

Draft Operational Environmental Management Plan

DAS Steel Mini Steel Foundry

16 August 2012



DAEA Reference : DM/0053/2011



**DRAFT ENVIRONMENTAL MANAGEMENT PLAN FOR THE OPERATION
OF THE DAS STEEL MINI FOUNDRY**

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SYNOPSIS:

KEY WORDS:
FERROUS INDUSTRY, ENVIRONMENTAL AUTHORISATION, AIR EMISSIONS APPLICATION, WASTE MANAGEMENT LICENSE, CATO RIDGE, ETHEKWENI, KWAZULU NATAL.

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QUALITY VERIFICATION:	
This report has been prepared under the controls established by a quality management system that meets the requirements of ISO9001: 2008 which has been independently certified by DEKRA Certification under certificate number 90906882	

Verification	Capacity	Name	Signature	Date
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Definitions

For the purpose of this Construction OEMP the following definitions will apply:

Alien vegetation means all undesirable vegetation, defined as but not limited to, all declared category 1 and category 2 plants in terms of the Conservation of Agricultural Resources Act (43 of 1983) (CARA) amended regulations 15 and 16 as promulgated in March 2001.

Construction activity refers to any action taken by the Contractor, his subcontractors, suppliers or personnel in undertaking the construction work.

Construction area(s) refers to all areas used by the Contractor in order to carry out the required construction activities. This includes, all offices, accommodation facilities, testing facilities/laboratories, batching areas, storage & stockpiling areas, workshops, spoiling areas, access roads, traffic accommodation (e.g. bypasses), etc.

Environment means the surroundings within which humans exist and that are made up of - land, water and atmosphere; micro-organisms, plant and animal life; any part or combination of the above and the interrelationships among and between them; the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.

Environmental Impact refers to any change to the environment, whether desirable or undesirable, that would result directly or indirectly from any construction activity.

Hazardous material/substances refer to any substance that contains an element of risk and could have a deleterious effect on the environment.

Vegetation rehabilitation refers to the re-establishment of locally indigenous vegetation with a similar species composition to that which naturally occurs in the area.

1 Introduction

1.1 Project Background

Secondary production of steel involves the refining of steel to produce higher quality steel or steel which is tailored to a specific specification.

1.1.1 Proposed Project

This project entails the construction of a secondary mini steel foundry (2x20Mt furnaces) and hot rolling mill in Cato Ridge. The proposed project uses technology commonly used internationally. Recovered steel is the main raw material and is processed to form steel billets, typically for the conversion into products for the construction industry.

The proposed project entails two development phases. These being the secondary steel foundry in Phase I and the Hot Rolling Mill in Phase II.

1.1 PROJECT PROPONENT

Project applicant: DAS Steel (Pty) Ltd

Trading name (if any):

Contact person:

Physical address:

Postal address:

Postal code:

Telephone:

E-mail:

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1.2 Environmental Assessment Practitioner

The project team is made up of several disciplines and is reflected in the project team assembled. CV's are referenced in the Scoping Report and EIR report A. The assessment team is made up of:

Name	Role
Magnus van Rooyen	Project Director
Grant von Mayer	Project Manager and Environmental Assessment Practitioner
Warren Hale	Environmental Assessment Practitioner and

	Public Participation
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1.2.1 Magnus van Rooyen

Mr van Rooyen has experience in the fields of Environmental Impact Assessment, Public Participation, Environmental Management, Wildlife Management, Scoping Reports, Mining Right and Permit Applications and Environmental and Biodiversity studies.

1.2.2 Grant von Mayer

WISA and IWMSA

Grant has thirteen years work experience in South Africa, United Kingdom and the Ukraine, with 10 years experience in the environmental consultancy field.

1.2.3 Warren Hale

Warren has six years experience in the field of Environmental Management. He has gained extensive experience in Environmental Assessment having coordinated Basic and Full Environmental Impact Assessments (EIA) and managed teams of specialists.

Primary contact for the project is tabulated below:

Company name (if any):	Jeffares and Green (Pty) Ltd		
Physical address:	6 Pin Oak Avenue		
	Hilton, KZN		
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	Hilton		
Postal code:	3245	Cell:	
Telephone:	033 3436789	Fax:	033 3436788
Email Address	vonmayerg@terratest.co.za		

1.3 Site Location

The proposed site is located on Eddie Hagen Drive, Cato Ridge in Kwazulu Natal.

