



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Ref. 12/9/11/L180524111012/4/N/S24G

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www.environment.gov.za

LICENCE NUMBER : 12/9/11/L180524111012/4/N/S24G
SECTOR : HAZARDOUS : REUSE, RECYCLING AND TREATMENT
WASTE MANAGEMENT FACILITY : ANCHOR PAIL AND DRUMS
LOCATION : ERF NO. 991, 992 AND 993, WENTWORTH, JACOBS, DURBAN
LICENCE HOLDER : ANCHOR PAIL AND DRUM RECONDITIONERS
ADDRESS : 24 MANCHESTER STREET, JACOB, DURBAN SOUTH, 4060
CONTACT PERSON : GANESAN MUNSAMY MOODLEY
CONTACT DETAILS : TELL: 031 468 5236 EMAIL: sheq@anchordrums.co.za

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 Deputy Director General: Chemicals and Waste Management, acting under delegation, hereby grants Anchor Pail and Drums a Waste Management Licence for the following waste management activities as listed in Government Notice No. GN No. 921 of 29 November 2013:



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Category B:

- (2) *"The reuse or recycling of hazardous waste in excess of 1 ton per day, excluding reuse or recycling that takes place as an integral part of an internal manufacturing process within the same premises."*
- (4) *"The treatment of hazardous waste in excess of 1 ton per day calculated as a monthly average ; using any form of treatment excluding the treatment of effluent, wastewater or sewage."*
- (10) *"The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to waste management activity)."*

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

Director: Licencing

Department of Environmental Affairs

Private Bag X447

PRETORIA

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

Director: Resource Protection and Waste

Department of Water Affairs

Private Bag X 313

PRETORIA

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Hazardous Licence: Anchor Pail and Drums Reuse, Recycling and Treatment Facility

1. SITE DETAILS

LOCATION

1.1.1 This Licence authorises the construction and operation of hazardous waste reuse, recycling and treatment at Anchor Pail and Drums Waste Management Facility on Erf No. 991,992 and 993, Wentworth ,Jacobs ,Durban within the Jurisdiction of EtheKwini Metropolitan Municipality, Kwazulu Natal Province (hereafter referred to as" the Site").

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

Number of corners	Latitude	Longitude
1	29° 55'35 62"	30° 59'1 97"
2	29° 55'37 46"	30° 59'3 90"
3	29° 55'39 55"	30° 59'2 79"
4	29° 55'38 07"	30° 59'0 07"

1.2 DOCUMENTS CONSIDERED

1.2.1 Final Impact Assessment Report, compiled by EcoPartners, dated January 2014 hereinafter referred to as the "Report";

1.2.2 Proof of payment dated 26 April 2018; and

1.2.3 Section 24G amended application form dated 04 June 2018.

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.

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- 1.3.2 Weatherproof, durable and legible signs in at least three official languages applicable in the area must be displayed at each entrance to the site.
- 1.3.3 The signs must indicate the risks involved in entering the Site, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Site.
- 1.3.4 The Licence holder must prevent reuse, recycling and treatment of hazardous waste that is not authorised at the Site.

2. MANAGEMENT

2.1 GENERAL MANAGEMENT

- 2.1.1 The activities shall be managed and operated:
- a) In accordance with a documented approved Environmental Management Programme (EMPr) that *inter alia*, identifies and minimises the risk of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformance as well as those drawn to the attention of the Licence Holder as a result of complaints;
 - b) In accordance with the site operational and maintenance plan;
 - c) In accordance with conditions of this Licence and any other written instruction by the Director; and
 - d) By an adequate, competent staff complement
- 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 by the Department, in its discretion, on any website or other media as it deemed applicable.

2.2 DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER

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- 2.2.1 A Waste Management Control Officer (WMCO) must be designated in writing to monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and standard operation procedures. The Licence Holder must keep proof of designation of the WMCO.
- 2.2.2 The WMCO must report any non-compliance with any Licence conditions or provisions of NEM: WA to the Director.
- 2.2.3 The Licence Holder shall not be exempted from any legal obligations in terms of NE: WA by virtue of the duties and responsibilities of the WMCO.
- 2.3 **EMERGENCY PREPAREDNESS PLAN**
- 2.3.1 The Licence Holder must maintain and implement an emergency preparedness plan and review it annually when conducting 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 fires;
 - d) Spillage (on Site);
 - e) Industrial Action
 - f) Natural disasters such as floods; and
 - g) The plan must include contact details of the nearest police station, ambulance services and the emergency centre.

