

Environmental Impact Assessment (EIA) and an application for a waste license for the extension and licensing of the Tutuka Power Station Waste Disposal Site

DEA Ref No 12/12/20/1553

BACKGROUND INFORMATION DOCUMENT

PURPOSE OF THIS BID

The purpose of this Background Information Document (BID) is to brief Interested and Affected Parties (I&APs) about the Environmental Impact Assessment (EIA) process that is being conducted for the upgrading and licensing of the existing Tutuka Power Station domestic disposal site in Mpumalanga.

In addition to supplying information about the proposed upgrading and licensing of the landfill site and the EIA, this BID also provides I&APs with the opportunity to:

- register as stakeholders in the public participation process; and
- make initial comments on and contributions to the proposed project.

Your comment is important

Your comment will ensure that all relevant issues are evaluated in the EIA and licensing process. You are requested to complete the enclosed reply sheet, write a letter or call or email the public participation office in Midrand (see information box for contact details). You will then receive further information about the proposed project, the EIA and licensing process.

Please register by 30 September 2009

Stakeholders can register and comment at any time during this process. The date mentioned above is to ensure that all your comments are included in the Draft Scoping Report. When you register you will be included in the database and receive further documents for comment when they become available.

INTRODUCTION

BACKGROUND

Eskom is presently operating the Tutuka Power Station as part of its power generation fleet, using coal generation technology. Throughout the operational life of the station, general waste is generated. This waste has been disposed of at an authorised domestic waste disposal site within the power station premises, until recently. The current disposal site provided disposal services to the New Denmark Colliery, Thuthukani Township, Tutuka Power Station as well as some contractors employed by the Power Station.

The current general disposal site has reached its capacity, and since October 2008, the general waste is transported to Kriel disposal site for disposal, which is approximately 200km away. The transportation costs are high, which have prompted Eskom to seek an alternative by expanding the existing domestic waste disposal site.

The main aim is therefore to extend and license the waste disposal site in a sustainable manner. For this, environmental authorisations under the Environmental Impact Assessment Regulations, Section 24 (5) of the National Environmental Management Act (NEMA), (Act No 107 of 1998) and under the Waste Regulations, Section 19 (1) of the National Environmental Management: Waste Act (NEM:WA), Act 59 of 2009 are required.

Final disposal of general waste covering an area of 200 square meters or more and the construction of such facilities is the main activity listed for the authorisations – which include an EIA.

WHAT IS LICENSING AND WHY IS IT NECESSARY?

According to the new NEM:WA, a waste license is required for a general waste disposal site that is larger than 200 square meters or more.

Licensing is a process where new and existing waste sites are measured against certain guidelines and legislation to ensure that proactive steps are taken to prevent the degradation of water quality and the receiving environment. The general aim of licensing of waste sites is to manage waste disposal practices. By law all waste must now be disposed of at a licensed, well-managed waste site.

Prior to 1 July 2008 a waste disposal site was required to have a waste permit under the Environment Conservation Act, Section 20 (ECA, s20). The existing landfill site was permitted under ECA s20 and this permit will now be amended and transformed into a waste license in line with the new NEM:WA legislation.

The license will be issued by the relevant authority (National Department of Environmental Affairs, DEA) once all the requirements are met. The license also prescribes the conditions on which the site must and should be operated.

After a license is granted, proposed upgrading activities could be conducted. The waste disposal site will be upgraded to meet the requirements of the new license.

The site operation will also be upgraded to ensure that the site is operated according to the newly proposed operating plan. During the EIA, further issues of concern may be identified that would also require attention when the site is upgraded.

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UNDERSTANDING THE EIA AND WASTE LICENSING PROCESSES

The EIA and the process to apply to license the waste disposal facility will be conducted simultaneously. The findings from the EIA will be used in the compilation for the application for the license. As with an EIA, an application form for the licensing process is compiled and submitted to the Department of Environmental Affairs (DEA). Upon receipt and review of the application, the DEA provides a reference number for the application. Thereafter a conceptual design of the proposed extension of the waste disposal site has to be submitted to DEA for acceptance. The design is submitted with the Scoping Report.

After approval of the conceptual design, a permit application report will be drafted and submitted to DEA. This report will form part of the Environmental Impact Report of the EIA process. Stakeholders' participation will be requested for the EIA, as this process provides, at each step the opportunity to review and comment on the draft documents that will be submitted to DEA in terms of the EIA and the application for a waste license.

