



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001448/2012

DEA Reference: 12/12/20/2412

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Mr Johan Prinsloo
Eskom Holding SOC Limited
P.O. Box 1091
JOHANNESBURG
2000

Fax No: 086-652-0762
Tel No: 013-656-4061
E-Mail: PrinslCJ@eskom.co.za

PER FACSIMILE / MAIL

Dear Mr Prinsloo

APPLICATION FOR INTEGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543 AND NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 GOVERNMENT NOTICE 921: CONSTRUCTION OF A 60YR ASH DISPOSAL FACILITY AT KUSILE POWER STATION, MPUMALANGA PROVINCE

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

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

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

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

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 or fax number. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, 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.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 19/07/2015

CC:	Mr M Vosloo	Zitholele Consulting mathysv@zitholele.co.za	Tel: 011-207-2060	Fax: 086-545-8835
	Mr E Nkabinde	Emalahleni Local Municipality	Tel: 013-692-6911	Fax: 013-655-6041



APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal must be:-

- a) submitted in writing;
- b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Integrated Environmental Authorisation Issued in terms of

The National Environmental Management Act, 1998 and the Environmental Impact
Assessment Regulations 2010

And

The National Environmental Management: Waste Act, 2008 and Government Notice 921
of 2013

**Construction of a 60yr ash disposal facility and associated infrastructure for Kusile Power
Station**

Nkangala District Municipality

<i>Authorisation register number:</i>	<i>12/12/20/2412</i>
<i>Last amended:</i>	<i>First Issue</i>
<i>Holder of integrated authorisation:</i>	<i>Eskom Holding SOC Limited</i>
<i>Location of activities:</i>	<i>MPUMALANGA PROVINCE: On portions 9, 10, 11, 19, 21, 25, 26, 30, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54 and 66 of the Farm Klipfontein 566 JR, within Delmas Local Municipality</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.

1. DECISIONS

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this integrated environmental authorisation ("the environmental authorisation") that the applicant should be authorised to undertake the NEMA EIA and NEMWA listed activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure "I" to this environmental authorisation.

2. NEMA EIA AND NEMWA ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by NEMA, the NEMA EIA Regulations, 2010, NEMWA and Government Notice 921 of November 2013 the Department hereby authorises –

ESKOM HOLDING SOC LIMITED

with the following contact details –

Mr Johan Prinsloo

Eskom Holding SOC Limited

P.O. Box 1091

Johannesburg

2000

Fax No: 086-652-0762

Tel No: 013-656-4061

E-Mail: PrinslCJ@eskom.co.za



to undertake the following activities (hereafter referred to as "the activities"):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 9:</u></p> <p><i>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more,</i></p>	<p>Pipes with an internal diameter of 360 mm or infrastructure that allows a peak throughput of 120 litres per second may be used during the construction and operation of the ADF.</p>
<p><u>GN R. 544 Item 10:</u></p> <p><i>The construction of facilities or infrastructure for the transmission and distribution of electricity (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</i></p>	<p>Two 88 kV power lines running across the site, and a 22 kV and 11 kV line in the north-eastern corner of the site will be relocated and constructed adjacent to the ADF site.</p>
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of: (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) 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.</i></p>	<p>Canals, channels, bridges, dams and other associated infrastructure will be constructed within 32 m or in a watercourse within the ADF footprint. A bridge containing the conveyance system, roads, and electrical infrastructure will be constructed over tributaries of the Wilge River.</p>
<p><u>GN R. 544 Item 12:</u></p> <p><i>The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 19 of Notice 545 of 2010;</i></p>	<p>A number of clean and dirty water dams will be constructed to manage pollution and storm water around the ADF. The combined capacity of these dams will be in the order of 1 100 000 m³.</p>
<p><u>GN R. 544 Item 13:</u></p> <p><i>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.</i></p>	<p>The establishment of the contractor's camp is likely to include the erection of fuel tank/s for the storage of fuel and diesel exceeding 80m³ but less than 500 m³.</p>



