



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447, PRETORIA, 0001- Fedsure Building, 315 Pretorius Street, PRETORIA
Tel: (+ 27 12) 310 3911 Fax (+ 27 12) 3222682

Ref No.: 12/9/11/L912/6

Enquiries: Mr. Bonginkosi Dlamini

Tel: (012) 310 3897 **Fax:** (012) 310 3753. **Email:** BRDlamini@environment.gov.za
www.environment.gov.za

Silicon Smelters – Rand Carbide
P O Box 214
EMALAHLENI
1035

Fax No.: (013) 690 8384

Attention: Ms Kerry Beamish

APPLICATION FOR A WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (NO. 59 OF 2008): PROPOSED REUSE, RECYCLING, RECOVERY AND TREATMENT OF HAZARDOUS WASTE

Please find hereto attached a waste management license issued in terms of S.49 of the National Environmental Management Waste Act, 2008 (Act 59 of 2008) "NEMWA".

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing within 12 (twelve) days of the date of license, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure followed. The appeal procedure is summarized in Annexure 1 of the license. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with Minister, within 20 days of the date of license. Please include the Department (Attention: Director: Licensing) in the list of the interested parties, for record purpose.

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the license. Furthermore, please note that the Minister may, on receipt of appeals against the authorization or conditions thereof suspend the authorization pending the outcome of the appeals procedure.

Yours sincerely



Ms Nolwazi Cobbinah
Acting Deputy Director-General: Chemicals and Waste Management
Department of Environmental Affairs
Letter signed by: Mr Bonginkosi Dlamini
Designation: Director: Licensing
Date: 12/04/2013

Cc: Hydro Science CC
Paulette Jacobs
Fax NO: (086) 692 8820



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Enquiries: Mr Bonginkosi Dlamini

Tel: (012) 310-3897 Fax: (012) 310-3753 Email: brdlamini@environment.gov.za
www.environment.gov.za

LICENCE NUMBER: 12/9/11/L912/6

CLASS: H: H (STORAGE, RECOVERY, REATMENT, REUSE AND
RECYCLING OF HAZARDOUS WASTE)

WASTE MANAGEMENT FACILITY: RAND CARBIDE WASTE MANAGEMENT FACILITY

LOCATION: REMAINING EXTENT OF PORTION 60 AND PORTION 101
OF THE FARM JOUBERTSRUST 310 JS, EMALAHLENI,
NKANGALA DISTRICT MUNICIPALITY, MPUMALANGA
PROVINCE

LICENCE HOLDER: SILICON SMELTERS (PTY) LTD- RAND CARBIDE

ADDRESS: P. O. BOX 214 EMALAHLENI 1035

CONTACT PERSON: MS KERRY BEAMISH

CONTACT DETAILS: TEL: 013 690 8263, FAX: 013 690 8384

**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 National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) read with the Environmental Impact Assessment Regulations, 2010, published in Government Notice No.R.543 of 18 June 2010 (the Regulations), the Acting Deputy Director General: Chemicals and Waste Management, acting under delegation, hereby grants Silicon Smelters(Pty) Ltd-Rand Carbide Ltd a Waste Management Licence for the following waste management activities as listed in Category A and B of Government Notice No 718 dated 03 July 2009:

Category A

- (2) 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.

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Category B

- (2) The reuse and recycling of hazardous waste
- (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 hazardous waste per day excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises or unless the Minister has approved re-use guidelines for the specific waste stream.
- (5) The treatment of hazardous waste using any form of treatment regardless of the size or capacity of such a facility to treat such waste

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

Director: Licensing
Department of Environmental Affairs
Private Bag X 447
PRETORIA
0001

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste: Department of Water Affairs (DWA) who may be contacted at the address below:

Director: Resource Protection and Waste
Department of Water Affairs
Private Bag X 313
PRETORIA
0001

1 SITE DETAILS

1.1 LOCATION

1.1.1 This Licence authorises the storage, recovery, reuse, recycling and treatment of hazardous waste on the Remaining Extent of Portion 60 and Portion 101 of the Farm Joubertsrust 310 JS at eMalahleni within the jurisdiction of Nkangala District Municipality, Mpumalanga Province. (hereinafter referred to as "the Site").