SOME ISSUES TO BE INVESTIGATED IN THE EIA

Below are some of the issues that will be investigated during the EIA:

- Impacts from the extension of the existing waste site in terms of its footprint as well as height;
- The possible impact on water quality;
- Possible visual and air quality impacts;
- Securing the site with fencing and the required office structures; and
- The impact of the waste site on the surrounding land and soil use.

These issues and others raised by stakeholders during the scoping phase will be investigated during the EIA.

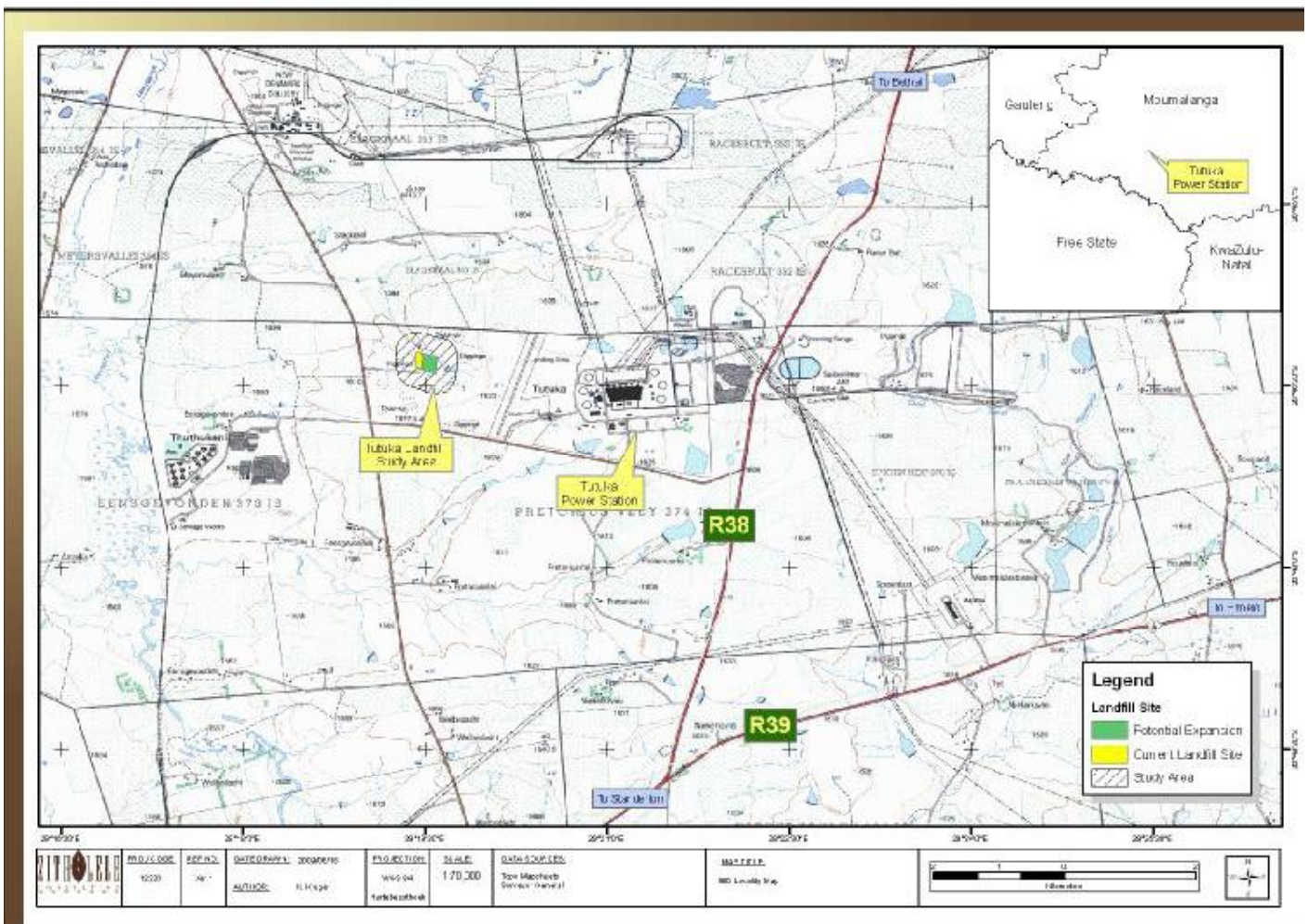


Figure 1: This map shows where the Tutuka waste disposal site is located and the area that is being investigated for the possible expansion of the site. The area proposed for the expansion is the property of Eskom.

THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

In terms of the National Environmental Management: Waste Act (NEM:WA), Act 59 of 2009 the upgrading and extension of the existing waste disposal site requires an Environmental Impact Assessment (EIA) to be conducted, prior to construction.

WHAT IS AN ENVIRONMENTAL IMPACT ASSESSMENT PROCESS?

EIAs are used by planning authorities to obtain an objective view of the potential environmental and social impacts that could arise during the construction, operation and closure of proposed developments. It is a legislative requirement that an EIA must be conducted as part of the process to permit a waste site. Information compiled during the EIA must provide a sound basis for decision-making by the authorities.

The end product of an EIA process is an Environmental Impact Assessment Report (EIR), which must:

- identify the potential impacts of the proposed development;
- illustrate the issues, concerns and suggestions raised by I&APs; and
- outline the measures that must be taken to avoid or reduce negative impacts, and enhance positive impacts.

THE PUBLIC PARTICIPATION PROCESS

In addition to undertaking the EIA for the proposed upgrading, extension and licensing of the waste site, Zitholele Consulting will also conduct the public participation process. This process will enable stakeholders to influence the course of the investigation and to review the findings of the independent studies that are to be undertaken. The EIA consultants will correspond directly with registered stakeholders at various intervals during the EIA process to keep them informed of progress in the study and the timing of participative opportunities to be involved. As stated earlier, the licensing process will be conducted simultaneously with the EIA and will allow stakeholders to comment on the draft documents to be compiled for the licensing process.

SCOPING PHASE

The aim of this phase is to form an initial assessment of the potential impacts of the proposed extension and licensing of the waste disposal site. Scoping also includes screening the possibilities of proposed sites for potential disposal areas. These impacts are identified on the basis of issues and concerns raised by stakeholders, as well as preliminary investigations by EIA technical specialists. These potential impacts are captured in a Draft Scoping Report (DSR), together with a description of the detailed studies to be undertaken during the next phase of the EIA process. The DSR will also include the site classification and preliminary designs for the waste disposal site.

IMPACT ASSESSMENT PHASE

During this phase, detailed specialist studies are undertaken to investigate the potential impacts identified during the Scoping Phase. Positive as well as negative impacts are investigated, and these are rated in terms of their expected duration, severity, geographic extent, probability and overall significance. Recommendations are made regarding measures that can be put in place to maximise positive impacts and minimise negative ones. The compilation of an operational and closure plan and a detailed waste disposal site design are part of the activities to be undertaken in this phase.

INTEGRATION/REPORTING PHASE

The findings of the specialist studies are integrated into a Draft Environmental Impact Report (EIR). This report contains the operational and closure plan, and the detailed designs for the waste disposal site. The report is distributed to stakeholders for review, after which it is submitted to the authorities for a decision.

DECISION-MAKING PHASE

The environmental authority reviews the EIR and consults with other key authorities. Environmental Authorisation and a decision on the application for a waste license are granted which states whether or not the proposed development can proceed, and under which conditions.



Figure 2: Waste is compacted and covered on a daily basis when a waste disposal site is well managed.

SCOPING PHASE

ANNOUNCING THE OPPORTUNITY TO COMMENT

During August 2009, stakeholders will be informed about the EIA, the process to apply for a waste license and the proposed project by means of letters, email, newspaper advertisements and on-site notices. This Background Information Document, along with an invitation to participate in the EIA process, will also be placed at selected public places that are easily accessible to stakeholders.

RAISING ISSUES TO BE EVALUATED

At the beginning of September 2009, focus group meetings will be conducted with groups of key stakeholders, including potentially directly affected parties, municipal officials, local industries and relevant key stakeholders.

The purpose of these meetings will be to brief stakeholders about the proposed project, application for a waste license and the EIA, and also to obtain their comments and issues of concern.

The issues raised during the focus group meetings will be captured in an Issues and Response Report, and also included in planning the EIA process.