3. PERMISSIBLE WASTE

- 3.1 Any portion of the Site which has been constructed or developed according to condition 4 of this Licence may be used for the reuse, recycling and treatment of hazardous waste (reconditioning of used drums and plastic containers).
- 3.2 The classification, acceptance and disposal criteria as listed in the Waste Classification and

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Management Regulations, 2013, published in Government Notice No. R634 of 23 August 2013, (the Regulations) (hereinafter referred as the "WM&MR") must be conformed to.

4. FURTHER DEVELOPMENT OF THE FACILITY

- 4.1 Further Development of the Site must be according to the engineering drawing (site plan) that is approved by a registered professional engineer as compliant with recognised civil engineering standards.
- 4.2 The site plan must only be changed under the supervision of a registered professional engineer.
- 4.3 The working areas used for the reuse, recycling and treatment of waste must have a firm and impermeable base to prevent contamination of ground water.
- 4.4 The Licence Holder must ensure that all facilities used for removal of waste residues from the drums and washing of the drums are bunded. These bunded areas must be built to handle the total capacity of the relevant tanks /units and must be provided with sumps and pumps to return any spilled material back into the system.
- 4.5 The Licence Holder must maintain on a continuous basis, drainage and containment system capable of collecting and storing all contaminated runoff water arising from the site.

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 on site; where they happen nonetheless the Licence Holder must ensure the effective and safe cleaning of such spillages in accordance with the emergency preparedness plan.

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- 5.1.3 The reuse, recycling and treatment of hazardous waste must not impact on a water resource or on any other person's water use, property or land and must not be detrimental to the health and safety of the public in the vicinity of the activity.
- 5.1.4 The Licence Holder must ensure that emissions from the activities is free from odour at levels likely to cause annoyance.
- 5.1.5 The Licence Holder must prevent the occurrence of nuisance conditions or health hazards.
- 5.1.6 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 the Licence Holder.
- 5.1.7 The Licence Holder must ensure a system is in place to record and investigate complaints and incidents concerning the activities on Site.

5.2 OPERATION

- 5.2.1 The Licence Holder must ensure that the reuse, recycling and treatment of hazardous waste takes place within its design parameters at all times.
- 5.2.2 The Licence Holder must take all reasonable steps to ensure that the integrity of the waterproof base and infrastructure are routinely monitored and corrective action must be taken before containment integrity is breached.
- 5.2.3 The Licence Holder must take all reasonable measures to ensure that all exposed surfaces where waste is handled are decontaminated daily.
- 5.2.4 The Licence Holder must ensure that the waste that is generated during the processes undertaken onsite and cannot be managed onsite must be sent to waste management facilities authorised to accept and handle such waste.

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- 5.2.5 The licence holder must ensure that contaminated storm water is not discharged to a water source, or to land where it could cause pollution. Contaminated storm water must be contained and disposed of in terms of the relevant legislation.

6. MONITORING

6.1 MONITORING METHODS AND PARAMETERS

- 6.1.1 The Licence Holder must carry out all test required in terms of this Licence in accordance with methods prescribed by and obtainable from the South African National Standards (SANS).
- 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 locations selected in conjunctions with the DWS 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 occurring 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 occurring or is

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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 at such frequency as may be specified by Director: RPW.

- 7.3 Should the investigation carried out as per condition 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 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;
 - (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 8.1 and 8.2 must be maintained for 5 years.

9. REPORTING

- 9.1 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 of measures taken to—

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- 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 and be made available to the external audit report as well as the Department for the purpose of audit.
- 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 and health effects.
- 9.6 The Department must be notified within 14 days of the following changes:
- a) Licence Holder's trading name, registered name or registered office address;
 - 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 composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

10. AUDITING

10.1 INTERNAL AUDITS



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10.1.1 Internal audits must be conducted biannually 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 below.

10.2 EXTERNAL AUDITS

10.2.1 The Licence Holder must appoint an independent external auditor to audit the site annually and the auditor must compile an audit report documenting the findings of the audit, which must be submitted by the licence holder according to condition 10.2.3 below.

