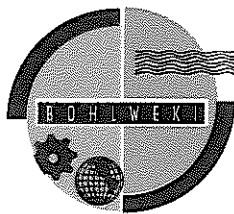


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PO Box 11784
Vorna Valley
MIDRAND
1686
Gauteng
SOUTH AFRICA

21 November 2005

Dear Madam/Sir

**REFUSAL OF AN AUTHORISATION FOR THE PROPOSED ALPHA
ALTERNATIVE FUELS AND RESOURCES PROJECT AT DUDFIELD PLANT,
DITSOBOTLA LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

Please be advised that the North West Department of Agriculture, Conservation, Environment and Tourism (NW DACET) has issued a Record of Decision (RoD) for the above project. The relevant environmental department has evaluated and refused the Environmental Impact Assessment Report submitted in October 2004. In terms of this RoD, NW DACET have refused authorisation in terms of section 2(4) (a) (vii) of the National Environmental Management Act (Act 107 of 1998).

A copy of the RoD from NW DACET outlining the reasons for refusal is attached for your review.

In terms of Regulation 11 of the Environmental Impact Assessment Regulations (Government Notices R1182 and R1183 of 5 September 1997), formal appeals regarding the Record of Decision can be directed in writing to the MEC: Mr EM Mayisela: Department of Agriculture, Conservation, Environment and Tourism (Private Bag X 2039, Mmabatho, 2735). Please note that appeals should not be sent to Bohlweki Environmental or Holcim (Pty) Ltd.

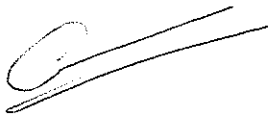
1. An appeal to the MEC under section 35(3) of the Act must be lodged in writing within 30 days from the date on which the RoD was issued to the applicant (in terms of regulation 10(1)).
2. The applicant received the refusal of authorisation on 16 November 2005, and therefore appeals must be lodged by 15 December 2005.
3. An appeal must set out all the facts, as well as the grounds of appeal, and must be accompanied by all relevant documents or certified copies of documents.

The MEC shall after considering the relevant facts and supporting documents received during the appeal process:

- Uphold the original decision; or
- Uphold the original decision with modifications; or
- Reverse the original decision.

Should you require any further information, please contact Bohlweki Environmental or the project proponent.

Kind Regards

A handwritten signature in black ink, appearing to be 'Graham Moon', with a long horizontal stroke extending to the right.

Graham Moon
Managing Director



**Department of Agriculture,
Conservation, Environment and Tourism**



OFFICE OF THE DEPUTY DIRECTOR GENERAL

My Ref: EIA 172/2003NW

Tel. No: (018) 389 5341

Enquiries: Mafu Nkosi
mnkosi@nwpg.gov.za

Holcim (Alpha) Pty Ltd
P. O. Box 106
WELTEVERDENPARK
ROODEPOORT
1715

Contact person: Dr Johan Schoonraad
Tel: (011) 670 5855
Fax: (011) 670 5790

Dear Madam

**REFUSAL OF AN AUTHORISATION FOR PROPOSED ALPHA ALTERNATIVE
FUELS AND RESOURCES PROJECT AT DUDFIELD PLANT, DITSBOTLA
LOCAL MUNICIPALITY, NORTH WEST PROVINCE.**

Your application for authorisation in terms of the requirements of the Environmental Impact Assessment (EIA) Regulations: Regulations No: 1182 and No. 1183 (as amended), of the Environment Conservation Act (Act No. 73 of 1989, Section 21, 22 & 26, hereafter referred to as the 'Act') for the above - mentioned project has reference.

This Department has evaluated the Environmental Impact Assessment Report for the proposed implementation of an alternative fuels and resources (AFR) programme for Kiln 3 at the Holcim South Africa Dudfield Plant, dated October 2004 compiled by Bohlweki Environmental (Pty) Ltd.

In terms of Section 22 and by virtue of the powers delegated to me by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I, the Senior Manager, Environmental Management Services of the Department of Agriculture, Conservation and Environment hereby refuse authorisation for:



The Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965, listed activity, 9 in Schedule 1 of GN. R. 1182 of 5 September 1997, as amended) with reference to the implementation of an alternative fuels and resources (AFR) programme for Kiln 3 at the Holcim plant in the Ditsobotla Local Municipality, North West Province district.

Enclosed, please find the Record of Decision stipulating the reasons for refusal of your application.

Formal appeals regarding the authorization must be directed to the MEC for Department Agriculture, Conservation and Environment North West Province:

MEC EM Mayisela
Private Bag x2039
Mmabatho
2735

Such an appeal must be lodged within 30 days from the date of this refusal of authorisation.

Yours faithfully



Mr. Tshepo Moremi
Senior Manager: Environmental Management Services
North West Department of Agriculture, Conservation and Environment
Date: 16/11/05

Cc: Department of Water Affairs and Forestry
Mr. C.M. Lobakeng: Regional Director: North West
Fax: 018 394-0913 / 392-2998

RECORD OF DECISION

DECISION IN TERMS OF SECTION 22(3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R 1183 OF 5 SEPTEMBER 1997, AS AMENDED.