1.4 Environmental Impact Assessment (EIA)

Due to the nature of the proposed project certain regulations of the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998) requires Environmental Authorisation (EA) from the competent provincial authority. An application was lodged in terms of the NEMA, 1998 (Act 107 of 1998), as amended, and the Environmental Impact Assessment Regulations as published in Government Notice (GN) No. R543, R544, R545 and R546 of

2010, for an Environmental Impact Assessment (EIA) to the Department of Agriculture and Environmental Affairs (DAEA) under Reference No. DM0053/2011. An application for the management of waste has been lodged with the Department of Environmental Affairs (DEA) for the storage and treatment of waste as per GN 718 of 2009 has been lodged (Ref: 12/9/11/L947/4).

1.5 Aims of this Document

The purpose of this OEMPr is to ensure that the impacts of the construction phase of the project on the environment are kept to a minimum. This includes ensuring that the mitigation measures described in the EIA Report are implemented, to ensure continued monitoring of the construction phase and to ensure the involvement of interested and affected parties (IAPs) in a meaningful way.

1.6 Status of this Document

The provisions of this OEMPr are binding on the Holder during the operation period and Defects Liability period of the contract. This specification shall be read in conjunction with all the documents that comprise the contract documents for this contract. In the event that any conflict occurs between the terms of the OEMPr and the Project Specification or the EA, the terms of the OEMPr shall stand.

The operation is to implement an ISO14001 Environmental Management System (EMS). The intention is to certify the EMS through an accredited agency. The EMS system will be a more comprehensive management tool than the OEMPr and at the time of implementation will take precedence over this document.

2 Site Description

2.1 Site Locality

The site is situated in the Outer West region of the eThekweni Metropolitan Municipality. The site address is 22 Eddie Hagen Drive, approximately 5km east of Cato Ridge, on Portion 155 Farm Rietvlei 851. The co-ordinates of the centre of the site are:

South	29°42'10.12"
East	30°38'01.79"

2.2 Baseline Environmental Setting

The project area is situated on a 4ha polygon located on a broad plateau above the valley of a thousand hills. The baseline environment is that of a degraded site arising from previous

land use. The site is set in an area with a low irreplaceability value with nGongoni Veld being the veld type associated with the area and two millipede species being the key biodiversity features. The area is typified by large to medium industries interspersed by open land. The land is in cases degraded through dumping of materials and earth works. Informal cattle grazing by communities in the valleys occur.

The site is set on the sandstones of the Natal Group and underlain by the granites of the Natal Metamorphic Group. Faults are mapped to the south and west of the site (<1km). The hydrogeology shows the site to be a low potential water resource with low permeable sandstones having a secondary porosity principal groundwater occurrence. A shallow perched system is likely to be in place. No hydrological features have been identified for the site. Predominant wind directions are north easterly and south westerly. Ambient air quality is likely to be impacted by large emitters in the area. Further detail on the environmental setting can be found in the Final Scoping Report. (Terratest , 2012).

2.3 Heritage

According to the National Heritage Resources Act No 25 of 1999, provisions are made to protect national heritage and this forms an integral part of the environmental assessment process. No heritage features have been identified however subsurface features in any development may be encountered.

2.4 The Social Environment

The site falls within an industrialised area interspersed with vacant land. The foreseeable increase in vehicular traffic on the Eddie Hagen Drive will have some effect on the landusers in the area. Employment in residential areas is typically low for a peri-urban setting and employment opportunities do exist.

3 Legislation Pertaining to this Document

3.1 Relevant Legislation

The ***South African Constitution (No 108 of 1996)*** Chapter 2 - Bill of Rights makes provisions for Environmental rights - Section 24, Rights in property – Section 25, Administrative justice - Section 32 and Access to Information – Section 33.

The ***National Environmental Management Act (NEMA) (Act 107 of 1998)*** is a 'principles-based Act' and is an overarching statute regulating various aspects of natural resource use, integrated environmental management and pollution control. The Act aims to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance,

and procedures for co-ordinating environmental functions exercised by organs of state. NEMA contains a set of principles that govern environmental management, and against which all environmental management plans and actions are measured.

The ***National Water Act (No 36 of 1998)*** makes provisions for the protection of surface water and groundwater resources and their sustainable management for the prevention and remediation of the effects of pollution, and for the control of emergency occurrences.

