

# Integrated Environmental Authorisation and Water Use License Application for the proposed ash disposal at Kendal Power Station

## BACKGROUND INFORMATION DOCUMENT

November 2012

### PURPOSE OF THIS DOCUMENT

This Background Information Document (BID) provides Interested and Affected Parties (I&APs) with information on the Environmental Impact Assessment (EIA), Waste Management License Application (WMLA) and Water Use License Application (WULA) being undertaken by Zitholele Consulting for continuous ash disposal at Kendal Power Station. This document is aimed at notifying I&APs of the following proposed activities;

1. Extending the current continuous ash disposal facilities (**DEA Reference number 14/12/16/3/3/3/63**).

2. Identify and construct a new ash disposal facility with a 30 year lifespan which will be used till the end of Kendal (**Awaiting reference number from DEA**).

This BID also provides I&APs with the opportunity to register as stakeholders in this process; and comment on the proposed projects.

The purpose of an EIA is to identify and evaluate potential impacts, to recommend measures to avoid or reduce negative impacts and to enhance positive impacts. The licensing of waste management activities through a WMLA is the primary means by which these activities are regulated. The decision-making authority for both the EIA and WMLA is the Department of Environmental Affairs.

You will be included in the stakeholder database and receive further documents for review and comment/s. Your comments will ensure that all issues of concern are incorporated. **To raise your concerns complete the enclosed registration sheet, write a letter, call or email the public participation office.**

All documents will be available on the internet at [www.eskom.co.za/eia](http://www.eskom.co.za/eia) and [www.zitholele.co.za](http://www.zitholele.co.za).

#### Public participation office

Patiswa Mngokoyi  
Zitholele Consulting  
P O Box 6002, Halfway House, 1685  
Tel: 011-207-2074  
Fax: 086-676-9950  
Email: [patiswam@zitholele.co.za](mailto:patiswam@zitholele.co.za)

### BACKGROUND

Eskom is the South African utility that generates, transmits and distributes electricity. Eskom supplies about 95% of the country's electricity and about 60% of the total electricity consumed in Africa. Eskom plays a major role in accelerating growth in the South African economy by providing a high-quality supply of electricity.

Kendal Power Station is a coal-fired power station situated South-West of the town of Ogies in Mpumalanga which became operational in 1993. It has an indirect dry-cooling system, which means it uses significantly less water in its cooling processes than conventional wet cooled power stations. Kendal has six 686 megawatt (MW) units that generates 4 116 MW.

The current ash disposal facilities at Kendal Power Station are running out of capacity due to the high ash volumes being produced, in addition the life span of Kendal has also been extended to 2053.

### PROPOSED PROJECTS

The continuous ash disposing will require an Environmental Authorisation (EA), Waste Management License (WML) and Water Use License (WUL). The EIA and WMLA will be done as an integrated Environmental Impact Assessment (EIA) process and the WULA as a parallel process.

The mentioned ash disposal projects will be dealt with as separate applications by the Department of Environmental Affairs (DEA), and shall include the following:

1. Extending the current ash disposal facilities at Kendal Power Station including the emergency dump and ash return water dams. (**DEA Reference 14/12/16/3/3/3/63**).

2. Identify and construct a new facility with a capacity for 30 years to cater for the remaining operational life of the power station until 2053 (**Awaiting reference from DEA**).

The separate applications to DEA is a result of the urgency of this project due to the current disposal facilities running out of space and also allowing a longer time period for the site identification and authorisation of the 30 year facility.

A single public participation process is being undertaken to ensure that issues relevant to ash disposal from Kendal Power Station are addressed in an integrated manner. During this process separate environmental authorisation reports will be generated for each of the facilities i.e. separate Scoping, EIR, EMP reports will be generated for each Project.

The proposed area earmarked for **Project 1**, which is the continuation of the current ash disposal facilities, lies adjacent and to the north of the existing ash disposal site and is vacant land owned by Eskom. It is envisaged that the total area will be ~310ha in size. As an integral part of the project 1 EIA process, a footprint optimisation study will be undertaken to

investigate operational efficiency and implementation of footprint reduction strategies (such as disposal on top of the existing dump – if technically and economically viable). The efficiency at the existing ash disposal facility is also being improved in a hope to extend the life of the current facility until 2019. The second facility will take approximately seven years to become operational, and will thus not be able to receive ash before late in the year of 2019.

The **Project 2** EIA will identify, propose and assess feasible sites for locating the ash disposal facility, different technologies for the managing of ash disposal and various possible designs for an ash disposal facility as well as dust control measures.

Potential sites for this will be investigated within a 10 km radius of the Kendal Power Station during this study. This BID shall also be distributed to surrounding landowners and stakeholder within this radius.

It is anticipated that **Project 2**: 30 year Ash Disposal Facility will have an estimated total footprint of 1000 hectares, including associated infrastructure components which may consist of:

- A conveyor belt system for the transportation of ash to the disposal facility;
- ash return water dam/s;
- Services including electricity and water supply in the form of power lines, pipelines, and associated infrastructure; and
- Access and maintenance roads to the ash disposal facility.

The ash that will be produced until 2053 is estimated at around 250 million m<sup>3</sup> and the proposed disposal facility will be approximately 62 m high at the end of its lifespan.