1. REFERENCE NUMBER: EIA 172/2003NW
2. BRIEF DESCRIPTION OF ACTIVITY

Holcim (South Africa) located at Dudfield, wants to replace a portion of fossils fuel (coal) currently used as energy source with alternative waste-derived fuels. This will constitute the introduction of an Alternative Fuels and Resources (AFR) programme at the Dudfield plant. Limestone (source material) and coal (fuel) are currently the primary raw materials utilized at the Dudfield plant as primary raw materials in the manufacturing of cement. The AFR project proposes the replacement of coal with alternative waste-derived fuels and raw materials within the existing Dudfield Kiln 3 at the Dudfield plant. An AFR fuel storage area of approximately 1600 m² is proposed to be established within the boundaries of the existing Dudfield Plant. The proposed AFR storage area is currently a vacant area approximately 20m to the north of Kiln 3.

3. LOCATION

The Holcim (South Africa) Dudfield plant is located on the remaining extent of the Farm Dudfield 57 IP, approximately 416 ha in extent. The Dudfield Plant is located approximately 1 km north east of the Dudfield Township, 18 km west of Lichtenburg, 18 km south west of Itsoeng and 64 km south east of Marikeng in the North West Province.

4. APPLICANT

Holcim (Alpha) Pty Ltd
P. O. Box 106
WELTEVERDENPARK
ROODEPOORT
1715

Contact person: Dr Johan Schoonraad
Tel: (011) 670 5855
Fax: (011) 670 5790

5. CONSULTANT:

Bohlweld Environmental (Pty) Ltd
P. O. Box 11784
MIDRAND
1686

Contact person: Ms Karen Kück
Tel: (011) 466 3841
Fax: (011) 466 3849

6. SITE VISITS:

Date	Attendees
23 January 2004	Mr. Todi Netshitingani and Ms Anna Mampye (DACE) Ms Karen Kück (Bohlweld Environmental (Pty) Ltd)

7. DECISION AND REASONS FOR REFUSAL:

Authorization is requested in terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) for the Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965, listed activity, 9 in Schedule 1 of GN. R. 1182 of 5 September 1997, as amended) with specific reference to the implementation of an alternative fuels and resources (AFR) programme for Kiln 3 at Holcim (South Africa) in the Ditsobotla Local Municipality district, North West Province.

Authorization is **refused** based on the following reasons:

- 7.1. Due to the nature and implications of the proposed project the Department is following a precautionary approach as contemplated in Section 2(4) (a) (vii) of the National Environmental Management Act (Act 107 of 1998) (NEMA) to ensure that cumulative impacts are addressed or avoided. The EIR fails to address the significant cumulative impacts which may result due to the proliferation of implementation of alternative fuels and resources in proximity to each other. The EIR does not consider any additional sources other than kiln 3 and mills 2 and 3. The potential stack emissions from kiln 2 and its auxiliary equipment were not included in the report. Any potential additional emissions is vital information since these emissions originate from the same plant and could have a significant cumulative effect on the potential impacts.

- 7.2 There is no conclusive list identified and evaluated in the EIR of waste materials to be used in the AFR process. Reference to the waste material to be used are vague and wide.
- 7.3 The Stockholm Convention on Persistent Organic Pollutants (POP's) identifies cement kilns firing hazardous waste as a potential source of dioxins, furans and heavy metals. However, there is no in-depth analysis of possible health impacts made in the EIR. Only foreign studies and standards were referred to and relied on.
- 7.4 It is a legal requirement that alternatives, including the "no-go" option, must be fully explored. The EIR does not refer to any examinations of alternatives.
- 7.5 As it is stated in the EIR, the alternative fuels and resources emissions inventory was not based on actual alternative fuel emission measurements or mass balance estimations from sister plants.

8. **SPECIFIC CONDITIONS:**

The applicant must within five calendar days of receipt of this record of decision:

- 8.1 Inform all interested and affected parties registered during the EIA process of the outcome of this application and, if requested, provide copies of this record of decision, including all the conditions attached thereto.
- 8.2 Include in such information the explicit provisions of the regulation 11 of the Environmental Impact Assessment Regulations (Government Notice R 1183 of 5 September 1997) which states that:
 - 8.2.1 An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 calendar days from the date on which the record of decision was issued to the application in terms of regulation 10(1).
 - 8.2.2 An appeal must set out all facts as well as the grounds of appeal, and must be supplemented by all relevant documents or copies of such documents which are certified as true by a commissioner of oaths.
 - 8.2.3 The date on which the record of decision was issued to the applicant in terms of regulation 10(1) must be stated.
 - 8.2.4 Should the applicant wish to appeal any aspect of this decision, the applicant must inform all registered and affected parties of his/her intention to appeal. Proof of such notification must be submitted to the MEC with the appeal.

8.3 Failure to comply with this authorization and/or any of these conditions shall be regarded as an offence and may be dealt with in terms of section 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.


9 **APPEAL:**

Formal appeals on the record of decision must be lodged within 30 days from the date of this authorization, with:

The Member of the Executive Council
Mr EM Mayisela
Department of Agriculture, Conservation and Environment
Private Bag x 2039
MMABATHO
2735
Tel. (018) 389-5111
Fax. (018) 384-2679

10 **ISSUED BY:**

Mr Tshepo Moremi
Senior Manager: Environmental Management Services
North West Department of Agriculture, Conservation and Environment

Signature  Date 16/11/05