<p><u>GN R. 544 Item 18:</u></p> <p><i>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 or more than 5 cubic metres from a watercourse.</i></p>	<p>The site preparation and construction phase of the ADF will result in the depositing of material within watercourses and wetlands within the development footprint.</p>
<p><u>GN R. 544 Item 22:</u></p> <p><i>The construction of a road, outside urban areas –</i></p> <ul style="list-style-type: none"> <i>(i) With a reserve wider than 13.5m</i> <i>(ii) Where no reserve exists where the road is wider than 8 metres.</i> 	<p>Access and maintenance roads will need to be constructed around the developing ADF and along the conveyor route that can allow two trucks to pass one another comfortably. The road surface is thus very likely to be wider than 8 metres.</p>
<p><u>GN R. 544 Item 24:</u></p> <p><i>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.</i></p>	<p>It is submitted that the wetlands and watercourses, and natural grasslands on site can be considered an equivalent zoning to open space as the area covered by site A does support natural populations of fauna and flora.</p>
<p><u>GN R. 544 Item 26:</u></p> <p><i>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</i></p>	<p>Construction of the ADF may necessitate the need to undertake a search and rescue of plant species protected in terms of the NEM:BA.</p>
<p><u>GN R. 544 Item 28:</u></p> <p><i>The expansion of or changes to existing facilities for any process or activity where such expansion or changes to will result in the need for a [new, or amendment of, an existing] permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</i></p>	<p>The proposed activities will likely result in an amendment of the existing Waste Management Licence for the Kusile Power Station.</p>



<p><u>GN R. 544 Item 47:</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre -</i></p> <p><i>(i) where the existing reserve is wider than 13,5 meters; or</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres – excluding widening or lengthening occurring inside urban areas.</i></p>	<p>Some of the existing access and farm roads will probably be used for hauling construction material and plant etc. It may become necessary to upgrade these roads through widening in order to maintain these roads in a good condition during construction and operation of the ADF.</p>
<p><u>GN R. 545 Item 6</u></p> <p>The construction of facilities or infrastructure for the bulk transportation of dangerous goods –</p> <p>(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;</p>	<p>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.</p>
<p><u>GN R. 545 Item 15</u></p> <p><i>Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;</i></p>	<p>The direct footprint of the ADF and Ash Water Return Reservoir will be significantly greater than 20 ha.</p>
<p><u>GN R. 546 Item 4</u></p> <p><i>The construction of a road wider than 4 metres with a reserve less than 13.5 meters (a) in Mpumalanga (ii) outside urban areas in (ee) Critical Biodiversity Areas as identified systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>Access and maintenance roads may have to be constructed through critical biodiversity areas as identified in the Gauteng Conservation Plan ver 3.3 and the Mpumalanga Biodiversity Conservation Plan (2007)</p>
<p><u>GN R. 921 Category B Item 7</u></p> <p><i>The disposal; of any quantities of hazardous waste to land.</i></p>	<p>The dry ash generated by the combustion of coal in the electricity generation process will be disposed of at the Kusile 60 year Ash Disposal Facility. Owing to the nature and composition of the ash that is generated by the combustion of coal, it is considered to be low hazardous waste.</p>



<u>GN R. 921 Category B Item 10:</u> <i>The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to associated waste management activity).</i>	The development of the dry ash disposal facility is required to provide sufficient capacity for the life of the newly constructed Kusile Power Station.
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as described in the Environmental Impact Assessment Report (EIR) dated October 2014 at:

Alternative S1	Latitude	Longitude
A	25°55'39.96" S	28°54'19.63" E
B	25°55'44.30" S	28°54'24.29" E
C	25°56'00.46" S	28°54'05.70" E
D	25°56'34.91" S	28°54'15.79" E
E	25°56'54.99" S	28°55'55.24" E
F	25°57'42.97" S	28°55'38.00" E
G	25°58'39.16" S	28°54'54.54" E
H	25°58'36.30" S	28°53'56.77" E
I	25°56'28.69" S	28°53'43.56" E
J	25°56'29.84" S	28°53'50.35" E
K	25°56'07.91" S	28°53'47.97" E

for the construction of ash disposal facility and its associated infrastructure on portions 9, 10, 11, 19, 21, 25, 26, 30, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54 and 66 of the Farm Klipfontein 566 JR within Delmas Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The project will include the following components:

- A dry ash disposal facility;
- A conveyor belt system for the transportation of ash from the power station to the ash disposal site/facility;
- A single waste stream comprised of combined bottom ash and fly-ash;
- Services including electricity and water supply in the form of overhead power line and pipelines;
- The construction of new storm water management and infrastructure, and drainage system; and
- Linear infrastructure such as roads to and from the site; culverts and channels.