# LEGAL REQUIREMENTS

Both projects are subject to the legal requirements outlined below. The applicable legal processes will be conducted simultaneously as an integrated process complemented by a combined public participation process and parallel Water use license application (WULA). These projects are subject to legal compliance from the following:

- a) National Environmental Management Act (NEMA), No 107 of 1998 and the EIA Regulations, 2010; and
- b) National Environmental Management Waste Act (NEM: WA), No 59 of 2008.
- c) National Water Act, No 36 of 1998

## NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

Both projects require an Environmental Impact Assessment (EIA) in terms of the National Environmental Management Act (NEMA), No 107 of 1998 and the amended EIA regulations and listings (Government Notice R.543 to 546, published in June 2010). The Department of Environmental Affairs (DEA) is the Competent Authority.

As per Government Notice R.543 of June 2010, the competent authority must consult with every government organ that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation.

Therefore, the Department of Water Affairs, Mpumalanga Department of Economic Development, Environment and Tourism, Nkangala District Municipality, Victor Khanye Local Municipality and Emalahleni Local Municipality are commenting authorities in this process.

This process includes Scoping and Environmental Impact Report (S&EIR) Phases, which are applicable to all projects likely to have significant environmental impacts due to their nature or extent, activities associated with potentially high levels of environmental degradation, or activities for which the impacts cannot be easily predicted.

In terms of Government Notice R.545 of 2010, the following listed activities require that a S&EIR be undertaken and are applicable to this proposed project:

- **Activity 6:** The construction of facilities or infra-structure for the bulk transportation of dangerous goods:
  - (i) in solid form, outside and industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons per day.
- **Activity 15:** Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, industrial or institutional use where the total area to be transformed is 20 hectares or more.

In terms of Government Notice R.544 of 2010, the following listed activities require that a Basic Assessment be undertaken for the proposed project (these activities having a lesser impact than those of the activities requiring an S&EIR will result in one EIA being undertaken for the proposed project):

- **Activity 11:** The construction of:
  - (i) canals;
  - (ii) channels;
  - (iii) bridges;
  - (iv) dams;
  - (v) weirs;
  - (vi) bulk storm water outlet structures;
  - (x) buildings exceeding 50 square metres in size; or
  - (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

- **Activity 12:** The construction of facilities for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of Activity 19 of GNR 545.
- **Activity 18:** The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:
  - (i) a watercourse;
- **Activity 22:** The construction of a road outside urban areas:
  - i) With a reserve wider than 13,5 metres;
  - ii) Where no reserve exists where the road is wider than 8 metres, or
  - iii) For which an EA was obtained for the route determination in terms of Activity 5 of GNR 387 of 2006 or Activity 18 of GNR 545 of 2010.
- **Activity 24:** The transformation of land bigger than square 1000 metres in size, to residential, retail commercial, industrial or institutional use, where at the time of coming into effect of this Schedule such land was zoned as open space, conservation or has an equivalent zoning.
- **Activity 26:** Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- **Activity 29:** The expansion of facilities for the generation of electricity where:
  - i) The electricity output is increased by 10 MW or more, excluding where such expansion takes place on the original development footprint;
  - ii) Regardless the increased output of the facility, the development footprint will be increased by 1 hectare or more.
- **Activity 47:** The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre:
  - i) With a reserve wider than 13,5 metres;
  - ii) Where no reserve exists where the road is wider than 8 metres;
  - iii) Excluding widening or lengthening inside urban areas.

Therefore, for the proposed ash disposal projects at Kendal Power Station, a S&EIR has to be undertaken.

## NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT (NEM:WA)

With the proclamation of the National Environmental Management Waste Act (NEM: WA), No 59 of 2008, all waste related activities previously listed under the National Environmental Management Act

(NEMA), No 107 of 1998 have been repealed and are now listed under the NEM:WA

Government Notice R.718, Section 19 (1) of the NEM:WA highlights the waste management activities that require environmental licensing. The listings comprise two Categories:

- **Category A**, which identifies activities that require a Basic Assessment process; and
- **Category B**, which identifies activities that require a full scoping and environmental impact report process to be followed.

In terms of Government Notice R.718, Category B the following activities require authorisation:

**Activity 9:** The disposal of any quantity of hazardous waste to land.

**Activity 11:** The construction of facilities for activities listed in Category B of this Schedule.

As described in the Regulations "a person who wishes to commence, undertake or conduct an activity listed under this Category, must conduct an environmental impact assessment process, as stipulated in the environmental impact assessment regulations made under Section 24(5) of the NEMA as part of a waste management license application".

Therefore the proposed development requires the submission of a waste management license application as well as a Scoping and Environmental Impact Report (S&EIR) to the DEA.

## WATER USE LICENSE APPLICATION (WULA)

There are a number of small rivers, streams, pans, drainage lines and wetlands in the 10km radius around Kendal Power Station on which the projects may have a potential impact. A small stream also runs through the Eskom property to the north of the existing ash disposal facility, the direction of the proposed continuous ash disposal facility under Project 1. Both Projects will therefore require a Water Use License Application (IWULA) in terms of Section 21 of the National Water Act (No 36 of 1998) (NWA). Various other water uses during construction and operation of the ash disposal facility will require licensing. A full list of water uses to be licensed will be identified during the early stages of the EIA phase.

## ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

An Environmental Impact Assessment (EIA) is a planning and decision-making tool undertaken in terms of the National Environmental Management Act (NEMA), Act No 107 of 1998. An EIA is a management tool that helps to identify and mitigate any potential impacts that a new development might have prior to the construction or implementation of the development.

### TECHNICAL AND PUBLIC PARTICIPATION PROCESSES

An EIA has two parallel and integrated processes namely, a **technical** and a **public participation** process.

The **technical process** investigates "hard" information: facts based on scientific and technical studies, statistics or technical data. It identifies the potential negative and positive consequences of a proposed project or development at an early stage and recommends ways to enhance positive impacts and to avoid, reduce or mitigate negative impacts.

The EIA regulations require that an Environmental Management Programme (EMProg) be developed. The EMProg provides recommendations on how to operate and implement the project. The provisions of the EMProg are legally binding on the developer and its contractors.

**Public participation** ensures that the EIA process is fair, open and transparent. It also provides stakeholders with sufficient information and gives them opportunity to contribute by reviewing and commenting on the information.

Arrangements with regards to negotiations with landowners, if necessary, for land and servitudes and compensation will be shared with the stakeholders during the public participation process of the EIA.

However these negotiations will take place in a separate process. The findings of the EIA will assist landowners and Eskom to determine the extent of local impacts in support of any negotiations that might be necessary.

Public participation is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

- Raise issues of concern and make suggestions for alternatives and enhanced benefits;
- Contribute local knowledge;
- Verify that their issues have been captured and considered by the technical investigations; and
- Comment on the findings of the EIA.

## PHASES IN AN EIA

### SCOPING PHASE

The **first phase** of an EIA is the Scoping Phase, which is conducted to gain an understanding of the potential environmental issues that are relevant to the project and to determine where further information is required, in the form of specialist studies/investigations.

The Scoping Report and Plan of Study for the EIA are submitted to the DEA for review and to approve the proposed approach to the detailed investigation required in the next phase.

Activities involved in the Scoping Phase include:

- Meetings with authorities to agree on process and study requirements;
- Initial public and landowner notification, which includes placing of site notices, the distribution of letters, this BID and an invitation to contribute to the EIA process to I&APs in the project area and beyond;
- Advertisements in local and regional newspapers to announce opportunities to participate;

- Progress feedback letter to be issued and announcements to be made of the availability of the Draft Scoping Report (DSR) and Issues and Responses Report (IRR);
- Identification of feasible alternatives;
- Distribution of a DSR, including IRR, for comment – To be available in **December 2012**;
- Convening a stakeholder meeting in the project area to obtain comment on the DSR;
- Submission of a Final Scoping Report (FSR), capturing all issues raised for the impact assessment, to the DEA;
- Submit the Plan of Study for the EIA to the DEA;
- Distribution of the FSR for comments; and
- Distribution of a progress feedback letter to stakeholders.

## ENVIRONMENTAL IMPACT REPORT PHASE

The **second phase** is the Environmental Impact Report (EIR) Phase, which entails undertaking various specialist studies and compiling a Draft EIR.

As part of the assessment, an Environmental Management Programme (EMProg) as well as an Operational Plan will also be submitted to the DEA for approval. By following the EMProg, Eskom and its contractors will ensure compliance to environmental regulations during the planning, construction, operation and decommissioning (if applicable) phases.

The list of identified specialist studies required for this EIR (to date) is listed below (all seasonal dependent studies will be undertaken in the wet season):

- Ash Classification;
- Facility Design, Operational Plan and Topographical Survey;
- Terrestrial Ecology Assessment (Fauna and Flora);
- Avifauna Assessment;
- Heritage Impact Assessment;
- Social Impact Assessment;
- Surface Water Assessment and Wetland Delineation;
- Ground Water Assessment;
- Geotechnical Assessment;
- Traffic Assessment;
- Air Quality Opinion;
- Noise Assessment;
- Aquatic Ecology Assessment;

- Soils and Land Capability Assessment;
- Visual Impact Assessment; and
- GIS for mapping purposes.

The names of the specialists who will undertake these studies are available from the public participation office.

Specific activities in this phase will include:

- Specialist studies focused on outcomes of the Scoping Phase and issues raised by stakeholders;
- Progress feedback to stakeholders;
- Compilation of a Draft EIR and EMProg indicating the potential positive and negative impacts and measures to enhance positive impacts and to reduce or avoid negative impacts;
- Environmental Impact Statement, highlighting the preferred alternative and reasons thereof;
- Advertise the availability of the Draft EIR and EMProg in local and regional newspapers;
- Distribution of the Draft EIR and EMProg, including Issues and Responses Report, for comment;
- A stakeholder meeting in the project area to present the findings of the EIR for stakeholder comment; and
- Distribution of the Final EIR and EMProg for comment.

The EIR and EMProg will then be finalised and submitted to the DEA for a decision.

## DECISION-MAKING

This involves notifying the registered I&APs about the decision from the Competent Authority, the DEA in this case. The DEA must accept or reject this report within 105 days. Stakeholders will be advised of the DEA's decision if an Environmental Authorisation has been granted or not and of the appeal procedure should they wish to appeal the decision.



*Kendal power station will be operational until 2053*

### **Your comments are important.**

The purpose of an Environmental Impact Assessment is to provide the decision-making authority with sufficient information on which to base their decision to grant or refuse an Environmental Authorisation and if granted, to define conditions for the development. The contributions made by stakeholders from all sectors of society will ensure informed decision-making.