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



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Number of corner	Latitude	Longitude
1	25° 51' 30.05"	29° 13' 48.48"
2	25° 51' 46.35"	29° 13' 23.00"
3	25° 51' 58.73"	29° 13' 34.68"
4	25° 51' 51.50"	29° 13' 44.32"
5	25° 51' 52.83"	29° 14' 04.32"
6	25° 51' 45.61"	29° 14' 07.17"
7	25° 51' 44.47"	29° 13' 57.03"
8	25° 51' 35.56"	29° 14' 00.43"

1.2 DOCUMENTS CONSIDERED

1.2.1 The Final Environmental Impact Assessment Report for waste management application for storage, reuse, recycling and recovery of waste at Silicon Smelters (Pty) Ltd -Rand Carbide compiled by Hydro Science cc, dated August 2012 hereinafter referred to as the "Report"; and

1.2.2 The Waste Management Licence Application Form, dated 20 February 2012.

LICENCE CONDITIONS

1.3 SITE SECURITY AND ACCESS CONTROL

1.3.1 The Licence Holder must ensure effective access control of the Waste Management Site to prevent unauthorised entry. Weatherproof, durable and legible signs in at least three official languages applicable in the area must be displayed at each entrance to the Site. The signs must indicate the risks involved in entering the Site, state the hours of operation and the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Site.

1.3.2 The Licence Holder must prevent the storage, recovery, reuse, recycling and treatment of waste that is not authorised at the Site.

2 MANAGEMENT

2.1 GENERAL MANAGEMENT

2.1.1 The activities must be managed and operated:

- In accordance with a documented Environmental Management System (EMS), that *inter alia*, identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances as well as those drawn to the attention of the Licence Holder as a result of complaints;
- In accordance with conditions of this Licence and any other written instruction by the Director; and
- By an adequate, competent staff complement.

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- 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 on any website deemed fit by the Department, in its discretion, on any website or other media.
- 2.2 **DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER**
- 2.2.1 A Waste Management Control Officer (WMCO) must be designated to monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and standard operation procedures. The WMCO must:
- a) Report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the licensing authority.
- 2.2.2 The duties and responsibility of the WMCO should not be seen as exempting the Licence Holder from the legal obligations in terms of the NEM:WA.
- 2.3 **EMERGENCY PREPAREDNESS PLAN**
- 2.3.1 The Licence Holder must maintain and implement emergency preparedness plan and review it annually when conducting an audit, after each emergency incident and major accident. The plan must, amongst others, include measures to address:
- a) Power failure;
 - b) Equipment malfunction;
 - c) Site fire;
 - d) Spillage (on site);
 - e) Natural disasters such as floods; and
 - f) The plan must include contact details of the nearest police station, ambulance service and emergency centre.
- 3 **PERMISSIBLE WASTE**
- 3.1 Any portion of the Site which has been constructed according to condition 4 below may be used for the storage, recovery, reuse, recycling and treatment of hazardous waste.
- 3.2 The classification, acceptance and disposal criteria as listed in the latest edition of the document "Minimum Requirements for Handling, Classification and Disposal of Hazardous Waste, Waste Management Series, Classification and Disposal of Hazardous Waste, Department of Water Affairs and Forestry or its successor must be conformed to.
- 4 **CONSTRUCTION OF THE FACILITY**
- 4.1 The site plan must only be changed under the supervision of a registered professional engineer.

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4.2 The waste process areas must have firm and impermeable floors to prevent contamination of groundwater.

4.3 The Licence Holder must construct and maintain on a continuous basis, drainage and containment system capable of collecting and storing all contaminated runoff water arising from the site in the event of 1:100 year rain event. The system must under the said rainfall event, maintain a freeboard of one metre.