The primary purpose of this Act is to manage and control South Africa's water resources by:

- Meeting the basic human needs of present and future generations.
- Promoting the efficient, sustainable and beneficial use of water in the public interest.
- Facilitating social and economic development.
- Providing for growing demands for water use.
- Protecting aquatic and associated ecosystems and their biological diversity.
- Reducing and preventing pollution and degradation of water resources; and meeting international obligations.
- Landowners and users have an obligation not to pollute water, and prescribe certain measures to prevent pollution.

The institutional roles of DWA and the catchment management agencies (CMAs), which are bodies charged with enforcing some aspects of this Act. The CMA may take measures it considers necessary to remedy a harmful situation and may recover all costs incurred.

The ***Conservation of Agricultural Resources Act (No 43 of 1983)***. The main focus of this act is upon agricultural resources but it has an indirect implication for rivers and provides for the protection of agricultural land while regulations provides for the implementation of control measures for alien and invasive plant species.

National Environmental Management: Air Quality Act (No 39 of 2004) which provides for the control of dust, noise and offensive odours. This Act requires listed activities to apply for an Air Emissions License (AEL) which is licensed and monitored through the eThekweni Metropolitan Municipality (eMM).

The ***Occupational Health and Safety Act (No 85 of 1993)*** makes provisions in regulations Section 8 for the general duties of employers to their employees. Section 9 of the Regulations make provisions for general duties of employers and self employed persons to persons other than their employees.

The **National Environmental Management: Waste Act (Act 59 of 2008)**, reforms the law regulating waste management in order to protect health and the environment providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development; to provide for institutional arrangements and planning matters; to provide for national norms and standards for regulating the management of waste by all spheres of government; to provide for specific waste management measures; to provide for licensing and control of waste management activities; to provide for the remediation of contaminated land; to provide for the national waste information system; to provide for compliance and enforcement; and to provide for matters connected therewith.

The above legislation is empowering legislation for the following spheres of government:

- Department of Environmental Affairs (DEA)
- Department of Agriculture and Environmental Affairs (DAEA)
- Department of Water Affairs (DWA)
- Department of Health (DH)
- Department of Transport (DoT)
- Department of Labour (DL)
- eThekweni Metropolitan Municipality (EMM)

3.2 Authorised and Licensed Activities

The requirements for environmental authorisation are regulated by Government Notices 543, 544, 545 and 546, published in terms of Chapter 5 of NEMA.

Under these regulations the proposed development contains activities that may potentially have a detrimental effect on the environment, in terms of the Regulations given in R544 and R546 of 18 June 2010:

Under the National Environmental Management Waste Act (59 Of 2008) (NEM:WA) the project triggers a number of listed activities in Category A and B of the General Notice 718 (3 July 2009).

Under the National Environmental Management Air Quality Act () (NEM:AQA) the project triggers several listed activities under General Notice 248.

The relevant listed activities and descriptions are referenced in Appendix A.

Under the eThekweni Metropolitan Municipality's bylaws, the operation requires a Scheduled Trade Permit.

4 General Requirements

4.1 Environmental Management Program Administration

Copies of this OEMPr shall be kept at the office and will be distributed to all senior personnel. All senior personnel shall be required to familiarise themselves with this contents of this document. All senior personnel will be required to sign a register confirming their understanding of the document. This register shall be continuously updated as changeover of senior personnel takes place.

4.2 Roles and Responsibilities

The implementation of this OEMPr requires the involvement of several stakeholders, each fulfilling a different but vital role to ensure sound environmental management during the construction phase. The stakeholders are discussed below.

4.2.1 Competent Authority: Department of Agriculture and Environmental Affairs

DAEA is the designated provincial authority responsible for authorising the environmental application and the OEMPr related to the project. DEA has overall responsibility for ensuring that the applicant or Holder complies with the conditions of EA as well as this OEMPr. The DAEA monitors compliance through the Environmental Management Enforcement and Compliance Unit as well as through reports submitted by the Holder to them.

4.2.2 Department of Environmental Affairs

The DEA has the responsibility for managing hazardous wastes and is the licensing authority for waste management. The powers may be delegated to a waste management officer at the national level or provincial level.

4.2.3 eThekweni Metropolitan Municipality

The Health Services department of EMM will be responsible for environmental health as well as the management of the air emissions under as per the requirements of relevant bylaws and the NEM:AQA.

4.2.4 Holder: DAS Steel (Pty) Ltd

Under South African environmental legislation, the Holder of the EA, WML or AEL is accountable for the potential impacts of the activities that are undertaken and is responsible for managing these impacts. DAS Steel is the Holder therefore has overall environmental responsibility to ensure that the implementation of this OEMPr complies with the relevant legislation and the conditions of the EA, WML and AEL.