You are invited to participate freely and to submit any comments or information you feel may be useful to the EIA process. Registered interested and affected parties are entitled to comment, in writing, on all written submissions to the competent authority (Department of Environmental Affairs) and to bring to the attention of the competent authority, any issues which the party believes may be of significance to the consideration of the application.

# Geïntegreerde Omgewingsmagtiging en Aansoek vir Watergebruiklisensie vir die voorgestelde aswegdoening by die Kendal-kragstasie

## AGTERGRONDINLICHTINGSBOK

November 2012

### DOEL VAN HIERDIE BOK

Hierdie Agtergrondinligtingsdokument (AID) bied aan belanghebbende en geïntegreerde partye (B&GP's) inligting oor die Omgewingsimpakbepaling (OIB), Aansoek vir 'n Afvalbestuurlisensie (AABL) en Aansoek vir 'n Watergebruiklisensie (AWGL) wat deur Zitholele Consulting gedoen word vir aswegdoening by die Kendal-kragstasie. Hierdie dokument is bedoel om B&GP's in kennis te stel van die volgende voorgestelde aktiwiteite:

1. Vergroting van huidige deurlopende aswegdoenfasiliteite, die noodgeval aswegdoenfasiliteite en konstruksie van besoedelings opgaar damme. (**DO-verwysing 14/12/16/3/3/3/63**).

2. Identifisering en bou van 'n nuwe aswegdoenfasiliteit met 'n lewensduur van 30 jaar wat tot die einde van Kendal gebruik sal word (**Wag vir verwysingsnommer van DO**).

Hierdie AID bied ook aan B&GP's 'n geleentheid om as belanghebbendes in hierdie proses te registreer en op die voorgestelde projek kommentaar te lewer.

Die doel van 'n OIB is om potensiële impakte te identifiseer en om maatreëls aan te bevel om negatiewe impakte te vermy of te verminder en om positiewe impakte te vergroot. Die lisensiering van afvalbestuurs-aktiwiteite deur 'n AABL is die vernaamste manier om hierdie aktiwiteite te reguleer. Die besluitneemowerheid vir die OIB en die AABL is die Departement van Omgewingsake.

U naam sal in die databasis van belanghebbendes opgeneem word en u sal verdere dokumente vir insae en kommentaar ontvang. U kommentaar sal verseker dat alle kwelende kwessies opgeneem word. Om u kwellings te opper, vul die ingeslote registrasieblad in, skryf 'n brief, skakel of stuur 'n e-pos aan die kantoor vir openbare deelname.

Alle dokumente sal op die internet beskikbaar wees by [www.eskom.co.za/eia](http://www.eskom.co.za/eia) en [www.zitholele.co.za](http://www.zitholele.co.za).

### Kantoor vir Openbare Deelname

Patiswa Mnqokoyi  
Zitholele Consulting  
Posbus 6002, Halfway House, 1685  
Tel: 011-207-2074  
Faks: 086-676-9950  
E-pos: patisdwam@zitholele.co.za

### AGTERGROND

Eskom is die Suid-Afrikaanse nutsonderneming wat elektrisiteit opwek, oorbring en versprei. Eskom verskaf ongeveer 95% van die land se elektrisiteit en nagenoeg 60% van al die elektrisiteit wat in Afrika verbruik word. Eskom speel 'n groot rol om groei in die Suid-Afrikaanse ekonomie te versnel deur hoëgehaltevoorsiening van elektrisiteit.

Die Kendal-kragstasie is 'n steenkoolkragstasie wat in 1993 begin krag lewer het en is geleë suidwes van Ogies in Mpumalanga. Dit het 'n indirekte droëkoelstelsel, wat beteken dat aansienlik minder water in sy koelprosesse gebruik word as by konvensionele natkoelkragstasies. Kendal het ses 686 megawatt (MW)-eenhede wat 4 116 MW opwek.

Die huidige aswegdoenfasiliteite by die Kendal-kragstasie is besig om uit aswegdoening spasie te raak as gevolg van die groot asvolumes wat geproduseer word, en boonop is Kendal se lewensduur tot 2053 verleng.

### VOORGESTELDE PROJIEK

Die aswegdoening sal 'n proses sal afsonderlike Omgewingsmagtiging (OM), omgewingsmagtigingsverslae opgestel word vir elk van die projekte d.i. afsonderlike Afvalbestuurlisensie (ABL) en 'n Omvangbepalings-, OI- en OBP-verslae. Watergebruiklisensie (WGL) vereis. Die OIB en AABL sal as 'n geïntegreerde Omgewingsimpakbepaling (OIB)-proses gedoen word en die AWGL as 'n parallelle proses.

Die voorgestelde gebied wat vir Projek 1 geormerk is, wat die voortsetting van die huidige aswegdoenfasiliteit is, lê aangrensend aan en noord van die bestaande terrein en is onbenutte grond wat aan Eskom behoort. Die gebied sal na verwagting ~310 ha groot wees. As 'n geïntegreerde deel van die OIB-proses sal 'n voetspooroptimeringstudie gedoen word om bedryfsdoeltreffendheid en implementering van voetspoorverkleiningstrategieë te ondersoek (soos wegdoening bo-op die bestaande hoop, indien tegniese en ekonomies geregverdig). Die doeltreffendheid van die bestaande aswegdoenfasiliteit word ook verbeter met die hoop om die lewensduur van die huidige fasiliteit tot 2019 te verleng. Die tweede fasiliteit sal ongeveer sewe jaar neem om operasioneel te word en sal dus nie voor laat in die jaar 2019 as kan ontvang nie.