5. GENERAL IMPACT MANAGEMENT AND OPERATION

5.1 IMPACT MANAGEMENT

5.1.1 Waste, which is not permissible on Site, must be dealt with according to relevant legislation or the Department's policies and practices.

5.1.2 The Licence Holder must prevent spillages; where they happen nonetheless, condition 2.3.1 above shall apply and the Licence Holder must ensure the effective and safe cleaning of such spillages.

5.1.3 The Licence Holder must prevent the occurrence of nuisance conditions or health hazards.

5.1.4 The Licence Holder must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risks involved. Records of training and verification of competence must be kept by Licence Holder.

5.2 OPERATION

5.2.1 The Licence Holder must ensure that the integrity of the waterproof base and infrastructure are routinely monitored and corrective measures are taken before containment integrity is breached.

5.2.2 Wastewater resulting from the process activities and contaminated storm-water from the site must only be discharged into the natural environment after testing that it conforms to the quality requirements of the General Standards, as published by the Department of Water Affairs in Government Notice 991 of 18 May 1984 or its successor and/or discharged into sewer after testing and obtaining written authorisation from the relevant local authority.

5.2.3 The licence holder must ensure that all waste that is sent off site for either reuse, recycling or disposal is sent to facilities licenced to accept that waste.

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6 MONITORING

6.1 MONITORING METHODS AND PARAMETERS

6.1.1 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).

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

6.2 WATER QUALITY MONITORING

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

6.3 INVESTIGATIVE MONITORING

6.3.1 If, in the opinion of the Director or Director: RPW, a water quality variable at any monitoring point referred to in condition 6.2.1 above shows an increasing trend, the Licence Holder shall report in terms of condition 9 below.

7 INVESTIGATIONS

7.1 If, in the opinion of the Director, environmental pollution, nuisances or health risks may be or are occurring on the Site, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.

7.2 If, in the opinion of the Director and/or Director: RPW, water pollution may be 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 such frequency as may be specified by the Director: RPW.

7.3 Should the investigation carried out as per conditions 7.1 and 7.2 above reveal any unacceptable levels of pollution, the Licence Holder must submit mitigation measures to the satisfaction of the Director.

8 RECORDS

8.1 The Licence Holder must keep records and update all the information referred to in Annexure II and submit this information to the Director on an annual basis.

8.2 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;



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- 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.

8.3 Records demonstrating compliance with condition 2.1.1 must be maintained for five years.

9 REPORTING

9.1 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.

9.2 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 9.1, 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: RPW 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.

9.3 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 9.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.

9.4 The Licence Holder must keep an incident report and complaints register, which must be attached available to the external audit report, and made available to the Departmental auditors.

9.5 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 impact.

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

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.

9.7 Each external audit report referred to in condition 10.2 below must be submitted to the Director within 30 days from the date on which the external auditor finalised the audit report.

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10 AUDITING

10.1 INTERNAL AUDITS

- 10.1.1 Internal audits must be conducted annually 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, which must be made available to the external auditor specified in condition 10.2.1.

10.2 EXTERNAL AUDITS

- 10.2.1 The Licence Holder must appoint an independent external auditor to audit the site biennially and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder according to condition 9.7, above.

10.2.2 The audit report must:

- a) Specifically state whether conditions of this licence are adhered to;
- b) Include an interpretation of all available data and test results regarding the operation of the site and all the impacts on the environment;
- c) Specify 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; and
- e) Show monitoring results graphically and conduct trend analysis.

10.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- 10.3.1 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.

- 10.3.2 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.

11 LEASING AND ALIENATION OF THE SITE

- 11.1 Should the Licence Holder want to alienate or lease the site, he/she shall notify the Director in writing of such an intention at least 120 days prior to the said transaction for approval.

- 11.2 Should the approval be granted, the subsequent Licence Holder shall remain liable for compliance with all Licence conditions.

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12 **TRANSFER OF WASTE MANAGEMENT LICENCE**

- 12.1 Should the Licence Holder want to transfer the Licence, he/she must apply in terms of Section 52 of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- 12.2 Any subsequent Licence Holder shall be bound by conditions of this Licence.