SCOPING REPORT

Zitholele Consulting will prepare a Draft Scoping Report (DSR), which will contain a preliminary description of the proposed project, its potential impacts, a record of all of issues raised by I&APs, the waste disposal site classification, preliminary designs of the disposal site and the Terms of Reference for the specialist studies that will be conducted during the Impact Assessment Phase of the EIA.

The DSR and the Issues and Response Report will be made available for comment by I&APs. The comment period will be 30 days. The DSR may also be submitted to the authorities. After the comment period, a Final Scoping Report will be prepared, incorporating inputs received during the comment period.

PROGRESS FEEDBACK REGARDING THE PROCESS TO ALL I&APS

At this stage, all registered I&APs will receive a personalised letter to report on the progress of the EIA, and to outline the next steps in the process.



Figure 3: The correct storage disposal and capping of waste is important to ensure a sustainable waste disposal site.

IMPACT ASSESSMENT PHASE

The Impact Assessment Phase of the EIA will take place from October 2009. On completion of the various specialist studies a draft Environmental Impact Report will be compiled with a Draft Environmental Management Plan (dEMP). The Environmental Impact Report will contain the integration of findings from the specialists as well as a recommended option for the proposed project. This report will also contain the operational and closure plan, and the detailed designs for the waste disposal site. These documents will be made available for public review.

PUBLIC REVIEW OF THE DRAFT EIR/EMP

The Draft EIR/EMP will be made available for public review early in 2010 and I&APs will have a period of 30 days to review

the report, to verify that the issues they have raised are adequately addressed, and to submit any further comments. Any additional issues raised by I&APs will be captured in the Final EIR/EMP, which will be submitted to the authorities.

FINAL NOTIFICATION

Once the authorities have made a decision, stakeholders will be notified of the authorities' decision and of the procedure to follow should they wish to appeal the outcome of the application for a waste license and the Environmental Authorisation.

DECISION MAKING PHASE

The environmental authority reviews the EIR and consults with other key authorities. Environmental Authorisation is then granted which states whether or not the proposed development can proceed. Stakeholders are informed of the decision. They may lodge an appeal within a specified period of time. The environmental authorisation will be two-fold – a decision in terms of the NEMA legislation – granting permission for the Environmental Impact Assessment and in terms of the NEM:WA legislation - application for a waste license.

Your registration as an I&AP and comments are important

The purpose of the process to undertake an Environmental Impact Assessment (EIA) and the application for a waste license is to allow public input into the process, and to provide the authorities with sufficient and relevant information on which to base a decision on whether to grant or refuse environmental authorisation and a waste license for the proposed project, and if approved, under which conditions.

The contributions from stakeholders from all sectors of society assist in informed decision-making. Zitholele Consulting invites all stakeholders to participate freely, and to submit any comments or information they feel may be useful. Your comments will ensure that all relevant issues are evaluated in the EIA. You can also contact the public participation office if you require a copy of the EIA Regulations, the User Guide to the NEMA or any other material that will assist you to comment.

**ENVIRONMENTAL IMPACT ASSESSMENT AND
APPLICATION FOR A WASTE LICENSE**
**Proposed extension and licensing of the domestic
waste disposal site at the Tutuka Power Station**

DEA Ref No 12/12/20/1553

REGISTRATION AND COMMENT SHEET
Inserted in the Background Information Document

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Public Participation Office**

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August 2009

Please complete and return to the Public Participation Office (details above right)

TITLE		FIRST NAME		<p align="center">If you are an affected landowner, please tell us your farm name and erf / portion number</p> <p>_____</p> <p>_____</p>
INITIALS		SURNAME		
ORGANISATION		EMAIL		
POSTAL ADDRESS				
		POSTAL CODE		
TEL NO		FAX NO		

Please formally register me as an interested and affected party (I&AP) so that I may receive further information and notifications during this EIA process. (Please circle applicable box)	YES	NO
	I would like my notifications by	
	Mail	
	Email	
	Fax	
	Telephone	
I would like to receive documents for comment as follows	By email	
	On CD	
In terms of GNR 385 (EIA process regulations) I disclose below any direct business, financial, personal or other interest that I may have in the approval or refusal of the application:		

COMMENTS (please use separate sheets if you wish)

I suggest that the following issues of concern be investigated in the EIA:

Any other comments:

Please ask the following of my colleagues/friends/neighbours to register as I&APs for this EIA:

THANK YOU FOR YOUR CONTRIBUTION