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 its 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.

10.2.3 Each external audit report referred to in condition 10.2.1 must be submitted to the Director within 60 days from the date on which the external auditor had undertaken the audit.

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.

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11. LEASING AND ALIENATION OF THE SITE

- 11.1 Should the Licence Holder want to alienate or lease the Site, he/she must 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.

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 the Licence.

13. GENERAL

- 13.1 The operation of the licence activity may not commence within 20 days of the date of signature of this Licence.
- 13.2 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.
- 13.3 After the 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.
- 13.4 The activity must commence within a period of 2 years from the date of issue. If commencement of the activity does not occur within that period, the Licence lapses and a new application for a Licence must be made in order for the activity to be undertaken.
- 13.5 If the Licence Holder anticipates that recommencement of the activity would not occur within 2 year

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period, he/she **must** apply and **show good cause** for an extension of the licence 6 months prior to its expiry date.

- 13.6 This Licence shall not be transferable unless such transfer is subject to condition 12.1.
- 13.7 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of National and Provincial Legislation and any relevant Ordinance, Regulation, By-law or relevant National Norms and Standards.
- 13.8 Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
- 13.9 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the National Environmental Management: Waste Act, 2008.
- 13.10 In terms of section 28 and 30 of the NEMA 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 the environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 13.11 This Licence is valid for a period of 10 years and shall be reviewed every 5 years from the date of issue or at any time before or after that date. The Licence Holder must initiate the review within 6 months prior the intended review period. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence could be amended or withdrawn or the 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 12 days, of receiving the Department's decision.
- 14.2 An appeal against the decision must be lodged in terms of chapter 2 of GN No. R993 of 08 December 2014 in terms National Environmental Management Act, 1998, as amended
- 14.2.1 The notification referred to in 12.1 must –
- 14.2.2 Specify the date on which the Licence was issued;
- 14.2.3 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 I);
- 14.3 Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision 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 Department, whichever is applicable;
- 14.4 Advise the interested and affected party that a copy of a Licence will be furnished on request; and
- 14.5 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 Environmental Affairs at the below mentioned addresses:

By email: appeals@environment.gov.za

By Hand: Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083 or

By post: Department of Environmental Affairs, Private Bag X 447, PRETORIA, 0001

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- 14.6 Please note that in terms of section 43 (7) of the National Environmental Act, 107 of 1998, as amended, the lodging of an appeal will suspend the waste management licence or any provision or condition attached thereto. In the instance where the appeal is lodged, you may not commence with the activity until such time that appeal is finalised.
- 14.7 To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at :
https://www.environment.gov.za/documents/forms/legal_authorisations or request a copy of the documents at appeals@environment.gov.za

MR MARK GORDON

DEPUTY DIRECTOR-GENERAL: CHEMICALS AND WASTE MANAGEMENT

DATE: 24/07/2018



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, and



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Appendix A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road, Environment House,
Arcadia, Pretoria, 0002

Appelants contact information:

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

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Hazardous Licence: Anchor Pall and Drums Reuse, Recycling and Treatment Facility

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.*
- *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.

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

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Yes	No
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Please provide reasons:

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:

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:

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

Yes	No
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Please provide reasons:

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

Yes	No
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Please provide reasons:

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
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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.

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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Hazardous Licence: Anchor Pall and Drums Reuse, Recycling and Treatment Facility

APPELLANT

DATE:

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ANNEXURE II

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS

** = Indicate with an X. Please print legibly*

NAME OF SITE: _____	DATE OF REPORT : _____ (y/m/d)
REFERENCE NO: _____	

1. Registered owner(s) of property on which the Waste Management Facility is situated:

Name	Telephone	
Postal Address	Fax	
	Postal Code	

2. Operator in control of the Waste Management Facility:

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

3. Indicate the approximate quantities of waste reused, recycled and treated during the year:

Types of waste (Specify)	Quantity (tons)	Source

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TOTAL		

4. Indicate approximate quantities of waste transported /removed for disposal during the year:

Type of waste	Quantity (tons)	Disposed
TOTAL		

I, the undersigned, declare that the information stated above is to my knowledge a true reflection of the status at Anchor Pail and Drum Reconditioners.

Signature: _____

Name: _____

Capacity: _____

Place: _____

Anchor Pail and Drums