13. **GENERAL**

- 13.1 Should the Licence Holder be notified by the Minister in writing of a suspension of the licence pending any appeals decision, you may not commence with the activities licenced by the Minister.
- 13.2 After an 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.
- 13.3 This Licence shall not be transferable unless such transfer is subject to condition 12.1
- 13.4 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of the National and Provincial Legislation and any relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 13.5 Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
- 13.6 Non-compliance with a condition of this license may result in criminal prosecution or other actions provided for in Section 67(1) of the National Environmental Management: Waste Act, 2008.
- 13.7 In terms of section 28 and 30 of the National Environmental Management Act No. 107 of 1998, 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 environmental risks of their work and training them to operate in an environmental acceptable manner.
- 13.8 This Licence is valid for a period of ten (10) years and shall be reviewed every five (5) years from the date of issue at any time before or after that date. Based on the results of the review, especially compliance to Licence conditions or recommendations from audit reports and or changing legislation, the Licence could be amended or withdrawn or validity thereof extended.

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14 APPEAL OF LICENCE

- 14.1 The licence holder must notify every registered interested and affected party, in writing and within twelve (12) days, of receiving the Department's decision.
- 14.2 The notification referred to in 14.1. must –
 - 14.2.1 Specify the date on which the Licence was issued;
 - 14.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 7 of GN No. R 543 of 18 June 2010 in terms of National Environmental Management Act, 1998, as amended (see Annexure 1);
 - 14.2.3 Advise the interested and affected party that a copy of a Licence will be furnished on request; and
 - 14.2.4 An appeal against the decision must be lodged in terms of chapter 7 of GN No. R 543 of 18 June 2010 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, 0001, Tel No.: (012) 310 3705, Email: AppealsDirectorate@environment.gov.za.

MS NOLWAZI COBBINAH

ACTING DEPUTY DIRECTOR-GENERAL: CHEMICALS AND WASTE MANAGEMENT

DATE: 05/04/13



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ANNEXURE I

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT LICENCE

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive a notification of a Waste Management Licence from the relevant Competent Authority	1. Receive a notification of a Waste Management Licence from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- The Minister of Water and Environmental Affairs if the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- The delegated organ of state where relevant.

2. An appeal lodged with:-

- The Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs by means of one of the following methods:
By facsimile: (012) 320 7561
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Pretorius and van der Walt Streets, Pretoria.

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- b) The delegated organ of state, where relevant, must be submitted to the delegated organ of state.

3. An appeal must be:-

- a) On an official form obtainable or published by the relevant department;
- b) Accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority;
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62;
 - The prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

Mr TH Zwane

Senior Legal Administration (Appeals)

Tel: 012 310 3929

tzwane@environment.gov.za

Mr TR Rambuda

Legal Administration Officer (Appeals)

Tel: 012 310 1758

trambuda@environment.gov.za

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ANNEXURE II

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS CONDITION 8.1

* = Indicate with an X. Please print legibly.

NAME OF SITE: _____	DATE OF REPORT: _____ (y/m/d)
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1. Registered owner(s) of property on which waste management facility is situated:

Name	Telephone	
Postal Address	Fax	
	Postal Code	

2. Operator in control of waste management facility:

Name	Telephone	
Identity number	Tel. After hours	
Educational Qualifications		
Other Relevant competencies:		

3. Indicate the type of waste and approximate quantities of waste stored, recovered, reused, recycling and treatment during the year:

Type of waste (Specify)	Quantity (in annum)	Source
TOTAL		

4. Indicate the type of waste and approximate quantities of waste transferred for disposal during the year:

Type of waste	Quantity (in annum)	Recovered
TOTAL		

I, the undersigned, declare that the information stated above is to my knowledge a true reflection of the status at Silicon Smelters (Pty) Ltd- Rand Carbide waste management facility.

Signature: _____

Name: _____

Capacity: _____

Place: _____

Date: _____

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