Die voorgestelde aswegdoenfasiliteite sal as afsonderlike aansoeke by die Departement van Omgewingsake (DO) hanteer word en sal die volgende projekte insluit:

1. Vergroting van huidige deurlopende aswegdoenfasiliteite, die noodgeval aswegdoenfasiliteite en konstruksie van besoedelings opgaar damme. (**DO-verwysing 14/12/16/3/3/3/63**).

2. Identifisering en bou van 'n nuwe fasiliteit met 'n kapasiteit vir 30 jaar vir die oorblywende lewensduur van die kragstasie tot 2053 (**Wag nog vir verwysing van DO**).

Die afsonderlike aansoeke by die DO is as gevolg van die dringendheid van die projek omdat die huidige wegdoenfasiliteit se ruimte opraak en ook om voorsiening te maak vir 'n langer tydperk vir die terreinidentifisering en magtiging vir die fasiliteit vir 30 jaar.

'n Enkele proses van openbare deelname word onderneem om te verseker dat kwessies rakende aswegdoening van die Kendal-kragstasie op 'n geïntegreerde wyse hanteer word. Gedurende hierdie

Die OIB vir Projek 2 sal doenlike terreine identifiseer, voorstel en evalueer vir die plasing van die aswegdoenfasiliteit, verskillende tegnologieë vir die bestuur van aswegdoening en verskeie moontlike ontwerpe vir 'n aswegdoenfasiliteit asook stofbeheermaatreëls.

Potensiële terreine vir die projek sal gedurende hierdie studie ondersoek word binne 'n radius van 10 km van die Kendal-

kragstasie. Hierdie AID sal ook onder omliggende grondeienaars en belanghebbendes binne hierdie radius versprei word.

Na verwagting sal Projek 2 se aswegdoenfasiliteit vir 30 jaar 'n geraamde totale voetspoor van 1 000 hektaar hê, insluitende gepaardgaande

infrastruktuurkomponente wat kan bestaan uit:

- 'n Vervoerband vir die vervoer van as na die wegdoenfasiliteit;
- Terugvoerwaterdam;
- Dienste, insluitende elektrisiteit- en watervoorsiening in die vorm van kraglyne, pypleidings en gepaardgaande infrastruktuur; en

• Toegangs- en instandhoudingspaaie na die aswegdoenfasiliteit.

Die as wat tot 2053 geproduseer sal word, sal na raming ongeveer 250 miljoen m<sup>3</sup> wees en die voorgestelde Fase 2-aswegdoenfasiliteit sal aan die einde van sy lewensduur nagenoeg 62 m hoog wees.

## WETSVEREISTES

Beide projekte is onderhewig aan die wetsvereistes hieronder uiteengesit. Die toepaslike wetsprosesse sal gelyktydig gedoen word as 'n geïntegreerde proses, aangevul deur 'n gekombineerde proses van openbare deelname en parallelle aansoek vir 'n watergebruiklisensie (AWGL). Hierdie proses is onderhewig aan wetlike nakoming van die volgende:

- a) Wet op Nasionale Omgewingsbestuur (NEMA), No 107 van 1998, en die OIB-regulasies, 2010;
- b) National Environmental Management Waste Act (NEM: WA), No 59 van 2008; en
- c) Nasionale Waterwet, No 36 van 1998.

## WET OP NASIONALE OMGEWINGSBESTUUR (NEMA)

Beide projekte vereis albei 'n Omgewingsimpakbepaling (OIB) ingevolge die Wet op Nasionale Omgewingsbestuur (NEMA), No 107 van 1998, en die gewysigde OIB-regulasies (Goewermentskennisgewings R.543, in Junie 2010 gepubliseer). Die Departement van Omgewingsake (DO) is die Bevoegde Owerheid.

Ingevolge Goewermentskennisgewing R.543 van Junie 2010 moet die bevoegde owerheid elke staatsorgaan raadpleeg wat 'n wet administreer rakende 'n aangeleentheid betreffende die omgewing met betrekking tot 'n aansoek vir 'n omgewingsmagtiging.

Die Departement van Waterwese, Mpumalanga se Departement van Ekonomiese Ontwikkeling, Omgewing en Toerisme, die Nkangala-distriksmunisipaliteit, die Victor Khanye Plaaslike Munisipaliteit en die Emalaheni Plaaslike Munisipaliteit is dus kommentaarowerhede in hierdie proses.

Hierdie proses behels Omvangbepalings- en Omgewingsimpakverslag (O&OIV)-fases, wat van toepassing is op alle projekte wat waarskynlik beduidende omgewingsimpakte sal hê as gevolg van hulle aard of omvang, aktiwiteite geassosieer met potensieel hoë vlakke van omgewingsagteruitgang of aktiwiteite waarvoor die impakte nie maklik voorspel kan word nie.