4.2.5 Environmental Manager

The Holder may appoint a person as the Environmental Manager (EM) to ensure that the Holder's obligations are met on a day-to-day basis. The EM or Holder must:

- Obtain the necessary environmental authorisations and licenses.
- Review and approve the Contractor's Method Statements with input from the ECO where necessary.
- Assist the Holder and/or foundry management in finding environmentally responsible solutions to problems.
- Order the removal of person(s) and/or equipment not complying with the OEMP_r specifications.
- Monitoring the undertaking by the Contractor of environmental awareness training for all new personnel coming onto site.
- Manage the implementation and operation of the ISO14001 EMS.
- Manage the environmental monitoring and reporting.
- Co-ordinate and undertake internal and external auditing and inspections.
- Provide input into the ECO's ongoing internal review of the OEMP_r, which is submitted as a report to the Holder.
- Chairing the monthly EMC meetings which may co-inside with the onsite project review meetings.

4.2.6 **Environmental Control Officer**

The Holder must appoint an independent Environmental Control Officer (ECO)

An independent Environmental Control Officer (ECO) will be appointed and will monitor and review the on-site environmental management and implementation of this OEMP_r by the EM. Site audits for the duration of the contract must be conducted and audit reports for submission to the EMC must be submitted.

The ECO's duties include the following:

- Quarterly external audits for the first year of operation¹.
- Monitoring and verifying adherence to the OEMP_r, the EA and approved Method Statements at all times.
- Monitoring and verifying that environmental impacts are kept to a minimum.

¹ The frequency of external audits to be amended based on the environmental performance of the Foundry

- Taking appropriate action if the specifications are not followed, this includes reporting the transgressions to the EM.
- Compiling a final audit reports regarding the OEMPr and its implementation for submission to the Holder and the authorising authority.

4.2.7 Contractor (C)

The Contractor is the body/bodies responsible for the provision of services not undertaken by the Holder. The Contractor has the responsibility to ensure that the Holder's responsibilities are executed in compliance with the commercial contract and in terms of environmental and labour legislation, which has responsibilities and obligations pertinent to the Contractor.

4.2.8 Organizational structure

Details of the organizational structure are presented in Figure 1. The structure illustrates the reporting procedures for stakeholders in the implementation of this OEMPr.

