



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

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Dear Sir / Madam

FINDINGS OF NON-COMPLIANCES AND NOTICE OF INTENTION TO ISSUE A NOTICE IN TERMS OF SECTION 12(2) OF THE ATMOSPHERIC POLLUTION PREVENTION ACT, 1965 FOLLOWING COMPLIANCE INSPECTION AT ASSMANG CATO RIDGE, 26 FEBRUARY 2007

1. The contents of the letter entitled "Report of Environmental Compliance Inspection dated July 2007, and Assmang's response dated 21 August 2007" must be read as incorporated in this notice.

Muhazho wa kwa Vtoto na Yuandamaashango - Uthito ni Talamondawo nambaVakwaha - Inche In'Chibi yokuShigongileyo naChankabo
Mikawulo ya Tawaka & Ubungo • Département: Origineurales en Tourisme • Leroyha le Tilotabo le Balam-kayoli • Leroyha le Balam-kayoli
Kgoro ye Tawolo le Bueti • Umhanyo weseBhudululo woleVakafits • Umhanyo Wazemvato NokVakaha

2. Assmang is the holder of four registration certificates issued in terms of the Atmospheric Pollution Prevention Act (Act 45 of 1965) ("APPA") for scheduled processes operated on its Cato Ridge site (reference numbers B37/1, B37/2, B27/3 and B37/4 and dated 31 March 1978, 31 March 1978, 21 January 1980 and 25 October 1993 respectively).
3. The report on the compliance inspection held at Assmang Limited's Cato Ridge site set out concerns regarding Assmang's inability to demonstrate compliance with the conditions of the registration certificates. It also listed various concerns regarding point source and fugitive emissions on site. Following the response in Assmang's letter dated 21 August 2007, I draw your attention to the following problems:

2.1 Lack of on-line stack monitoring

All registration certificates that Assmang possess in terms of Section 9 of the APPA for scheduled processes on site require that filtered or scrubbed off-gases should contain less than 50mg or 200 mg particulate matter per cubic meter. Assmang only has on-line monitoring on one of its six furnaces. The other five furnaces are only monitored bi-annually. Given the fact that there is only limited on-line, real-time emission monitoring on site, this means that Assmang is unable to demonstrate compliance with this, and other conditions of the APPA registration certificates.

2.2 Dust pollution on site

It is of extreme concern to this department that there are at least six sources (point and non-point) of dust emissions identified on site with very little or no reduction measures in place. As mentioned in the report, dust generated on site may contain manganese and given the fact that some employees at Assmang have been confirmed to have manganism, this department views this issue in an extremely serious light. Refer to point 11.3 (1) of the Inspection Report and to the attached photographs numbered 2 to 7 and 30 to 35 in this regard.

2.3 Fumes from tapping and casting

As you are aware, tapping occurs 72 times every 24 hours on site. During each tapping event fumes are emitted, impacting significantly on air quality as well as visibility within the furnace building. In the absence of an effective extraction and containment system to deal with the fumes, the process of tapping will continue to contribute to air pollution. Furthermore, a crane operator is located directly above the tapping point. Refer to point 11.3 (2) of the Inspection Report and to the attached photographs numbered 9 to 12 and 36 to 37 in this regard.

2.4 Lack of air quality monitoring at the HH site

Condition 5.6 of Assmang's Class H:H permit, number 16/27/1/203/B3/Y1/P506 requires that an approved comprehensive air quality and gas monitoring programme be implemented within four months after the date of the permit. Although there is some monitoring on site (see EcoServ reports), to date no comprehensive air quality and gas monitoring programme has been submitted for approval, or implemented. Furthermore, condition 7.1.1.3 of the said permit requires an interim air quality monitoring programme for the quantitative detection of the total volatile organic carbons and benzene on site during the four month period. Assmang did not implement such interim air quality monitoring.

2.5 Emissions from the CRA plant

During a meeting held on 21 September 2007 between Assmang representatives and officials from the KwaZulu-Natal Department of Agriculture and Environmental Affairs, Assmang confirmed that the various complaints that the provincial department has been receiving described as "pink clouds", may be as a result of the emissions emanating from the CRA plant. This is possible as during the tapping process at this plant, uncontrolled emissions are released into the atmosphere.

Please note that during the inspection, EMIs were not escorted to this area. At the meeting mentioned above, it was further confirmed that your Ms Ellie van der Linde will provide the provincial department with a report on the CRA plant including mitigation and/or abatement measures to be introduced to control the emissions.

2.5 Lack of on-line flare monitoring

At the meeting mentioned in 2.5 above, Assmang confirmed that it is normal and common practice to use flares on the closed furnaces, i.e. furnaces three, four and six. These emit CO, H₂, O₂ and CH₄ when not on raw stack. When on raw stack, there are particulate emissions released. Assmang confirmed that no on-line monitoring is done on the flares. There are no pilot flares and the flares run on LPG during manual start-up, while combustion only occurs when the calorific value is high enough. Officials from the KZN provincial department requested raw stack information for the past six weeks.

3. As you are aware, in terms of Section 12(2) of APPA, "*The chief officer may at any time by notice in writing require the holder of any such certificate to take steps to ensure the more effective operation of the appliances provided for in such certificate for the prevention of the escape into the atmosphere of noxious or offensive gases produced by the scheduled process to which the certificate relates*".
4. Given the concerns raised in 2. above, you are hereby afforded a period of 21 calendar days to provide this department with reasons as to why a notice in terms of Section 12(2)

of APPA should not be issued to you, requiring you to take the following steps in relation to your operations within a stipulated timeframe:

- 4.1 submit a plan for on-line stack monitoring for all stacks at your facility, with clearly identified activities and timeframes, and an indication of the pollutants to be monitored;
 - 4.2 submit a comprehensive plan for dust reduction measures to be implemented at your facility, with clearly identified activities and timeframes;
 - 4.3 submit a plan for the effective extraction and containment of fumes during the tapping and casting process, with clearly identified activities and timeframes;
 - 4.4 submit a comprehensive programme for the monitoring of air quality and gas at Assmang's H:H site including a programme for the quantitative detection of the total volatile organic carbons and benzene on site;
 - 4.5 to the extent that this is not dealt with in the plans described above, provide this department mitigation and/or abatement measures to be introduced to at the CRA plant to control "pink cloud" and other emissions emanating from the plant, with clearly identified activities and timeframes; and
 - 4.6 submit a plan for on-line flare monitoring for the closed furnaces, with clearly identified activities and timeframes.
5. Should you fail to adequately respond to paragraph 4. above within the stipulated timeframes, this department will proceed with appropriate and necessary enforcement action. Furthermore, please note that in terms of Section 12(4) of APPA, failure to comply with Section 12(2) APPA notice may result in the suspension or cancellation of the registration certificates issued to you.
 6. Should you be unclear about any aspect of this notice or should you require any clarity with regard to the contents hereof, kindly contact the official indicated for enquiries above.
 7. Kindly acknowledge receipt of this pre-notice.
 8. Trusting that this matter will receive your most urgent attention, I look forward to your response.

Yours sincerely



Ms Pam Yako

DIRECTOR-GENERAL AND CHIEF AIR POLLUTION CONTROL OFFICER

DATE: 17/10/2007