Ingevolge Goewermentskennisgewing R.545 van 2010 moet 'n O&OIV vir die volgende gelyste aktiwiteite gedoen word en is dit op hierdie voorgestelde projek van toepassing:

- **Aktiwiteit 6:** Die konstruksie van fasiliteite of infrastruktuur vir die grootmaatvervoer van gevaarlike goedere:
  - (i) In vaste vorm, buite 'n nywerheidskompleks, deur die gebruik van tandrupsore of vervoerbande met 'n deursetkapasiteit van meer as 50 ton per dag.
- **Aktiwiteit 15:** Fisiese verandering van onontwikkelde, leë of verwaarloosde grond vir residensiële, kleinhandels-, kommersiële, nywerheids- of institusionele gebruik waar die totale gebied wat verander staan te word, 20 hektaar of meer is.

Ingevolge Goewermentskennisgewing R.544 van 2010 moet 'n Basiese Bepaling vir die volgende gelyste aktiwiteite gedoen word vir die voorgestelde projek (hierdie aktiwiteite het 'n kleiner impak as dié van die aktiwiteite waarvoor 'n O&OIV vereis word, en een OIB sal gevolglik vir die voorgestelde projek gedoen word):

- **Aktiwiteit 11:** Die bou van:
  - (i) kanale;
  - (ii) vore;
  - (iii) brûe;
  - (iv) damme;
  - (v) stuwalles;
  - (vi) grootmaat-stormwateruitlaatstrukture;

- (x) geboue groter as 50 vierkante meter, of
- (xi) infrastruktuur of strukture wat 50 vierkante meter of meer dek, waar sodanige konstruksie plaasvind in 'n waterloop of binne 32 meter van 'n waterloop, gemeet van die rand van die waterloop, uitgesonderd waar sodanige konstruksie agter die ontwikkelingsterugsetlyn sal plaasvind.

- **Aktiwiteit 12:** Die konstruksie van fasiliteite vir die buitestroomopgaring van water, insluitende damme en reservoirs, met 'n gekombineerde kapasiteit van 50 000 kubieke meter of meer, tensy sodanige opberging onder Aktiwiteit 19 van GK R.545 val.
- **Aktiwiteit 18:** Die opvulling of storting van enige materiaal van meer as 5 kubieke meter in, of die baggering, uitgraving, verwydering of verskuiwing van grond, sand, skulpe, skulpgruis, spoelklippe of rotse van meer as 5 kubieke meter uit:
  - (i) 'n waterloop;
- **Aktiwiteit 22:** Die bou van 'n pad buite stedelike gebiede:
  - i) met 'n reserwe van breër as 13,5 meter;
  - ii) waar daar nie 'n reserwe is nie, waar die pad breër as 8 meter is, of
  - iii) waarvoor 'n OB vir die roetebepaling verkry is ingevolge Aktiwiteit 5 van GK R.387 van 2006 of Aktiwiteit 18 van GK R.545 van 2010.
- **Aktiwiteit 24:** Die transformasie van grond groter as 1 000 vierkante meter tot residensiële, kleinhandels-, kommersiële, nywerheids- of institusionele gebruik, waar sodanige grond ten tyde van die inwerkingtreding van hierdie Bylae as oop ruimte of vir bewaring gesoneer was of 'n gelykwaardige sonering gehad het.
- **Aktiwiteit 26:** Enige proses of aktiwiteit wat geïdentifiseer is ingevolge artikel 53(1) van die National Environmental Management: Biodiversity Act, 2004 (Wet No. 10 van 2004).
- **Aktiwiteit 29:** Die uitbreiding van fasiliteite vir die opwekking van elektrisiteit, waar:
  - i) die elektrisiteitsuitset met 10 MW of meer vergroot word, uitgesonderd waar sodanige uitbreiding op die oorspronklike ontwikkelingsvoetspoor sal plaasvind;
  - ii) ongeag die groter uitset van die fasiliteit, die ontwikkelingsvoetspoor met 1 hektaar of meer vergroot sal word.

- **Aktiwiteit 47:** Die verbreding van 'n pad met meer as 6 meter, of die verlenging van 'n pad met meer as 1 kilometer –
  - i) met 'n reserwe van breër as 13,5 meter;
  - ii) waar daar nie 'n reserwe is nie, waar die pad breër as 8 meter is;

uitgesonderd waar die verbreding of verlenging in stedelike gebiede plaasvind.

Gevolglik moet 'n O&OIV vir die voorgestelde Fases 1 en 2 van die aswegdoenfasiliteit by die Kendal-kragstasie gedoen word.

## NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT (NEM:WA)

Sedert die proklamering van die National Environmental Management Waste Act (NEM: WA), No 59 van 2008, is alle afvalverwante aktiwiteite wat voorheen ingevolge die Wet op Nasionale Omgewingsbestuur (NEMA), No. 107 van 1998, gelys is, herroep en is dit nou ingevolge die NEM:WA gelys.

Goewermentskennisgewing R.718, regulasie 19(1) van die NEM:WA, noem die afvalbestuursaktiwiteite waarvoor omgewingslisensieëring vereis word. Die lysing behels twee kategorieë:

- **Kategorie A**, wat aktiwiteite identifiseer waarvoor 'n Basiese Bepalingsproses vereis word, en
- **Kategorie B**, wat aktiwiteite identifiseer waarvoor 'n volledige omvangbepalings- en omgewingsimpakverslagproses gevolg moet word.

