



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia · PRETORIA

**DEA Reference:** 14/12/16/3/3/1/1571

**Enquiries:** Nyiko Nkosi

**Telephone:** 012-395-9392 **E-mail:** nnkosi@environment.gov.za

Ms Deidre Herbst  
Eskom Holdings SOC Ltd  
PO Box 1091  
**JOHANNESBURG**  
2000

E-mail: herbstDL@eskom.co.za

### **PER E-MAIL / MAIL**

Dear Ms Herbst

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983: THE CONSTRUCTION OF A WATER SUPPLY PIPELINE AT DUVHA POWER STATION WITHIN THE JURISDICTION OF EMALAHLENI LOCAL MUNIIPALITY, MPUMALANGA PROVINCE**

1. With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.
2. In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.
3. Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

#### **By post:**

Private Bag X447,  
Pretoria, 0001; or

#### **By hand:**

Environment House  
473 Steve Biko Street,  
Arcadia,  
Pretoria, 0083

4. If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.
5. **Appeals must be submitted in writing to:**  
 Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:  
 Tel: (012) 399 9356  
 Email: Appealsdirector@environment.gov.za
6. Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.
7. For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal authorisations](https://www.environment.gov.za/documents/forms#legal%20authorisations)).
8. Kindly include a copy of this document with the letter of notification to all registered interested and affected parties.

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
 Date: 24/08/2012

CC:	Ms N Dhemba	NAKO-ILISO	Tel: 012-685-0900	Email: ndomupei@iliso.com
	Dr Vi Dlamini	Mpumalanga Department of Economic development, Environmental and Tourism	Tel: 013-766-4179	Email: jmarakala@mpg.gov.za
	Mr T van Vuuren	eMalahleni Local Municipality	Tel: 013-690-6911	Email: mbethefak@emlahleni.gov.za



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

The construction of a water supply pipeline at Duvha Power Station within the eMalahleni Local Municipality, Mpumalanga Province.

Nkangala District Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/1571</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Eskom Holdings SOC Ltd</i>
<b>Location of activity:</b>	<i>MPUMALANGA PROVINCE: Within Ward 19 of Emalahleni Local Municipality of the Nkangala District Municipality</i>

This environmental authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## **Decision**

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## **Activities authorised**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

### **ESKOM HOLDINGS SOC LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Ms Deidre Herbst

Eskom Holdings SOC Ltd

PO Box 1091

**JOHANNESBURG**

2000

Tel: (011) 800 3501

Cell: (083) 660 1147

Fax: (086) 660 6092

E-mail: HerbstDL@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 9:</u>  <i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water.</i></p> <p><i>i. with an internal diameter of 0,36 metres or more; or</i></p> <p><i>ii. with a peak throughput of 120 litres per second or more;</i></p>	<p>The proposed water supply pipeline will be approximately 2.285 km long, with an internal diameter of 0.45 metres and a water flow rate of 540m<sup>3</sup> per hour.</p> <p>This property is owned by Eskom Duvha Power Station and falls outside the urban area.</p>

as described in the Basic Assessment Report (BAR) dated June 2016 at:

Farm Name: Remainder (Portion 0) of Farm Duvha Kragstasie 337 JS

21 Digit SG code:

T	0	J	S	0	0	0	0	0	0	0	0	0	3	3	7	0	0	0	0	0
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Pipeline Route- Alternative 1	Latitude	Longitude
Starting point of activity	25° 56' 59.595"S	29° 19' 53.3726"E
Middle point of activity	25° 57' 19.2836"S	29° 20' 26.3368"E
End point of activity	25° 57' 50.4364"S	29° 20' 21.8252"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the construction of a water supply pipeline in Duvha Power Station within Ward 19 of the Emalahleni Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

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- Design, supply and construction of a new Ultraviolet (UV) Protected HDPE water supply pipeline of a 2.287 km long with internal diameter of 450mm and the water flow rate of 540m<sup>3</sup>/hour from the raw water reservoir to the Water Treatment Plant;
- Design, supply and construction of a new Ultraviolet (UV) Protected HDPE pipeline from the raw water reservoir to the Water Treatment Plant; and
- The design, supply and construction of valves and pipe support including fasteners and concrete plinths.

### **Conditions of this Environmental Authorisation**

#### **Scope of authorisation**

1. The pipeline route alternative 1 for the construction of a water supply pipeline in Duvha Power Station within Ward 19 of the Emalahleni Local Municipality in the Mpumalanga Province is approved as per the geographic coordinates cited at the table reflected in page 3 above.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.

7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

#### **Commencement of the activity**

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

13. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

### **Frequency and process of updating the EMPr**

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 21 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
17. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

### **Monitoring**

19. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to



ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.

- 19.1. The ECO must be appointed before commencement of any authorised activities.
- 19.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
- 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 19.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

20. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
23. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
24. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.

25. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

### **Notification to authorities**

26. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

### **Operation of the activity**

27. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

### **Site closure and decommissioning**

28. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

### **Specific conditions**

#### Conditions for Non-operational aspects

29. No activities, which require a water use licence, must be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
30. Should any archaeological sites or artefacts, graves or other heritage resources be found during construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the finds, must be alerted immediately.
31. A Search, Rescue and Relocation Plan must be developed and implemented for all individuals of *B disticha* encountered during the field assessment by the specialist, as well as any other floral or faunal Species of Conservation Concern (SCC) to be encountered during the construction phase of the development. Copies of this plan must be submitted to the Department for record keeping

32. The rescue and relocation activities must be overseen by a suitably qualified Ecological/Biodiversity specialist;
33. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping. Copies of the permit/s must be submitted together with the Search, Rescue and Relocation Plan.
34. No exotic plants may be used for rehabilitation purposes. Only indigenous plants, founding within the 10km radius of the pipeline servitude, may be utilised.
35. The holder of the authorisation is required to inform the Department of Environment and Nature Conservation (DENC), Department of Agriculture, Forestry and Fisheries (DAFF) and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
36. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the BAR dated June 2016 must be implemented to reduce the risk of erosion and the invasion of alien species.
37. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
38. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

### **General**

39. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 39.1. at the site of the authorised activity;
  - 39.2. to anyone on request; and
  - 39.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
40. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for

any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 24/08/2016



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

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## **Annexure 1: Reasons for Decision**

### **1. Information considered in making the decision**

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated June 2016;
- b) The comments received from Department of Water and Sanitation as included in the BAR dated June 2016;
- c) Mitigation measures as proposed in the BAR dated June 2016 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

### **2. Key factors considered in making the decision**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of the continued and uninterrupted supply of water to the Duvha Power Station and this will allow the power station to continue supplying electricity
- c) The BAR dated June 2016 identified all legislation and guidelines that have been considered in the preparation of the BAR dated June 2016.
- d) The methodology used in assessing the potential impacts identified in the BAR dated June 2016 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

### 3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated June 2016 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated June 2016 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

## Annexure 2: Locality Plan