3. SCOPE OF AUTHORISATION

- 3.1 Authorisation is granted for the construction of ash disposal facility within site co-ordinates as indicated above.
- 3.2 Authorisation of the activities is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the environmental authorisation.
- 3.3 The Department shall by written notice to the holder of an environmental authorisation suspend with immediate effect an environmental authorisation if suspension of the authorisation is necessary to prevent harm or further harm to the environment.
- 3.4 The activities must commence within a period of five (5) years from the date of issue. If commencement of the activity does not occur within that period, the environmental authorisation lapses and a new application for an environmental authorisation must be made for the activities to be undertaken. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
- 3.5 The holder of the environmental authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 3.6 Any changes to, or deviations from, the project description set out in this authorisation must follow the amendment processes as prescribed in Chapter 4 (Parts 1-3) of the NEMA EIA Regulations, 2010 and 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.

4. NOTIFICATION OF AUTHORISATION AND RIGHT TO APPEAL

- 4.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
- 4.2 The notification referred to must –
 - 4.2.1 specify the date on which the authorisation was issued;



- 4.2.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 4.2.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 4.2.4 give the reasons for the decision.
- 4.3 The holder of the authorisation must publish a notice –
- 4.3.1 informing interested and affected parties of the decision;
 - 4.3.2 informing interested and affected parties where the decision can be accessed; and
 - 4.3.3 drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.
- 4.4 The holder of the environmental authorisation must, in writing, within 10 days of the date of the decision on the application–
- (a) notify all registered interested and affected parties of–
 - (i) the outcome of the application; and
 - (ii) the reasons for the decision;
 - (b) draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA EIA Regulations, 2010 if such appeal is available in the circumstances of the decision;
 - (c) draw the attention of all interested and affected parties to the manner in which they can access the decision; and
 - (d) publish a notice–
 - (i) informing interested and affected parties of the decision;
 - (ii) informing interested and affected parties where the decision can be accessed; and
 - (iii) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA EIA Regulations, 2010, if such appeal is available under the circumstances of the decision; in the newspapers contemplated in regulation 54(2)(c) and (d) of the NEMA EIA Regulations, 2010 and which newspaper was used for the placing of advertisements as part of the public participation process.



5. MANAGEMENT OF THE ACTIVITY

- 5.1. The detailed final development layout map must be submitted to the Department for written approval prior to commencement of the activities. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The site layout plan must indicate the following:
 - 5.1.1. Position of the ash disposal facility and associated infrastructure (coordinates for the power line and pipeline routes);
 - 5.1.2. Foundation footprint;
 - 5.1.3. Internal roads indicating width;
 - 5.1.4. Wetlands, drainage lines, rivers, stream and water crossing of the facility's associated infrastructure;
 - 5.1.5. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
 - 5.1.6. All existing infrastructure on the site, especially roads;
 - 5.1.7. Soil heaps (temporary for topsoil and subsoil and permanently for excess material);
 - 5.1.8. Temporary construction laydown areas;
 - 5.1.9. Buildings, including accommodation; and,
 - 5.1.10. All "no-go" and buffer areas.; and
 - 5.1.11. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map.
- 5.2. The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and adhered to.
- 5.3. Should there be changes in the operation and management of the authorised activities; the EMPr must be amended to accommodate those changes and be submitted to this Department for written approval before implementation incorporated as part of the EMPr. Once approved, the EMPr must be implemented and adhered to.
- 5.4. The approved EMPr and operational EMPr for the disposal facility must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development.
- 5.5. Changes to the EMPr and the operational EMPr for the disposal facility which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.



