



## **environmental affairs**

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

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA, 0083  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/2/895

**Enquiries:** Mr Jay-Jay Mpelane

**Telephone:** (012) 399 9404 **E-mail:** jmpelane@environment.gov.za

Ms Deidre Herbst  
Eskom Holdings SOC Limited  
P.O Box 1091  
**JOHANNESBURG**  
0001

Email address: herbstDL@eskom.co.za  
Tell number: (011) 800 3501

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

Dear Ms Herbst

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/984/985: FOR THE PROPOSED CONSTRUCTION OF THE LETHABO POWER STATION EAST COOLING WATER TREATMENT PLANT WITHIN THE METSIMAHOLO LOCAL MUNICIPALITY IN THE FREE STATE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant environmental authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

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 provisions regarding the submission of appeals that are contained in the Regulations.

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 for an application for an environmental authorisation 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 Road,  
ARCADIA  
Pretoria

MS.

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.

**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 number: (012) 399 9356

Email address: Appealsdirector@environment.gov.za

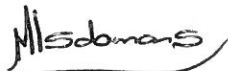
Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

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_authorisations)

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



**Ms Millicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date:** 14/12/2016.

|    |               |                          |                      |                          |
|----|---------------|--------------------------|----------------------|--------------------------|
| CC | Mr Sipho Zulu | Senkosi Environmental cc | Tell: (012) 329 7569 | Email: sipho@senkosi.com |
|----|---------------|--------------------------|----------------------|--------------------------|



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

**PROPOSED CONSTRUCTION OF THE LETHABO POWER STATION EAST COOLING WATER  
TREATMENT PLANT WITHIN METSIMAHOLO LOCAL MUNICIPALITY IN THE FREE STATE  
PROVINCE**

**FEZILE DABI DISTRICT MUNICIPALITY**

|                                       |   |
|---------------------------------------|---|
| <b>Authorisation register number:</b> | <i>14/12/16/3/3/2/895</i>   |
| <b>Last amended:</b>                  | <i>First issue</i>  |
| <b>Holder of authorisation:</b>       | <i>Eskom Holdings SOC Limited</i>   |
| <b>Location of activity:</b>          | <i>Metsimaholo Local Municipality:<br/>within Lethabo Power Station 1814,<br/>east of Viljoensdrif and south-east<br/>of Vereeniging near Vaal River.</i> |

This 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.

*MS.*

## 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 authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2014.

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 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises–

### **ESKOM HOLDINGS SOC LIMITED**

with the following contact details –

Ms Deidre Herbst  
Eskom Holdings SOC Limited  
P.O Box 1091  
**JOHANNESBURG**  
0001

Email address:       herbstDL@eskom.co.za  
Tell number:         (011) 800 3501

-to undertake the following activity (hereafter referred to as "the activity") indicated in Listing Notices 1, GN R. 983 & 984:

| Listed activities  | Activity/Project description   |
|--|--|
| <p><b><u>GN R.983 Item 16:</u></b></p> <p>The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.</p>   | <p>The proposed desalination plant will transfer a permeate flow of 100 000 cubic metres per day of treated water.</p>   |
| <p><b><u>GN R. 983 Item 45:</u></b></p> <p>The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure-</p> <p>(i)has an internal diameter of 0,36 metres or more;<br/>or<br/>(ii)has a peak throughput of 120 litres per second or more; and<br/>(a) where the facility or infrastructure is expanded by more than 1000 metres in length.</p> | <p>The project will include the expansion of pipelines from the cooling towers to the clarifiers. The pipelines will have an internal diameter of 0.4 metres and a peak throughput of 196 litres per second.</p> |
| <p><b><u>GN R.984 Item 25:</u></b></p> <p>The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of 15000 cubic metres or more.</p>  | <p>The proposed water treatment work is expected to treat 17 000 cubic metres of water per day.</p>  |

-as described in the Environmental Impact Assessment report (EIAR) dated 8 September 2016 at:

**SG Code:** F01600000000181400000.

| Coordinates of the site | Latitude (S)  | Longitude (E) |
|-------------------------|---------------|---------------|
|                         | 26°44'24.94"S | 27°58'29.89"E |

- for the proposed construction of the Lethabo power station east Cooling Water Treatment Plant within the Metsimaholo Local Municipality in the Free State Province, hereafter referred to as "the property".



## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The preferred Site Alternative 4 for the proposed Cooling Water Treatment Plant is approved.
2. Authorisation of the activity is subject to the conditions contained in this 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 servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
6. This activity must commence within a period of five (5) years from the date of issue of this 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must apply for an amendment of 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.

### **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 within twenty (20) days of the date of signature of the authorisation.

### **Management of the activity**

13. The Environmental Management Programme (EMPr) that complies with GN R.982 of Appendix 4(1) was integrated as part of the EIAR dated 8 September 2016. The EMPr is approved and all the recommendation from specialist studies shall be implemented and adhered to.

### **Monitoring**

14. 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.
- 14.1. The ECO must be appointed before commencement of any authorised activities.
  - 14.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 14.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 14.4. 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**

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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**

21. 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**

22. 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**

23. 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**

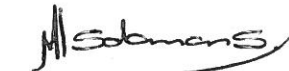
24. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
25. Any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
26. Vegetation clearing must be limited to the required footprint. Mitigation measures must be implemented to reduce the risk of erosion.
27. Should potential human remains and any heritage resources be found on site by any chance during the excavation, the contractor should cease construction immediately and inform Eskom. A heritage expert should be called on site to assess the significance, the impacts and provide mitigation measures and the necessary permit/s be obtained from the FSPHRA/SAHRA.

### **General**

28. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 28.1. at the site of the authorised activity;
  - 28.2. to anyone on request; and

- 28.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
29. 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: 14/12/2016.



**Ms Millicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

## **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 EIAr dated 8 September 2016.
- b) Mitigation measures as proposed in the EIAr dated 8 September 2016 and the EMPr contained in Appendix 9.
- c) 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 for this project and their recommended mitigation measures.
- b) The proposed CWTP is intended to improve the overall cooling water availability and reliability by providing opportunity for critical and routine maintenance.
- c) The EIAr dated 8 September 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the EIAr dated 8 September 2016.
- 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 EIAr dated 8 September 2016 as well as 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 EIAr dated 8 September 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 EIAr dated 8 September 2016 and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

MS.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA  
Tel(+ 27 12 ) 399 9372

Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mrs. Milicent Solomons  
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

### APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 13 DECEMBER 2016 UNTIL 15 DECEMBER 2016

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 13 December 2016 until 15 December 2016 while Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Mr. Ishaam Abader

DDG: LACE

Date:

9/12/2016

#### ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~ appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed: M. Sabelo Malaza

Date: 12/12/2016.