Ingevolge Goewermentskennisgewing R.718, Kategorie B, word magtiging vir die volgende aktiwiteite vereis:

**Aktiwiteit 9:** Die wegdoen van enige hoeveelheid gevaarlike afval op land.

**Aktiwiteit 11:** Die bou van fasiliteite vir aktiwiteite wat in Kategorie B van hierdie Bylae genoem word.

Soos in die regulasies beskryf: "*n persoon wat 'n aktiwiteit wat in hierdie Kategorie gelys is wil begin, onderneem of bedryf, moet 'n omgewingsimpakbepalingsproses volg, soos bepaal in die Omgewingsimpakbepalingsregulasies uitgevaardig kragtens artikel 24(5) van die NEMA, as deel van 'n aansoek vir 'n afvalbestuurlisensie'*".

Die voorgestelde ontwikkeling vereis dus die voorlegging van 'n aansoek vir 'n afvalbestuurlisensie asook 'n omvangbepalings- en omgewingsimpakverslag (O&OIV) aan die DO.

## AANSOEK VIR WATERGEBRUIKLISENSIE (AWGL)

Daar is verskeie riviertjies, strome, panne, dreineerlyne en vleilande binne die 10 km radius rondom die Kendal-kragstasie waarop beide projekte 'n potensiële impak kan hê. Daar loop ook 'n stroompie deur die Eskom-eiendom noord van die bestaande aswegdoenfasiliteit in die rigting van die voorgestelde deurlopende aswegdoenfasiliteit ingevolge projek 1. Vir albei fases sal daar dus 'n aansoek vir 'n Watergebruiklisensie (AWGL) ingevolge artikel 21 van die Nasionale Waterwet (No 36 van 1998) (NWW) vereis word. Verskeie ander watergebruike tydens die konstruksie en bedryf van die aswegdoenfasiliteit sal gelisensieer moet word. 'n Volledige lys watergebruike wat gelisensieer moet word, sal gedurende die vroeë stadiums van die OIB-fase geïdentifiseer word.

## OMGEWINGSIMPAKBEPALING (OIB)

'n Omgewingsimpakbepaling (OIB) is 'n instrument vir beplanning en besluitneming wat gedoen word ingevolge die Wet op Nasionale Omgewingsbestuur (NEMA), Wet No. 107 van 1998. 'n OIB is 'n bestuursinstrument wat help om potensiële impakte wat 'n nuwe ontwikkeling kan hê, te identifiseer en te versag voor die konstruksie van die ontwikkeling.

### TEGNIËSE PROSES EN PROSES VAN OPENBARE DEELNAME

'n OIB het twee parallelle en geïntegreerde prosesse, naamlik 'n **tegniese proses** en 'n proses van **openbare deelname**.

Die **tegniese proses** ondersoek "harde" inligting: feite gebaseer op wetenskaplike en tegniese studies, statistieke of tegniese data. Dit identifiseer die potensiële negatiewe en positiewe gevolge van 'n voorgestelde projek of ontwikkeling in 'n vroeë stadium en beveel maniere aan om positiewe impakte te vergroot en negatiewe impakte te vermy, te verminder of te versag.

Die OIB-regulasies vereis dat 'n Omgewingsbestuursprogram (OBProg) ontwikkel word. Die OBProg bevat aanbevelings oor hoe om die projek te bedryf en te implementeer. Die bepaling van die OBProg is wetlik bindend vir die ontwikkelaar en sy kontrakteurs.

**Openbare deelname** verseker dat die OIB-proses billik, oop en deursigtig is. Dit bied ook aan belanghebbendes genoeg inligting en 'n geleentheid om by te dra deur die inligting na te gaan en kommentaar daarop te lewer.

Reëlins rakende onderhandeling met grondeienaars, indien nodig, oor grond en servitude en vergoeding sal met die belanghebbendes gedeel word tydens die proses van openbare deelname van die OIB.

Hierdie onderhandelings sal egter in 'n afsonderlike proses plaasvind. Die bevindings van die OIB sal grondeienaars en Eskom help om die omvang van plaaslike impakte te bepaal met die oog op enige onderhandelinge wat nodig kan wees.

Openbare deelname is bedoel om genoeg en toeganklike inligting op 'n objektiewe wyse aan belanghebbende en geaffekteerde partye (B&GP's) te verskaf om hulle te help om:

- kwellings te opher en voorstelle vir alternatiewe en groter voordele te maak;
- plaaslike kennis by te dra;
- seker te maak dat hulle kwessies opgeneem en oorweeg is in die tegniese ondersoek; en
- kommentaar te lewer op die bevindings van die OIB.

## FASES IN 'N OIB

### OMVANGBEPALINGSFASE

Die **eerste fase** van 'n OIB is die omvangbepalingsfase, wat gedoen word om begrip te kry van die potensiële omgewingskwessies rakende die projek en om te bepaal of verdere inligting nodig is, in die vorm van spesialisstudies en ondersoek.

Die Omvangbepalingsverslag en Studieplan vir die OIB word aan die DO voorgelê ter insae en om die voorgestelde benadering tot die gedetailleerde ondersoek wat in die volgende fase vereis word, goed te keur.