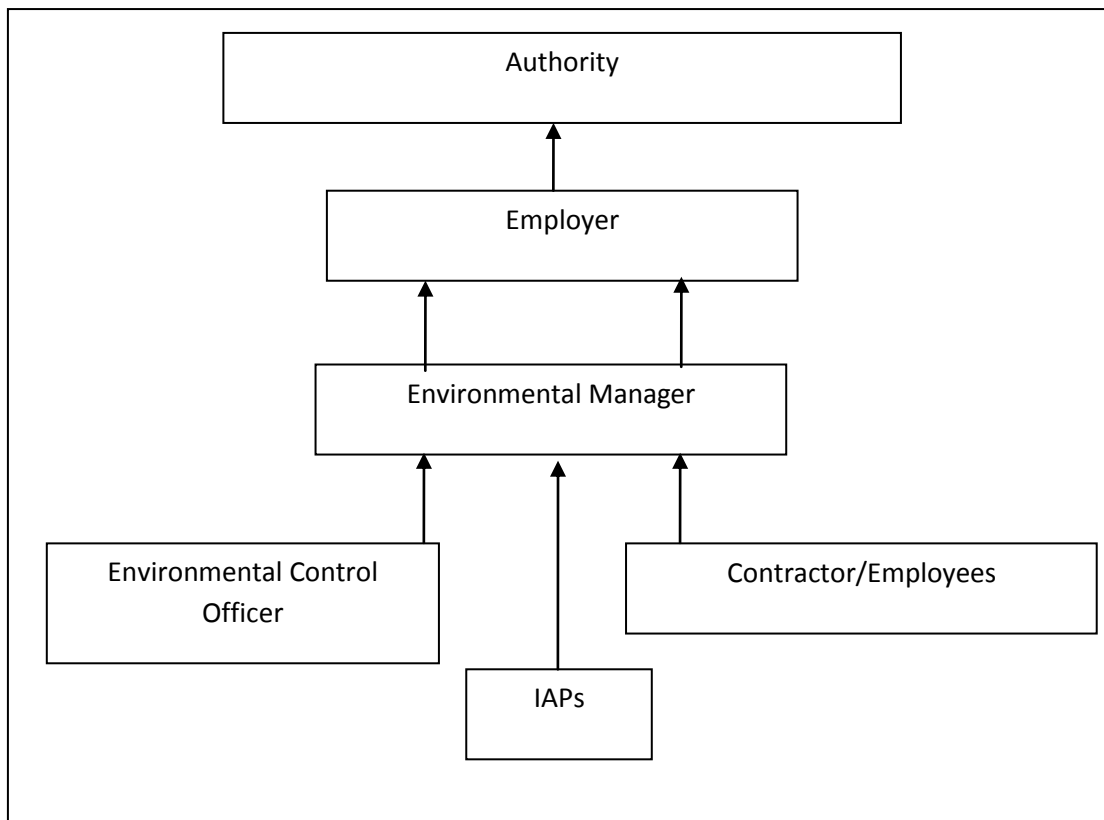


Figure 2: OEMPr organisational structure.

5 Environmental Awareness Training

The EM shall ensure that adequate environmental awareness training of senior site personnel takes place and that all workers receive an induction presentation on the importance and implications of the OEMP_r.

The presentation shall be conducted, as far as possible, in the employees' language of choice.

As a minimum, training shall include:

- Importance of pollution prevention and environmental degradation;
- Explanation of risk pertaining to the environment in context of the employees job specification;
- Explanation of the importance of complying with the OEMP_r.
- Discussion of the potential environmental impacts of operational activities.
- The benefits of improvement of personal performance.
- Employees' roles and responsibilities, including emergency preparedness.
- Explanation of the mitigation measures that must be implemented when carrying out their duties.
- Explanation of the specifics of this OEMP_r and its specification.
- Explanation of the management structure of individuals responsible for matters pertaining to the OEMP_r.

The EM shall keep records of all environmental training sessions, including names, dates and the information presented.

6 OEMP_r Review

The OEMP_r is a dynamic tool and requires review and updating as the operation proceeds. To this end the OEMP_r must be reviewed on an annual basis. The annual update is undertaken at the operational level through the Environmental Manager and presented at an annual environmental review management meeting.

The OEMP_r must be update through a process of:

- Risk assessment based on activities;
- Review of monitoring data;
- Review of management procedures;

- Review of internal inspections; and
- Review of findings of incidents and complaints registers.

Ad Hoc amendments to the OEMPr can be made based on the findings of incident investigations. These amendments must be signed off by the Plant Manager and Environmental Manager. If required by the DEA or DAEA, these amendments must be communicated to the relevant authorities.

7 Incidents Management

Incidents are events where the events can lead to environmental harm and can be managed by the personnel on-site with sufficient equipment to deal with the event. In cases where site personnel cannot deal with an event, the event will constitute an emergency and the emergency plan will be activated.

All personnel will be trained in terms of incident management based on appropriate levels of exposure and abilities. For small incidents such as spills the following procedure is to be followed:

- Assess the ability to deal with the spill or classify as emergency;
- Raise the alarm in case of emergency status;
- In case of an incident, stop the source;
- Spill contained with relevant containment materials;
- Spill reported to shift manager;
- Spill cleaned up using appropriate spill kits;
- Spill material appropriately stored for disposal; and
- Incident reported for capturing on Incidents register.

Where incidents occur, they are to be reported and captured in a register. An investigation must be initiated within one day of the incident. The incident must be investigated based on risk and a root cause analysis undertaken. The investigation must be concluded and action measures communicated within seven days of the incident. The Environmental Manager in communication with the Plant Manager must sign off on the corrective action/mitigation measures.

8 Mitigation Measures

Project Activity	Potential Environmental Impacts	Proposed Mitigation Measures	Institutional Responsibility
Foundry Rolling Mill reheating furnace Raw materials stockpile Vehicular emissions	Air emissions of NO _x , SO ₂ , CO, particulate matter (PM), organic emissions	Use of clean raw materials Raw Materials handling procedures and management. Use of low sulphur CTF Quality controls on charging of furnaces Automated Systems for control of thermal processes Installation of abatement system included in the design of the facility- Vacuum systems for clean-up of facility Use of low emission vehicles Use of battery operated/gas operated systems where feasible	Plant operator Plant design engineers Production Manager
	Fugitive emissions from materials handling, spills and incidences	Environmental awareness training and inspections Waste and materials management to ensure that materials spillages are minimised- Spills and Incidence management where all spills are cleaned up to ensure stormwater is not affected Emergency Preparedness planning and training Housekeeping where operational areas are cleaned with vacuum cleaning equipment	Plant operator Production Manager