- 5.6. The Department reserves the right to request amendments to the EMPr and the operational EMPr for the disposal facility should any impacts that were not anticipated or covered in the EIR be discovered.
- 5.7. The provisions of the approved EMPr and the operational EMPr for the disposal facility including the mitigation measures identified in the EIR and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute non-compliance with the EA.
- 5.8. The effluent management system must be managed and operated:
 - 5.8.1. In accordance with an Environmental Management System (EMS), that inter alia identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the holder of the environmental authorisation as a result of complaints;
 - 5.8.2. By sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.
- 5.9. The holder of authorisation must maintain and ensure continued functioning of a Monitoring Committee for the normal operative lifetime of the site operational process and for a period of at least two years after the closure of the site, or at such longer period as may be determined by the Director.
- 5.10. The monitoring Committee must formulate terms of reference and code of conduct, according to the Minimum Requirements, Second Edition 1998 by Department of Water Affairs and Forestry.
- 5.11. The Monitoring Committee must be comprised of relevant interested and affected parties.
- 5.12. The Monitoring Committee must meet at least twice a year and not later than 30 days after the external audit report specified in Condition 17.4.2 has been submitted according to Condition 17.4.2. (d).
- 5.13. The Holder of authorisation must keep minutes of all the meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 14 days after the meeting.

6. ENVIRONMENTAL CONTROL OFFICER

- 6.1 The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 6.2 The ECO must be appointed before commencement of any authorised activity.



- 6.3 Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
- 6.4 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.
 - 6.4.1 The ECO must:
 - 6.4.2 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 6.4.3 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
 - 6.4.4 Keep and maintain a daily site diary.
 - 6.4.5 Keep copies of all reports submitted to the Department.
 - 6.4.6 Keep and maintain a schedule of current site activities including the monitoring of such activities.
 - 6.4.7 Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
 - 6.4.8 Compile a monthly monitoring report.

7. WASTE MANAGEMENT CONTROL OFFICER

- 7.1 The applicant must designate a Waste Management Control Officer (WMCO), who will monitor and ensure compliance and correct implementation of all conditions and provisions as stipulated in the environmental authorisation and approved EMP related to the power plant.
- 7.2 The WMCO must report any non-compliance with any environmental authorisation conditions or requirements or provisions of NEMWA to the Department through the means reasonably available.
- 7.3 The duties and responsibility of the WMCO should not be seen as exempting the holder of the environmental authorisation from the legal obligations in terms of the NEMWA.

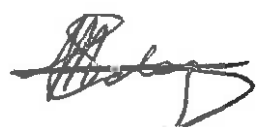


8. RECORDING AND REPORTING TO THE DEPARTMENT

- 8.1 The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
- 8.2 All records and/or reports required or resulting from activities relating to this environmental authorisation must:
- 8.2.1 be legible;
 - 8.2.2 be submitted as required and must form part of the external audit report;
 - 8.2.3 if amended, the record and/or report must be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable; and
 - 8.2.4 be retained in accordance with documented procedures which are approved by the Department.
- 8.3 All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.
- 8.4 Records demonstrating compliance with conditions of this EA must be maintained for five years.
- 8.5 The holder of the environmental authorisation must keep records and update all the information referred to in Annexure II and submit this information to the Department on an annual basis.

9. ENVIRONMENTAL AUDIT REPORT FOR CONSTRUCTION

- 9.1 The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
- 9.2 The environmental audit report must:
- 9.2.1 Be compiled by an independent environmental auditor;
 - 9.2.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 9.2.3 Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
 - 9.2.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 9.2.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;



- 9.2.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
- 9.2.7 Include a copy of this authorisation and the approved EMPr;
- 9.2.8 Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation; and
- 9.2.9 Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records and attendance records.

10. COMMENCEMENT OF ACTIVITIES

- 10.1 The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
- 10.2 An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended); suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto.
- 10.3 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.
- 10.4 The holder of this authorisation must obtain a Water Use Licence from the Department of Water and Sanitation (DWS) prior to the commencement of the project should the holder impact on any wetland or water resource. A copy of the license must be submitted to the *Director: Integrated Environmental Authorisations* at the Department.
- 10.5 The holder of this authorisation must obtain Atmospheric Emission Licence from relevant authority prior to commencement of the project should the project trigger listed activities in terms of the National Environmental Management: Air Quality Act 39 of 2004. The copy of the licence obtained must be included in the first audit submitted to the Department.

