI meeting scheduled for 09 June 2008 in Durban. DAEA has further committed to sending a representative to the meeting.

Based on comments received from DEAT on 09 June 2008 and from eThekweni Municipality and the DAEA at the meeting scheduled for 11 June 2008, SRK are to finalise the Basic Assessment Report and submit it to the DAEA for a decision within 30 days (July 2008).

In terms of timeframes for implementation of the project, the tender process has been completed, the Operations Committee (OPSCOM) has approved the capital application and the contractor has been appointed and is ready to proceed with construction immediately should environmental authorisation be granted (anticipated July 2008).

Please do not hesitate to contact the undersigned should you have any queries or require further information.

Yours faithfully,

SRK Consulting



Kirsten King
Senior Scientist