Project Activity	Potential Environmental Impacts	Proposed Mitigation Measures	Institutional Responsibility
Upset conditions	Abnormal air emissions of NO _x , SO ₂ , CO, particulate matter	<p>Inspection and preventative maintenance of critical abatement systems</p> <p>Inspection and preventative maintenance of operational equipment</p> <p>Installation of automated control systems (eg SCADA systems)</p> <p>Automated switch off in case of abatement systems not being in operation</p> <p>Emergency Planning and Preparedness plan in place</p> <p>Communications plan in place to notify potential receptors or response teams</p>	<p>Plant operator</p> <p>Production Manager</p> <p>Health and Safety officer/risk manager</p> <p>Director</p>
HCS Storage Materials Handling Waste Management	<p>Contaminated stormwater run-off by particulate matter, entrained solids comprising total suspended solids, oils, greases.</p> <p>Contaminated surface water and groundwater</p>	<p>Inspection and preventative maintenance of operational equipment and waste handling infrastructure</p> <p>Construction of secondary containment in all areas of HCS storage</p> <p>Stormwater management planning incorporating clean dirty water management</p> <p>Stormwater management maintenance ensuring all drains are kept clear</p> <p>Waste and materials management to ensure that placement is out of the clean water system.</p> <p>HCS handling training</p> <p>Spills and Incidence management where all spills are cleaned up to ensure stormwater is not affected</p> <p>Emergency Preparedness planning and training</p> <p>Communications plan in place to notify potential receptors or response teams</p> <p>Housekeeping where operational areas are cleaned with vacuum cleaning equipment</p>	<p>Production Manager</p> <p>Plant operators</p>

Project Activity	Potential Environmental Impacts	Proposed Mitigation Measures	Institutional Responsibility
Commuter Traffic Raw Material inbound Product Outbound Service Vehicles inbound and outbound	Road deterioration along access roads Congestion at peak times High commuter load High pedestrian traffic Spills related to transportation of materials and waste	Co-ordinate ingoing and out going trips to reduce congestion at peak times Communicate with adjacent industries regarding shift times and commuters Procure and supply materials in appropriately designed bulk containers All vehicles to be appropriately licensed All vehicles to be appropriately maintained and inspected Emergency Preparedness planning and training for all relevant drivers	Procurement Manager Logistics Manager Communications and Public Relations manager
Production and economic activities	Impacts on local communities through employment and economic stimulus Impacts on regional economy	Occupational health and safety regulations to be complied with- Social and Labour considerations to be included in strategic planning- Preferred employment for local communities Social awareness and upliftment program through environmental awareness, skills upliftment Social improvement program through engaging with local suppliers and economic ventures Engagement with local community Implementation of Corporate Social responsibility?	Communications and Public Relations manager
General – Occupational Health and Safety	All activities may lead to noise impacts, impact injuries, falling from height injuries, traffic incidents and slips, trips and falls.	Occupational Health and Safety Regulations complied with by employer and employee OHS training provided to all employees OHS Risk Assessments conducted to ascertain hazard zones Personal Protective Equipment supplied to all employees where relevant OHS hazard warning signs in all areas where required Fire alarm and fighting equipment to be in place as per risk	Human resources manager Production manager Plant manager Health and Safety officer/risk manager

Project Activity	Potential Environmental Impacts	Proposed Mitigation Measures	Institutional Responsibility
		<p>assessment requirements</p> <p>HCS appropriate spill kits available on site with appropriate training provided</p> <p>Vehicles suitably fitted with audible and visual warnings</p> <p>Pedestrians to use dedicated walkways</p>	
General – environmental awareness	All activities	Awareness training to be provided to all personnel regarding responsibilities to the environment, waste management, water conservation.	Human resources manager
Industrial Process/Cooling Water	Resource Consumption, groundwater impacts from leaks from RO, Demin Plant and MBR	<p>Preventative Maintenance and Monitoring Program</p> <p>Installation of Membrane Bioreactor²</p> <p>Installation of water conservation interventions</p> <p>Awareness training to be provided to all personnel regarding responsibilities to the environment</p>	<p>Plant Manager</p> <p>Environmental Manager</p>
Changerooms	Resource Consumption	<p>Installation of water conservation interventions</p> <p>Awareness training to be provided to all personnel regarding responsibilities to the environment</p>	<p>Plant Manager</p> <p>Human Resources/Environmental Manager</p>

