



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

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**File Reference:** 12/9/11/L2204041411256/6/N

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**REFERENCE NUMBER** : 12/9/11/L2204041411256/6/N  
**SECTOR** : DECOMMISSIONING OF A WASTE DISPOSAL FACILITY  
**WASTE MANAGEMENT FACILITY** : TRANSALLOYS WASTE DISPOSAL FACILITY  
**LOCATION** : REMAINING EXTENT OF PORTION 24 OF THE FARM  
SCHOONGEZICHT 308 JS, CLEWER IN EMALAHLENI  
LOCAL MUNICIPALITY, MPUMALANGA PROVINCE  
**APPLICANT** : TRANSALLOYS (PTY) LTD  
**ADDRESS** : P O BOX 856, EMALAHLENI, 1035  
**CONTACT PERSON** : EPHRAIM MONYEMORATHO  
**CONTACT DETAILS** : **TEL:** 013 693 8078  
Email: [ephraimm@transalloys.co.za](mailto:ephraimm@transalloys.co.za)

### **REJECTION OF A WASTE MANAGEMENT LICENCE APPLICATION IN TERMS OF SECTION 49(1)(c) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008(ACT NO. 59 OF 2008)**

In terms of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) read with the Environmental Impact Assessment Regulations 2014 (as amended), published in Government Notice No. 982 of 04 December 2014 (the Regulations), the Chief Director: Hazardous Waste Management and Licensing, acting under delegation, hereby rejects the Waste Management Licence application for Transalloys (Pty) Ltd for the following waste management activity as listed in Category A of Government Notice No 921 dated 29 November 2013, as amended:

(14) "The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule."



**Batho pele**- putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others

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## Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility

### 1. BACKGROUND

- 1.1 In terms of section 49(1)(c) of the National Environmental Management: Waste Act (Act No 59 of 2008) (NEM: WA), when evaluating a Waste Management Licence (WML) application, the licensing authority may reject the application where it does not comply with the requirements of the NEM: WA.
- 1.2 In terms of section 49(2) the decision to grant an application for a WML for a waste disposal facility is subject to the concurrence of the Minister of Water and Sanitation.

### 2 DECISION

- 2.1 Based on the assessment of the submitted documentation, the Department rejects the Transalloys (Pty) Ltd Ferrochrome (Fe -Cr) facility decommissioning and closure and the rejection is based on the following reasons:
- 2.1.1 Non – compliance with the National Environmental Management Waste Act, Act 107 of 1998 principles and the National Water Act, Act 36 of 1998 requirements for pollution control (brought about by source – pathway – receptor modelling of pollutant plume which ignores the groundwater as part of the resource, claiming it is merely a pathway).
- 2.1.2 The capping design philosophy claimed to be based on the Minimum Requirements of 1998 prescriptive standards of attenuation liners without recognising them superseded by the containment barrier performance standards of the NEMWA Regulations, 2013 and failure to recognize that the cap works in conjunction with the base liner as referenced in the Minimum Requirements section 8.4.7.
- 2.1.3 The cap performance in respect of service life and seepage control having not being quantified taking into consideration the effects of salt and cation from adjacent waste (slag) and cover soil including topsoil to be fertilised, on the bentonite of the geosynthetic clay liner, nor demonstrating that the thin cover material is adequate to overcome geosynthetic clay liner (GCL) desiccation.
- 2.1.4 Performance assessment using Darcy's equation is applied incorrectly with respect to hydraulic gradient, and to some extent the permeability of the GCL under low confining stress.
- 2.1.5 Stability of the capping closure design being based on factors of safety lower than the RSA standard of 1,5 for static stability and absence of interface shear strength assessment of the existing 1,0mm (smooth) geosynthetic clay liner (GM) with the adjacent GCL, as well as assumed zero phreatic head despite reported observations of seepage.



## **Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility**

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### **3 DOCUMENTS CONSIDERED**

- 3.1 The WML application form, received 12 March 2022.
- 3.2 The Final Basic Assessment Report for the proposed decommissioning and closure of the Fe-Cr waste disposal facility at Transalloys (Pty) Ltd in eMalahleni (Witbank) within the Nkangala District Municipality, Mpumalanga Province, compiled by Hydro Science and dated April 2022; and
- 3.3 The Department of Water and Sanitation Record of Decision (RoD): closure waste management licence application for the Transalloys Ferrochrome (Pty) Ltd waste disposal facility in terms of section 50 of the National Environmental Management: Waste Act, 2008 – Mpumalanga Province, dated 25 May 2023.

### **4 APPEAL OF THE DECISION**

- 4.1 The Licence Holder must notify every registered interested and affected party, in writing and within twelve (12) days of receiving the Department's decision.
- 4.2 The notification referred to in 4.1 must –
  - 4.2.1 Specify the date on which the Licence was issued;
  - 4.2.2 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 II);
  - 4.2.3 Advise the interested and affected party that a copy of a Licence will be furnished on request; and



### Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility

- 4.2.4 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 licence, with: The Minister: Department of Forestry, Fisheries and the Environment, Private Bag X 447, PRETORIA, 0001  
Tel No. 012 399 9356, Email: [appeals@dfre.gov.za](mailto:appeals@dfre.gov.za)

**MS MISHALLE GOVENDER**  
**CHIEF DIRECTOR: HAZARDOUS WASTE MANAGEMENT AND LICENSING**

DATE: 18/07/2023.



## Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility

### ANNEXURE I

#### APPEALS PROCEDURE IN TERMS OF THE NATIONAL APPEAL REGULATIONS GN 993 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT LICENCE

##### **1. LODGING OF AN APPEAL**

- 1.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, and a copy to the applicant, and registered interested and affected parties within twenty (20) days from:
- The date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
  - the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licencing authority, in the case of decisions other than those referred to above.
- 1.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as "Appendix A" and accompanied by:
- a completed Appeal and Response Form setting out the grounds of the appeal,
  - supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made.



## Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility

### Appendix A

#### APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Telephone: 012 399 9626 or e-mail:

[Appeals@dffe.gov.za](mailto:Appeals@dffe.gov.za)

Once completed, this document must be forwarded to:

E-mail: [Appeals@dffe.gov.za](mailto:Appeals@dffe.gov.za)

Physical Address: Department of Forestry, Fisheries and the Environment  
473 Steve Biko Road, Environment House, Arcadia, Pretoria, 0002

#### **Appellants contact information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

#### **Project information:**

Project name: \_\_\_\_\_

Authorisation register number as on environmental authorisation:  
\_\_\_\_\_

Authorisation date as on environmental authorisation:  
\_\_\_\_\_

#### ***IMPORTANT! Please note:***

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.*
- *The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.*



**Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility**

- The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.
- To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
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If on behalf of a community or organisation, please provide proof of mandate to do so.

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2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
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Please provide reasons:

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3. Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?

Yes	No
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Please provide reasons:

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4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	No
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Please provide reasons:

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**Rejection of the proposed decommissioning of the Transalloys Waste Disposal Facility**

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5. Are you fundamentally opposed to any development activity on the site?

Yes  No

Please provide reasons:

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6. Do you have an objection in principle against the development?

Yes  No

Please provide reasons:

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7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

Yes  No

If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.

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8. **DECLARATION:**

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

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**APPELLANT**

**DATE:**