11. NOTIFICATION TO AUTHORITIES

- 11.1 Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the Notice of Intent to Appeal period, within which construction may not commence.



- 11.2 After construction of the site or further development within the site, the EA holder shall notify the Chief Director: IEA thereof and the Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000 shall submit a certificate or alternatively a letter to the Chief Director: IEA that the construction of the site or further development within the site, as proposed by the EA holder and approved by the Chief Director: IEA is in accordance with recognised civil engineering practice and the requirements in this EA before disposal may commence on the site. If the Chief Director: IEA is satisfied with the construction of the site or any further development within the site and has given written permission, the EA holder may use the site or any further development within the site for the disposal of waste.

12. OPERATION OF THE ACTIVITY

- 12.1 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
- 12.2 The holder of this authorisation must compile an operational EMPr for the operational phase of the activity or alternatively, if the holder has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

13. SITE CLOSURE AND DECOMMISSIONING

- 13.1 Should the activity ever cease or become redundant, the applicant shall 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.

14. LEASING AND ALIENATION OF THE SITE

- 14.1 Should the holder of the environmental authorisation want to alienate or lease the site, he/she shall notify the Department in writing of such an intention at least 120 days prior to the said transaction. Should the approval be granted, the subsequent holder of the environmental authorisation shall remain liable to compliance with all licence conditions.



15. TRANSFER OF ENVIRONMENTAL AUTHORISATION

- 15.1 Should the holder of the environmental authorisation transfer holdership of this environmental authorisation due to a change of ownership [as provided for in terms of S24E(c) of NEMA], he/she must apply in terms of Section 52 of NEMWA.
- 15.2 Should the transfer of holdership of this environmental authorisation mentioned above be for any reason other than the change of ownership in the property, the holder of this environmental authorisation must inform the Department of any change in ownership in the property and must request an amendment to this environmental authorisation to reflect such change in ownership.
- 15.3 Any subsequent holder of an environmental authorisation shall be bound by conditions of this environmental authorisation.

16. INVESTIGATIONS

- 16.1 If, in the opinion of the Department, pollution, nuisances or health risks may be or are occurring on the site, the holder of the environmental authorisation must initiate an investigation into the cause of the problem or suspected problem, including such investigations as identified by the Department related to the risks posed. Such investigation must include the monitoring of water quality variables at those monitoring points and at such frequency as may be specified by Director: Department of Water and Sanitation.
- 16.2 Should the investigation carried out as per conditions 16.1 above reveal any unacceptable levels of pollution, the holder of the environmental authorisation must submit mitigation measures to the satisfaction of the relevant Department.

17. SPECIFIC CONDITIONS RELATED TO THE DISPOSAL FACILITY

17.1 Site Security and Access Control

- 17.1.1 The holder of the environmental authorisation must ensure effective access control to the effluent management system to prevent unauthorised entry. Weatherproof, durable and legible signs in at least three official languages applicable in the area must be displayed at each entrance to the site. The signs must indicate the risks involved in entering the site, must include the person responsible for the operation of the site.



17.2 Permissible waste

- 17.2.1 The classification, handling and disposal of ash must conform to the Waste Classification and Management Regulations, GN 634 dated 23 August 2013.
- 17.2.2 Any portion of the site which has been constructed or developed according to condition 17.3 may be used for the disposal of ash.