² If installation approved by the Holder

9 Monitoring Plan

Table 1: Monitoring Plan at the Facility Level Aspect

	Location	Parameter	Monitoring Method	Monitoring Frequency
Air Emissions from stacks	Foundry Furnace Stack, Reheating Furnace	PM, CO, SOx, NOx, total heavy metals	Gas analyzer, dust collector	Baseline Quarterly
Air Emissions from work environment	Fence line, materials handling, roadways	PM	Portable handheld dust analyser	Baseline Quarterly
Atmospheric Field	Office block	Wind direction, wind speed, rainfall, relative humidity	Weather station	Real-time
Stormwater	Final stormwater outlet of the facility	pH, EC, TDS, TSS, TPH, heavy metals	Analysis, grab sample	First Flush Event; Rainfall events over 10mm
Groundwater	3 boreholes	pH, EC, TDS, TSS, TPH, heavy metals	Analysis, purged sample	Baseline Annually
Noise	Fence line, materials handling, foundry, mill house, roadways	Decibels	Sound level meter	Quarterly
Water Consumption	Foundry and Mill House, Changerooms	kl Consumed	Meter	Monthly
Waste Management	Waste storage areas, waste generation points	Volume	Inspections, Weighbridge, waste manifest, waste accounting	On-going
Housekeeping	Site	Housekeeping Protocol/ISO14001 EMS procedures	Observed Tasks, Site inspections, incident reporting, Corrective Action Notices	On-going

Environmental Management	Site	Housekeeping, Waste Management Plan, Stormwater Plan, Maintenance Plan Development and Implementation of an ISO14001 EMS or similar system	Observed Tasks, Site inspections, incident reporting, Corrective Action Notices	On-going
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10 Non-Compliance

10.1 Procedures

The Contractor/Employee shall comply with the environmental specifications and requirements on an on-going basis.

In the event of non-compliance the following recommended process can be followed:

The EM shall issue a notice of non-compliance to the Contractor/Employee, stating the nature and magnitude of the contravention. A copy shall be provided to the ECO during his/her site audit.

The Contractor/Employee shall act to correct the non-conformance within 24 hours of receipt of the notice, or within a period that may be specified within the notice.

The Contractor/Employee or Employee supervisor shall provide the EM with a written statement describing the actions to be taken to discontinue the non-conformance, the actions taken to mitigate its effects and the expected results of the actions. A copy shall be provided to the ECO.

The EM shall at all times have the right to stop work and/or certain activities on site in the case of non-compliance or failure to implement remediation measures.

10.2 Offences and Penalties

Possible offences, which should result in the issuing of a contractual penalty, include, but are not limited to:

- Unauthorised entrance into No-Go areas;
- Unauthorised damage to pollution prevention infrastructure;
- Hydrocarbons/hazardous material: negligent spills/leaks and insufficient storage;
- Ablution facilities: non-use, insufficient facilities and insufficient maintenance;
- Late Method Statements or failure to submit Method Statements;
- Insufficient solid waste management (including clean-up of litter, unauthorised dumping and absence of weighbills as proof of disposal at a registered landfill site);
- Excessive cement/concrete spillage/contamination;
- Insufficient fire control and unauthorised fires;

- Preventable damage to water courses or pollution of water bodies; and
- Non-induction of staff.

10.2.1 Indicative List of Transgressions

In the case of Contractors, fines³ will be issued for the transgressions listed below. Fines may be issued per incident at the discretion of the EM. Such fines will be issued in addition to any remedial costs incurred as a result of non-compliance with the OEMPr. The EM will inform the Contractor of the contravention and the amount of the fine, and will be imposed by the EM on the Contractor and/or his Sub-contractors.

Fines for the activities detailed below, will be imposed by the EM on the Contractor and/or his Sub-contractors.

