



## **environmental affairs**

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

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

**DEA Reference:** 12/12/20/2412/AM2

**Enquiries:** Mr Lunga Dlova

**Telephone:** (012) 399 8524 **E-mail:** [LDlova@environment.gov.za](mailto:LDlova@environment.gov.za)

Mr Leon Stapelberg  
Eskom Holdings Limited  
Suite 46 Postnet Highveld Mall  
**Emalahleni**  
1035

Telephone Number: (013) 699 7997  
Email Address: [StapelL@eskom.co.za](mailto:StapelL@eskom.co.za)

### **PER EMAIL / MAIL**

Dear Mr Stapelberg

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 17 JULY 2015 FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A 60 YEAR ASH DISPOSAL FACILITY AND ASSOCIATED INFRASTRUCTURE FOR THE KUSILE POWER STATION IN EMALAHLENI, MPUMALANGA PROVINCE**

The Environmental Authorisation (EA) issued for the above application by this Department on 17 July 2015 and your application for amendment to the EA received by this Department on 21 September 2016 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated, 17 July 2015 as follows:

#### **Amendment 1:**

Section 2: Table of listed activities on page 3, column 1 "Listed activities", row 4 heading "GN R.544 Item 11" is amended:

#### **From:**

The construction of: (i) canals; (ii) channels; (ii) bridges; (iv) dams; weirs; 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.

#### **To:**

The construction of: (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; 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.

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**Amendment 2:**

Section 2: Table of listed activities on page 5, column 1 "Listed activities", row 2 heading "GN R. 545 Item 6" is amended:

**From:**

The construction of facilities or infrastructure for the bulk transportation of dangerous goods –  
(i) in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity more than 50 cubic metres per day.

**To:**

The construction of facilities or infrastructure for the bulk transportation of dangerous goods –  
(iii) in **solid** form, outside an industrial complex, **using funiculars or conveyors with a throughput capacity of more than 50 tons per day.**

**Amendment 3:**

Section 2: Table of listed activities on page 5, column 2 "Activities/Project description", row 2 heading "GN R. 545 Item 6" is amended:

**From:**

The ash has been classified as low hazardous waste (Type 3 waste, but a hazardous waste nonetheless. The conveyor is expected to deliver approximately 800 tons of ash per day to the ADF once all units are operational.

**To:**

The ash has been classified as low hazardous waste (**Type 3 waste**), but a hazardous waste nonetheless. The conveyor is expected to deliver approximately 800 tons of ash per hour to the ADF once all units are operational.

This letter must be read in conjunction with the EA dated 17 July 2015.

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 Department's decision in respect of the amendment made 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 was sent to the applicant by the competent authority.

By post: Private Bag X447,  
Pretoria, 0001; or

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria, 0083

**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](mailto: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 Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date:** 06/10/2016.

CC	Dr Mathys Vosloo	Zitholele Consulting (Pty) Ltd	Email: <a href="mailto:mathysv@zitholele.co.za">mathysv@zitholele.co.za</a>
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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 05 OCTOBER 2016 UNTIL 06 OCTOBER 2016

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 05 October 2016 until 06 October 2016 while Mr. Sabelo Malaza is on Annual Leave.

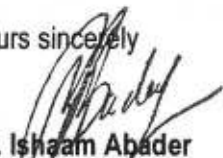
All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

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.

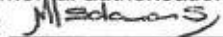
Yours sincerely

  
Mr. Ishaam Abader  
DDG LACE

Date: 27/09/2016

#### ACKNOWLEDGEMENT

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

Signed: 

Date: 28/09/2016