17.3 Construction and commissioning of activities

- 17.3.1 The construction and further development within the site must be in accordance with the EMPr report number 12712-46-Rep-001-EMPr-Rev1 dated 20 October 2014 prepared by Zitholele Consulting (Pty) Ltd.
- 17.3.2 The construction and further development within the site shall be in accordance with the approved drawings, D121-01-001 layout of facility, D121-011-002 layout of 5 year lined area, D121-01-003 typical long section & details, D121-01-004 detailed layout of 5 year lined area, D121-01-005 liner details, D121-01-006 leachate collection layout, D121-01-007 PCD layout details, D121-01-008 clean stormwater management layout, D121-01-009 capping layout, D121-01-012 30 year development plan, D121-01-013 30-60 year development plan, D121-01-014 dust suppression layout, D121-01-015 Klipfontein river diversion layout in the report referred to in Condition 17.3.1 with the comments received from the Department of Water and Sanitation, engineering services dated 22 November 2013.
- 17.3.3 The construction within the site must be in accordance with the approved engineering designs, the ash co-disposal facility must have a liner system from top to the bottom, a waste body, 300mm drainage layer of selected, blended with G5 material (-63mm sand moisture conditioned to $\pm 2\%$ OMC and compacted to 95% Mod AASHTO) provided with a herring-bone leachates collection/drainage system comprising of 90mm diameter perforated drainage pipes with stones/sand surround, A8 geotextile, 2mm HDPE double textured geomembrane, Geosynthetic clay liner, 100mm river sand (screened to minus 3mm) leakage detection layer where the ground slope steepens at 35mm or 50mm high perforated textured geocell retaining web shall be imbedded in the sand layer to prevent migration of the sand down the slope. A8 geotextile, 2mm double textured HDPE geomembrane. Prepared foundation provided with a herring-bone groundwater collection/drainage system-foundation-strip & clear topsoil, rip & harrow insitu soils to a depth of 150mm, moisture condition to $0+2\%$ OMC then compact to 95% Mod AASHTO as approved by the Chief Director: IEA as indicated in the "Record of Decision: Kusile Power Station Project – Waste Facilities Liner sign-off" from Eskom dated 14 November 2013.



- 17.3.4 The 15% already constructed ash disposal facility liner system design should, have from top to the bottom, a waste body, 300mm drainage layer of selected blended G5 material (-63mm sand moisture conditioned to $\pm 2\%$ OMC and to 95% Mod AASHTO) provided with a herring-bone leachates collection/drainage system comprising of 90mm diameter perforated drainage pipes with stones/sand surround, A8 geotextile, 2mm HDPE double textured geomembrane, geosynthetic clay liner on the existing liner.
- 17.3.5 The construction and further development within the site must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000.
- 17.3.6 The EA holder must ensure that the storage areas have firm, waterproof base and drainage system. It must be designed and managed that there is no escape of contaminants in the environment. All runoff must be prevented from entering local watercourses including wetlands.
- 17.3.7 The EA holder must ensure that the integrity of the waterproof base and walls are routinely monitored and corrective action taken before containment integrity is breached.
- 17.3.8 Any development which occurs within 1:100 year flood line and/or within 500m from the boundary of wetlands would require a water use licence in terms of section 21 of the National Water Act, 1998.
- 17.4 Environmental auditing and reporting
- 17.4.1 Internal Audits
- (a) Internal audits must be conducted quarterly by the holder of the environmental authorisation in order to audit compliance with conditions related to this environmental authorisation and the approved EMPr, and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in condition below.
- 17.4.2 External Audits
- (a) The holder of the environmental authorisation and approved EMPr must appoint an independent external auditor to audit the power plant biannually subject to the environmental authorisation and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the holder of the environmental authorisation.
- (b) The audit report must-



- (i) Specifically state whether conditions and requirements related to this environmental authorisation are adhered to;
 - (ii) Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
 - (iii) Specify target dates for the implementation of the recommendations by the holder of the environmental authorisation to achieve compliance;
 - (iv) Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by the holder of the environmental authorisation and whether corrective action taken for the previous audit non conformities was adequate;
 - (v) Show results graphically and conduct trend analysis; and
 - (vi) Include the information required in Annexure II.
- (c) The holder of the environmental authorisation must carry out all tests required in terms of this environmental authorisation in accordance with published laboratory analysis methods or those prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008).
- (d) Each external audit report referred to in condition 17.4.2 must be submitted to the Department within 30 days from the date on which the external auditor finalised the audit.