Table 1: Indicative fines for transgressions of the OEMPr

ITEM	TRANSGRESSION	FINE
A	Any persons, vehicles, plant or anything related to the Contractor's operations within the designated boundaries of a No-Go area	R 5 000.00
B	Any vehicle driving in excess of designated speed limits	R 1 500.00
C	Any vehicle being driven, and items of plant or materials being parked or stored outside the demarcated boundaries of the site	R 2 500.00
D	Persons walking outside the demarcated boundaries of the site	R 750.00
E	Persistent and un-repaired oil leaks from machinery. The use of inappropriate methods of refuelling such as the use of a funnel rather than a pump	R 3 500.00
F	Litter on site	R 1 500.00
G	Deliberate lighting of illegal fires on site	R 5 500.00
H	The eating of meals on site outside the defined eating area. Individuals not making use of the	R 1 500.00

³ Fines for contractor transgressions are at the discretion of the EM and is pursuant to the contractual arrangement with the contractor

ITEM	TRANSGRESSION	FINE
	site ablution facilities	
I	Dust or excessive noise on or emanating from the site	R 1 500.00
J	Any person, vehicle, item of plant, or anything related to the Contractors operations causing a public nuisance	R 2 500.00

For each subsequent similar offence the fine may, at the discretion of the EM, be doubled in value to a maximum value of R 20 000.00.

The EM shall be the judge as to what constitutes a transgression in terms of this clause, subject to the provisions of the General Conditions of Contract.

10.2.2 Indicative List of Penalties

Where the Contractor and/or his/her Sub-contractor(s) inflicts non-repairable damage upon the environment or fails to comply with any of the environmental specifications, he/she shall be liable to pay a penalty fine over and above any other contractual consequences.

The Contractor is deemed not to have complied with this OEMP_r if:

- Within the boundaries of the site, site extensions and transportation of operations goods and wastes, there is evidence of contravention of the OEMP_r.
- Environmental damage ensues due to negligence on the Contractor's and/or his/her Sub-contractor's part.
- The Contractor and/or his/her Sub-contractor fail to comply with the corrective or other instructions issued by the EM within a specific time.
- The Contractor and/or his/her Sub-contractor fail to respond adequately to complaints from the public.

Payment of any fines in terms of the contract shall not absolve the offender from being liable from prosecution in terms of any law.

Appendix A

Number and date of the relevant notice	Activity No (s) (in terms of the relevant notice)	Description of each listed activity as per project description
544, 18 June 2010	10(ii)	"The construction of facilities or infrastructure for the transmission and distribution inside urban areas or industrial complexes with a capacity of 275kilovolts or more".
545, 18 June 2010	5	The construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice No.544 of 2010 or included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (59 of 2008) in which case that Act will apply
	26	Commencing of an activity, which requires an atmospheric emission license in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), except where [Activity 28 in Notice No. R. 544 of 2010 applies] such commencement requires basic assessment in terms of Notice of No. R544 of 2010"
GN 718 3 rd July 2009	Category A 1	<p>The storage, including the temporary storage, of general waste at a facility that has the capacity to store in excess of 100m³ of general waste at any one time, excluding the storage of waste in lagoons.</p> <p>Dependent on final classification, the storage of metallurgical slag, spent refractory lining and bag house filter dust prior to collection by downstream users for recovery of residual metals and use in the construction industry. A conservancy tank will be required to service the needs of the work force.</p>
	2	<p>The storage, including the temporary storage, of hazardous waste at a facility that has the capacity to store in excess of 35m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons.</p> <p>Dependent on final classification, the storage of metallurgical slag, spent refractory lining and bag house filter dust prior to collection by downstream users for recovery of residual metals and use in the construction industry. A conservancy tank will be required to service the needs of the work force.</p>
	5	<p>the sorting, shredding, grinding or baling of general waste at a facility that has the capacity to process in excess of one ton of general waste per day.</p> <p>The briquetting of mill scale for re-use within the foundry may comprise a baling type operation.</p>
	7	The recycling or re-use of general waste of more than 10 tons per month.
	8	The recovery of waste including the refining, utilisation or co-processing of the waste at a facility that has the capacity to process in excess of three tons of general waste or less than 500kg of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.
	18	<p>The construction of facilities for activities listed in Category A of the Schedule.</p> <p>The construction of a waste storage area will result in the need for an WML.</p>
	Category 2	<p>The re-use and recycling of hazardous waste</p> <p>Refers to the re-use of mill scale in the foundry, pending classification of mill scale waste</p>
	3	The recovery of hazardous waste including the refining, utilisation or co-processing of waste at a facility with a capacity to process more than 500kg of an internal manufacturing process within the same premises or unless the Minister has approved re-use guidelines for specific waste stream.
	7	The treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000m ³ or more

	11	The construction of facilities listed in Category B of this Schedule.
GN 248 of 31 March 2010	Category 4.9	Ferro-alloy production
	Category 4.10	Foundries