



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: 14/12/16/3/3/3/53

Enquiries: Ms Bathandwa Ncube

Telephone: 012 399 9368 **E-mail:** BNcube@environment.gov.za

Mr Danie Brummer
Lidwala Specialist Solution
P.O. Box 32497
WAVERLEY
0135

Tel : 0861 543 9252/ 011 793 5486
Email : dbrummer@lidwala.com

PER EMAIL / MAIL

Dear Sir

RE: REQUEST FOR EXEMPTION FROM LINING REQUIREMENTS IN TERMS OF THE NATIONAL NORMS AND STANDARDS FOR DISPOSAL WASTE TO LANDFILL (R.636) FOR THE PROPOSED CONTINUOUS ASHING AT THE ASH DISPOSAL FACILITY, AT THE MAJUBA POWER STATION, REFERENCE NUMBER: 14/12/16/3/3/3/53 AND THE EA ISSUED ON 19 AUGUST 2015, MPUMALANGA PROVINCE.

The Environmental Authorisation (EA) (Ref: 14/12/16/3/3/3/53) issued by this Department on 19 August 2015, and your application for exemption received by this Department on 18 September 2015 refer.

Based on a review of the reasons for requesting an exemption to the above Environmental Authorisation, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2010, has decided to grant an exemption of four (4) years, with the following conditions:

1. The ash disposal facility, pollution control dams, drainage trenches or any effluent storage facility must not be constructed on geological features such as lineaments, dykes, fault zones or shallow water table.
2. The Holder of EA must compile and submit annual progress reports on the status of the engineering drawings.
3. The ash disposal facility must be constructed to have a freeboard of 0.8m to account for high rainfall events.
4. A Groundwater Management Plan in terms of quality and quantity must be developed and implemented, which will include monitoring boreholes up gradient and down gradient of the proposed ash disposal facility, prior to operation of the site, during operational, decommissioning and closure phases.
5. A hydrocensus must be conducted to identify the groundwater users within a radius of 5km and the groundwater quality must be sampled for chemical analysis prior to the disposal of the ash at the site.
6. A monitoring programme which defines the frequency of measurements, parameters to be monitored as well as database and reporting must be developed.

J.K.

7. A geophysical survey should be conducted in an effort to optimise drilling positions for additional boreholes and to delineate the structural geological features which could act as preferential groundwater flow pathways.
8. Additional groundwater monitoring boreholes, which must be incorporated into the existing monitoring programme, must be sited and drilled up gradient of the proposed ash disposal facility of alternative A to a depth that penetrates the whole aquifer system for both shallow and deep groundwater.
9. The shallow aquifer zone must be cased and sealed off in the deeper boreholes to minimize the risk of cross contamination. A few of the monitoring boreholes must be installed in the shallow aquifer as an early detection facility.
10. Highly toxic pollutants should not be disposed of together with the ash, since this could potentially lead to more serious long term groundwater pollution which could be difficult to remediate.
11. The groundwater quality (including the private boreholes that exist adjacent to the proposed ash disposal facility) must be monitored on a quarterly basis by using approved groundwater sampling techniques and analysed by an accredited laboratory. Undue long term trends in the quality of the water will indicate remediation actions.
12. If all the parameters, after being monitored for a period of two years or less, show an increasing trend, or do not comply with the standards of drinking water quality, groundwater quality monitoring frequency must be changed from quarterly to monthly.
13. During the operational phase, ensure that local aquifers are not artificially recharged by seepage emanating from the ash disposal facility, leaking along the pipelines transporting ash or hazardous waste, such as oil and diesel spills.
14. Emergency action plans, in case of groundwater pollution emanating from the ash disposal facility; or failure of lining system; leaking along the pipelines transporting ash; or hazardous water such as oil and diesel spills, should be adhered to, in order to protect groundwater quality from degradation.
15. A Groundwater Remediation Plan must be developed to ensure that the corrective measures are implemented. This plan will be submitted to the Department of Water and Sanitation (DWS) for approval.
16. The remediation plan should inter alia identify the sources of potential groundwater contamination, the potential impacts should be quantified and their contribution factored into the remedial strategy of groundwater.
17. In the event where dewatering is deemed to be the best option to intercept contamination plume, the applicant should always ensure that the boreholes are not depleted to a level where the static water level reaches the main water strike.
18. In the event where the pollution plume migrates away from the boundary of the site, all the abstraction boreholes closer to the proposed ash disposal facility should be avoided, so that the contaminants will not migrate away from the site, towards the abstraction boreholes used by other groundwater users.
19. Dewatering volumes must be recorded and groundwater levels must be monitored to avoid exploitation of groundwater.
20. The contaminated water must be treated to meet the minimum legal standards and should be re-injected back to the aquifer system.
21. In the event that groundwater users become affected by the ash disposal due to unacceptable water quality as a result of the contamination plume migrating and emanating from the ash disposal facility, the power station must compensate them with portable water.
22. Early warning detection systems, seepage interception trenches and pipelines must be monitored on a regular basis for the occurrence of leakage.

23. The leachate detection system, seepage interception trenches and pipelines must be monitored on a regular basis for the occurrence of leakage.
24. The ash must be analysed to determine which toxic elements it contains and an ash leachate test must be conducted to identify the mobility of these elements.
25. The groundwater recharge into the waste disposal facility must be managed and the water level in the facilities must be monitored and kept to a minimum level to avoid decant of poor quality water or effluent into the surface resources and to ensure streams do not act as secondary sources of contamination during operational, decommissioning and closure phases.
26. The ash disposal facility or any storage facilities must be operated and maintained effectively to prevent any spillage of fly ash or polluted water into groundwater systems during floods.
27. Leakages and spillages along the conveyor, to be used during transportation of the disposal site, must be prevented.
28. Any subsided surface adjacent to the ash disposal facility should be rehabilitated to minimise ingress of surface water into the ash disposal facility. Any massive subsides should be reported to the council of Geosciences immediately.
29. The site must be capped effectively to minimize ponding and runoff must be directed away from the ash disposal facility.
30. The permanent ash disposal facility will be constructed and lined according to the National Norms and Standards for Disposal of Waste to Landfill, Regulations 636, dated 23 August 2013 after four (4) years of the temporary exemption.

This letter must be read in conjunction with the EA dated 19 August 2015.

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 twelve (12) 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 decision, 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

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

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).

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

Yours faithfully



Ms Khashiwe Masinga

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

Date: 24 June 2016



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · Cnr Soutpansberg & Steve Biko Roads · Pretoria Tel (+27 12) 399 9000

Enquiries: Ishaam Abader

Tel: 012 399 9330

Email: labader@environment.gov.za

Ms. Khashiwe Masinga
Director: Coordination, Strategic Planning and Support

Dear Ms Masinga

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD OF 22 – 30 JUNE 2016

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorisations, for the period 22 – 30 June 2016, whilst Mr Sabelo Malaza is on annual leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorisations, must be signed under the Acting Chief Director: Integrated Environmental Authorisations during the above 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 1998), 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 Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Mr. Ishaam Abader
Deputy Director-General: LACE

Date:

22/06/2016

ACKNOWLEDGEMENT

I ~~ACCEPT~~ / DO NOT ACCEPT
appointment as Acting Chief Director:
Integrated Environmental Authorisations

Signed: _____

Date: _____

22/06/2016