17.4.3 Reporting

- (a) The holder of the environmental authorisation must, within 24 hours, notify the Director of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- (b) The holder of the environmental authorisation must, within 14 days inform the Department from the occurrence or detection of any incident referred to in condition 16.1, must within 14 days period of time specified by the Department submit an action plan, which must –
 - (i) Correct the impact resulting from the incident;
 - (ii) Prevent the incident from causing any further impact; and
 - (iii) Prevent a recurrence of a similar incident to the satisfaction of the Department.
- (c) In the event that measures have not been implemented within 21 days of the incident, or within the time period identified by the Department, or the measures which have been implemented are inadequate, the Department may implement the necessary measures at the cost and risk of the holder of the environmental authorisation.



- (d) The holder of the environmental authorisation must keep an incident report and complaints register, which must be made available to the external auditor, representatives of this Department and Department of Water and Sanitation for the purpose of audit.
- (e) The Department must be notified as soon as the holder of this environmental authorisation becomes aware of the following incidents:
 - (i) Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused , is causing or may cause significant pollution;
 - (ii) The breach of this environmental authorisation; and
 - (iii) Any significant adverse environmental and health effects.

17.5 General operation and impact management of waste management activities

- 17.5.1 Waste, which is not permissible on Site, must be dealt with according to relevant legislation or the Department's policies and practices.
- 17.5.2 The holder of environmental authorisation must prevent spillages. Where the spillages occur, the holder of authorisation must ensure the effective and safe cleaning of such spillages.
- 17.5.3 The holder of environmental authorisation must prevent the occurrence of nuisance conditions or health hazards.
- 17.5.4 The holder of environmental authorisation must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risks involved. Records of training and verification of competence must be kept by the Authorisation Holder.
- 17.5.5 No effluent or wastewater must be discharged into any storm water drain or furrow, whether by commission or by omission.

17.6 Water quality management and monitoring

- 17.6.1 Works shall be constructed and maintained on a continuous basis by the holder of environmental authorisation to divert and drain from the site in a legal manner, all runoff water arising on land adjacent to the site, which could be expected as a result of the estimated maximum precipitation during a period of 24 hours with an average frequency of once in fifty years (50) (hereafter referred to as "estimated maximum precipitation"). Such works shall, under the said rainfall event, maintain a freeboard of 800mm.
- 17.6.2 Works shall be constructed and maintained on a continuous basis by the holder of environmental authorisation to divert and drain from the working face of the site, all runoff water arising on the site, which could be expected as a result of the estimated maximum



- precipitation and to prevent such runoff water from coming into contact with leachate from the site. Such works shall, under the said rainfall event, maintain a freeboard of 800mm.
- 17.6.3 Runoff water referred to in condition 17.6.2 shall comply with the quality requirements of the General and Special Standard, as published in Government Notice 991 of 18 May 1984, or with such quality requirements as may from time to time be determined by the Director and shall be drained from the site in the legal manner.
- 17.6.4 Runoff water referred to in condition 17.6.2 which does not comply with the quality requirements applicable in terms of condition 17.6.3 shall, by means of works, be lined to the satisfaction of the Director, which shall be constructed and maintained on a continuous basis by the environmental authorisation holder:
- (a) be treated to comply with the aforementioned standard and discharge in a legal manner; and/or
 - (b) be discharged into any convenient sewer if accepted by the authority in control of that sewer.
- 17.6.5 Surface water monitoring shall be performed in all storm water drains on and adjacent to the Site at locations selected in conjunctions with the Department of Water and Sanitation and at such a frequency as determined by the Chief Director: IEA.
- 17.6.6 The holder of environmental authorisation must carry out all tests required in terms of this authorisation in accordance with published laboratory analysis methods or those prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 8 Of 2008). Another method of analysis may be used only if approved by the Department.
- 17.6.7 A monitoring borehole network for the site must be maintained by the holder of environmental authorisation according to the Kusile Power Station (Pty) Ltd Groundwater Assessment Report (Report Number AEC 0180/05/03-2014 compiled by Aqua Earth Pty (Ltd) dated February 2014, and to the satisfaction of the Chief Director: IEA so that unobstructed sampling, as required in terms of this authorisation, can be undertaken.
- 17.6.8 Monitoring of groundwater must be conducted at locations KABH44, KABH96, KABH93, KABH62, KABH94, KABH18, KABH66, KABH73, KABH78, KABH10, KABH8, KABH22, KABH63, KABH63, KABH56, KABH67 and KABH42 as indicated in the Kusile Power Station: Geohydrological Report Table 10, compiled by Aqua Earth (Pty) Ltd dated February 2014, or as indicated in the latest, approved by the Chief Director: IEA, monitoring protocol.
- 17.6.9 Monitoring of groundwater and surface water must be conducted at the locations specified in Conditions 17.6.8 and 17.6.11 and any other locations that may from time to time be specified by the Director.