Aktiwiteite in die omvangbepalingsfase sluit in:

- Vergaderings met owerhede om op proses- en studievereistes ooreen te kom;
- Eerste kennisgewing aan die publiek en grondeienaars, wat insluit die plasing van terreinkennisgewings, die verspreiding van briewe, hierdie AID en 'n uitnodiging om tot die OIB-proses by te dra aan B&GP's in die projekgebied en verder;

- Advertisies in plaaslike en streekkoerante om geleentede vir deelname bekend te maak;
- Identifisering van alternatiewe;
- Vorderingsterugvoerbriewe en aankondigings oor die beskikbaarheid van die Konsep-Omvangbepalingsverslag (KOBV) en die Kwessiesverslag (KV);
- Verspreiding van 'n KOBV, insluitende 'n KV, vir kommentaar – beskikbaar in **Desember 2012**;

- Hou van 'n vergadering van belanghebbendes in die projekgebied om kommentaar op die KOBV te kry;
- Voorlegging van die Finale Omvangbepalingsverslag (SOBV), bevattende alle kwessies wat vir die impakbepaling geopper is, aan die DO;
- Voorlegging van die Studieplan vir die OIB aan die DO;
- Verspreiding van die FOVB vir kommentaar; en
- Verspreiding van 'n vorderingsterugvoerbriewe aan belanghebbendes.

## OMGEWINGSIMPAKVERSLAGFASE

Die tweede fase is die Omgewingsimpakverslag (OIV)-fase, wat verskeie spesialisstudies en die samestelling van 'n Konsep-OIV behels.

As deel van die bepaling sal 'n Omgewingsbestuursprogram (OBProg) asook 'n Bedryfsplan ook vir goedkeuring aan die DO voorgelê word. Deur die OBProg te volg, sal Eskom en sy kontrakteurs verseker dat omgewingsregulasies nagekom word tydens beplanning, konstruksie, bedryf en (indien nodig) uitdiensstelling.

Die geïdentifiseerde spesialisstudies vir hierdie OIB (tot dusver) word hieronder genoem (alle seisoensafhanklike studies sal in die reëenseisoen gedoen word):

- Asklassifikasie;
- Fasiliteitontwerp, Bedryfsplan en Topografiese Opname;
- Terrestriële Ekologiebepaling (Flora en Fauna);
- Bepaling van voëllewe;
- Erfenisimpakbepaling;
- Bepaling van maatskaplike impak;
- Oppervlakwaterbepaling en Vleilandafbakening;
- Bepaling van grondwater;
- Geotegniese bepaling;
- Assessering van verkeersimpak
- Luggehaltemening;
- Geraasbepaling;
- Bepaling van akwatiese ekologie;
- Bepaling van grond en grondkapasiteit

- Assessering van visuele impak; en
- GIS vir karteerdoeleindes.

Die name van die spesialiste wat hierdie studies sal onderneem, kan van die kantoor vir openbare deelname verkry word.

Spesifieke aktiwiteite in hierdie fase sluit in:

- Spesialisstudies wat fokus op uitkomste van die omvangbepalingsfase en kwessies van belanghebbendes;
- Vorderingsterugvoer aan belanghebbendes;
- Samestelling van 'n Konsep-OIB-verslag en OBPr, met 'n aanduiding van die potensieële positiewe en negatiewe impakte en maatreëls om positiewe impakte te vergroot en negatiewe impakte te verminder of te vermy;
- Omgewingsimpakverklaring, met 'n aanduiding van die voorkeuralternatiewe en redes daarvoor;
- Adverteer die beskikbaarheid van die Konsep-OIV en OBProg in plaaslike en streekkoerante;
- Verspreiding van die Konsep-OIV en OBProg, insluitende Kwessiesverslag, vir kommentaar;
- Vergadering met belanghebbendes in die projekgebied om die bevindings van die OIV voor te hou vir kommentaar; en
- Verspreiding van die Finale OIV en OBProg vir kommentaar.

Die OIV en OBProg sal dan gefinaliseer en aan die DO voorgelê word vir 'n besluit.

## BESLUITNEMING (OMGEWINGSMAGTIGING)

Dit behels dat die geregistreerde B&GP's in kennis gestel word van die besluit deur die Bevoegde Owerheid, in hierdie geval die DO. Die DO moet hierdie verslag binne 105 dae aanvaar of verwerp. Belanghebbendes sal in kennis gestel word van die DO se besluit of Omgewingsmagtiging verleen of geweier is en van die appèlprosedure as hulle teen die besluit wil appelleer.



*Die Kendal-kragstasie sal tot 2053 in bedryf wees.*

### U kommentaar is belangrik.

Die doel van 'n omgewingsimpakbepaling is om die besluitneemowerheid te voorsien van genoeg inligting op grond waarvan hy kan besluit om omgewingsmagtiging te verleen of te weier en indien dit verleen word, om voorwaardes vir die ontwikkeling te stel. Die bydraes van belanghebbendes uit alle sektore van die samelewing sal ingeligte besluitneming verseker.

U word genooi om vryelik deel te neem en enige kommentaar voor te lê wat na u mening nuttig kan wees in die OIB-proses. Geregistreerde belanghebbende en geaffekteerde partye is daarop geregtig om skriftelik kommentaar te lewer op alle skriftelike voorleggings aan die bevoegde owerheid (Departement van Omgewingsake) en om enige kwessies wat na die party se mening van belang kan wees by die oorweging van die aansoek, onder die aandag van die bevoegde owerheid te bring