

**Friday, March 31, 2006**

Mr Pieter Saaiman  
MEC for Tourism, Environment and Conservation: Northern Cape  
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HOD of Environment – Ms Mokhali

Deputy Minister of Environmental Affairs and Tourism – Mrs R. Mabudafhasi

Dear MEC Saaiman

**Appeal: Authorisation for Holcim Cement South Africa Alternatives Fuels and Resources (AFR) Project at Ulco Plant, Dikgatlong Municipality, Northern Cape; Date 2 March 2006, 6 March; Reference Number NNO 25/19 ULC 1/04**

1. groundWork is hereby formally appealing the above Record of Decision (ROD).
2. groundWork is a South African NGO working on industrial pollution issues. Its focus for the past seven years has been on providing environmental justice support to communities faced with environmental threats, and building community awareness and solidarity between communities. It builds the community voice by facilitating links between communities faced with similar environmental problems, supporting community campaigns, including negotiations with industry, access to government decision makers and officials, and access to the media, and linking communities with national and international campaigns. It supports communities by providing or brokering strategic and technical advice and information.
3. groundWork supports government policy processes and advocates for improved environmental governance. It has trained government staff in KwaZulu-Natal on improved waste management processes. It supports government by providing or brokering strategic and technical advice and information.

### *Policy Vacuum*

4. groundWork has since 2002 been aware of the desire by cement companies to burn waste products in their cement kilns as a fuel source. There has been a strong engagement with government over the last four years, requesting that the relevant policies be developed through an open and transparent process that allows all stakeholders, especially civil society, fair input. [see attachment one: Letter to Deputy Minister for Environment and Tourism.] To date, there has been no substantive response to our calls for a policy debate.

### *Shot-gun approach*

5. Because there is no guiding policy, the cement industry, including Holcim, has started to undertake EIAs in all provinces where the cement industry has kilns. As a result of there being no guidance through legislation on these issues, provinces are going to respond differently and this could lead to the exploitation of provinces that have different capacities in responding to such requests.

### *Different responses*

6. These varying responses have already taken place, and in the North West Province Holcim cement was refused permission on the 16 November 2005 for a similar application to the Ulco plant. The plant is situated outside Lichtenburg. The reasons for this refusal were:
  - a. Cumulative impacts were not considered;
  - b. Reference to waste materials that would be burnt is “vague and wide”;
  - c. The Stockholm Convention on Persistent Organic Pollutants (POPs) identifies cement kilns firing hazardous waste as a potential source of dioxins, furans and heavy metals;
  - d. No alternatives, including the “no-go” option, are discussed; and
  - e. The emission inventory is not based on emission measurements or mass balance.

We contend that similar flaws are evident in the Ulco Plant EIA process.

### *Stockholm Convention*

7. The Stockholm Convention is a multi-lateral United Nations environmental governance agreement that seeks to eliminate the production of the world’s 12 most persistent toxic chemicals. Dioxins, which are produced when hazardous waste is incinerated, are one of these pollutants. There is no safe level of exposure to dioxins. The balance of evidence suggests that dioxins and related chemicals do cause cancer and other health effects. The Stockholm Convention identifies cement kilns firing hazardous waste as one of the source categories that have the potential for high formation and release of dioxins. As a signatory to the Convention, South Africa is obliged to reduce and phase out the production of Dioxins and Furans.

### *Health impacts*

8. There is a growing evidence base that indicates the increase of pollution from cement kilns that burn waste as a fuel source. A study investigating the environmental impact (by comparing emissions of several pollutants) that resulted from using scrap tyres in combination with coal compared with 'only normally used coal' as an 'alternative fuel' at a cement works that manufactures 1 million tones of cement dust per annum found a 24% increase for SO<sub>2</sub>, and a 48% increase for HCl in the scrap tyre mixtures emissions. Furthermore the rate of emissions for metals also generally increased with a 61% increase for Fe, 33% for Al, 487% for Zn, 127% for Pb, 339% for Cr, 100% for Mn, and 74% increase for Cu. (Carrasco et al, 2002) .
9. Ulco, being an agricultural area, will face the challenge of the agriculture crops and live stock that graze in the area being disproportionately exposed to dioxins, which when emitted during the burning process will be deposited on the surrounding agricultural land. Dioxins, once ingested, cannot be released except through milk from mammals, including human beings.

### *EIA on the wrong process*

10. It is groundWork's contention that the EIA has been undertaken on the wrong process. The main issue at stake is the management and destruction of hazardous waste. Rather than doing an EIA on how a cement kiln could burn hazardous waste, the EIA should be focused on what hazardous waste does exist, where it exists and what the best options of management and disposal are. If the burning of waste continues, Ulco and the Northern Cape will possibly be the destination for South Africa's hazardous waste.

### Conclusion

11. Please consider attachment one as a supplementary submission to this appeal.
12. It is groundWork's request that as part of the process in reviewing this ROD, that the MEC for Tourism, Environment and Conservation: Northern Cape, as well as the Department of Tourism, Environment and Conservation communicate urgently with the national ministry of Environment and Tourism to request their guidance as to how policy on hazardous waste management is going to be developed, and what the role of the Department of Tourism, Environment and Conservation in the Northern Cape will play in this process.
13. We request that based upon the facts above that you reverse the original decision.

Sincerely yours

S. (Bobby) Peek  
Director