- 17.6.10 Monitoring of boreholes must be equipped with lockable caps. The Department reserves the right to take waste samples at any time and to analyse these samples, or to have them taken and analysed.
- 17.6.11 Monitoring for surface water, shall be conducted at locations CSW01-CSW14, Spring 4, Spring 6, SW1-SW17 and KSA01-KSA09 as indicated in the Kusile Power Station, Surface Water Report: Report Number 13615231-12222-3 compiled by Golder Associates dated July 2013 or with the monitoring protocol as approved by the Chief Director: IEA.
- 17.6.12 Samples from the borehole where the groundwater in the borehole is at an expected higher hydraulic pressure level than the hydraulic pressure level of the ground water under the Site, shall be considered as background monitoring.
- 17.6.13 Frequency monitoring for surface and groundwater quality must be conducted for variables listed in Annexure II quarterly at locations specified in Conditions 17.6.8 and 17.6.11.
- 17.6.14 If in the opinion of the Director, a water quality variable at any monitoring point listed under the detection monitoring programme, as referred to in Condition 17.6.13, shows an increasing trend, the holder of environmental authorisation shall initiate a monthly monitoring programme for water quality variables listed in Annexure III.
- 17.6.15 Background groundwater monitoring must be conducted during each monitoring occasion in terms of Conditions 17.6.13 and 17.6.14 for water quality variables listed in Annexure III.

Date of environmental authorisation: 17/07/2015


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs



Annexure I: Reasons for Decision

1. Key factors considered in making the decision

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

- a) The information contained in the EIR dated October 2014;
- b) The mitigation measures included in the EIR dated October 2014; and the EMPr;
- c) The comments received from the Directorate: Authorisations & Waste Disposal Management and comments from interested and affected parties as included in the EIR dated October 2014; and
- d) 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. Conclusions

After consideration of the information and factors listed above the Department reached the following conclusions:

- a) The construction of the disposal facility will take place within the already authorised power station.
- b) The identification and assessment of impacts are detailed in the EIR dated October 2014; and sufficient assessment of the key identified issues and impacts have been completed.
- c) The procedure followed for impact assessment is adequate for the decision-making process.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2010, for public involvement.

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



ANNEXURE II

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS CONDITION 8.5

* = Indicate with an X. Please print legibly.

NAME OF SITE: _____ DATE OF REPORT: _____ (y/m/d)

1. Registered owner(s) of property on which the disposal facility is situated:

Name	Telephone	
Postal Address	Fax	
	Postal Code	

2. Operator in control of the disposal facility:

Name	Telephone	
Identity number	Tel. After hours	
Educational Qualifications		
Other Relevant competencies:		

3. Indicate the type of waste and approximate quantities of ash treated during the year:

Type of waste (Specify)	Quantity (m ³ annum ⁻¹)
TOTAL	

4. Indicate the type of waste and approximate quantities of ash reused, recycled, or disposed of during the year:

Type of waste	Quantity (m ³ annum ⁻¹)	reused, treated or disposed
TOTAL		

I, the undersigned, declare that the information stated above is to my knowledge a true reflection of the status at the _____ effluent treatment facility.

Signature: _____

Name: _____

Capacity: _____

Place: _____

Date: _____

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR MONITORING: CONDITION 17.6.14

Alkalinity (P.Alk0)
Fluoride (F)
Calcium (Ca)
Chloride (Cl)
Dissolved Oxygen
Electrical Conductivity (EC)
Iron (Fe) ·
Magnesium (Mg)
Manganese (Mn)
Mercury (Hg)
Nitrite (NO₂)
Nitrate (NO₃-N)
pH
Potassium (K)
Silicon (Si)
Sodium (Na)
Sulphate (SO₄)
Total Dissolved Solids (TDS)