

ENVIRONMENTAL AUDIT REPORT FOR THE PROPOSED ESKOM HOLDINGS (SOC) LIMITED BATTERY  
ENERGY STORAGE SYSTEM (BESS) ELANDSKOP SUBSTATION



**REPORT NO. 1- NOVEMBER 2022**

DEA REFERENCE NO. 14/12/16/3/3/1/2114/AM2

PREPARED FOR ESKOM HOLDINGS (SOC) LIMITED

Eskom Holdings SOC Limited

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Submission by :



I. DETAILS OF THE ENVIRONMENTAL AUDIT REPORT AUTHOR

| SENKOSI ENVIRONMENTAL |   |
|-----------------------|---|
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| QUALIFICATIONS        | BSc Enviro. Man (UWS); Proj. Man Diploma (UP); Environmental Law (UNW) ; Business Comms (UNISA) |
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II. DECLARATION OF THE AUTHOR

I ...**Siphosenkosi Zulu**....., on behalf of Senkosi Environmental, as the appointed independent environmental practitioner ("EAP") hereby declare that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this report to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014 and any specific environmental management Act;
- have and will not have no vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2010 and any specific environmental management Act;
- am fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2014 and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process;

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- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not; and
- I am aware that a false declaration is an offence in terms of the EIA regulations.



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Signature of the Environmental Assessment Practitioner:

Name of company: Senkosi Environmental

Date: 27/01/2023

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## **1. INTRODUCTION**

Senkosi Environmental Consulting, the appointed independent Environmental Control Officer (ECO) for the proposed Eskom Holdings (Soc) Limited Battery Energy Storage System (Bess) Elandskop Substation, located within the Msunduzi and Mpendle Local Municipalities, KwaZulu-Natal province conducted the first audit on the 20th of January 2023. This environmental audit report has been prepared in compliance with Section 34 of the EIA regulations 2014 (as amended), promulgated under the National Environmental Management Act, 1998 (Act 107 of 1998). The report presents the audit findings of the audit which was conducted against the Environmental Authorization (EA) issued by the Department of Forestry, Fisheries and Environment (DFFE) as well as the approved Environmental Management Programme (EMPr).

Section 34(2) of the 2014 EIA Regulations (as amended) [L01] requires an environmental audit report, “compiled by an independent person ... to provide verifiable findings, in a structured and systematic manner, on

- a) the level of performance against and compliance of an organisation or project with the provisions of the requisite environmental authorization (EA) and Environmental Management Programme (EMPr) and, where applicable, the closure plan; and
- b) the ability of the measures contained in the EMPr, and where applicable the closure plan, to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity”.

### **1.1 Objective and Scope of this Environmental Audit**

The EMPr for the facility was revised in April 2019 to comply with condition 23 of **DEA Ref: 14/12/16/3/3/1/2114** which requires an Environmental Management Plan (EMP) to be compiled, or an existing operational environmental management system to be amended to include the operations of the authorised activity. In accordance with Appendix 7 of 2014 EIA Regulations (as amended) [L01] the purpose of conducting an EMPr audit is to:

- (a) report on-
  - (i) the level of compliance with the conditions of the environmental authorization and the EMPr; and
  - (ii) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr;
- (b) identify and assess any new impacts and risks as a result of undertaking the activity;
- (c) evaluate the effectiveness of the EMPr;
- (d) identify shortcomings in the EMPr; and
- (e) identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr.

## **1.2 Credentials of the Independent Environmental Auditors**

Senkosi Environmental is a Level 1 B-BBEE, South African environmental consulting company and has been in existence for 20 years. We pride ourselves in professional advisory services and product delivery to our clients. The service lines offered by Senkosi Environmental include:

- Environmental Screening Assessments.
- Environmental and Social Impact Authorizations.
- Environmental Auditing and Compliance.
- Monitoring of Air, Water, Waste, Soil and Sediment.
- Sustainability management and reporting.
- Advisory Services.
- Climate Change and Air Quality
- Due Diligence Investigations.
- Products and supplies; and
- Safety Equipment.

## **1.3 Requirements for Environmental Auditors**

The National Environmental Management Act (NEMA) and the 2014 EIA Regulations (as amended) [L01] requires an independent person with the relevant environmental auditing expertise to conduct the assessment and prepare the environmental report. The environmental auditor is required to have the following skills, attributes and abilities:

### **Independent and Objective**

The environmental auditor should have the ability to unravel the real concerns behind stated issues, have the ability to separate issues from personalities, cultural perspectives and emotions, have empathy towards all viewpoints and prevent vociferous viewpoints from being the only ones that are heard. The environmental auditor is to remain independent and perform work in an objective manner, even if this results in views and findings that are not favourable to the holder of the authorization.

### **Expertise in conducting environmental impact assessments**

The environmental auditor should be knowledgeable of and be able to conduct investigations of the environment likely to be significantly affected by the authorized activity, investigate potential impact consequences for or impacts on the environment and also evaluate potential alternatives.

### **Comply with the Act, the Regulations and other applicable legislation**

The environmental auditor should have knowledge of the environmental legislation (Acts, Regulations and guidelines) that have relevance to the authorized activity. All relevant matters to be taken into consideration when preparing the environmental audit report.

### **Communicate and Disclose Information**

The environmental auditor is required to disclose to the holder of the authorization and the competent authority all material information in their possession that reasonably has or may have the potential of influencing any decision to be taken in respect to the authorized activity; or that may influence the objectivity of the environmental audit report.

The environmental audit report must provide verifiable findings, in a structured and systematic manner and be made available to interested and affected parties (including organs of state in all spheres of government that may have jurisdiction over any aspect of the activity) as required by the competent authority.

#### **1.4 Environmental Audit Team**

The environmental audit team to conduct the assessment and who prepared the audit report are:

**Mr Siphosenkosi Zulu** is a Registered Environmental Assessment Practitioner (EAPASA), environmental compliance and sustainability practitioner with 20 years of experience. Siphosenkosi specialises in Strategic Environmental, Social, Economic and Sustainable Development projects. Audits conducted in the past include the Water license audit at Kusile Power station, the Construction of a 114km line in Free State, Virginia and the PDP construction in Northern Cape, Limpopo, KZN and Mpumalanga province. Siphosenkosi has obtained numerous Environmental Authorisation and Water use licenses in his career. For more information, a cv is attached with more details of his capabilities and expertise.

**Ms Mandisa Mtshali** is an audit team member with Mr Siphosenkosi Zulu. She is an Environmentalist in her own right. She conducted and authored several audit reports in the past 3 years. She also has substantial experience in undertaking Environmental Impact Assessments, Basic Assessments, Environmental Authorization applications, Water Use License Applications, Waste Management License applications, compilation of Environmental Management Plans, Closure and Rehabilitation Plans, Environmental Compliance Auditing, GIS mapping, stakeholder engagement, data analysis, report writing, and legislation review amongst many other things.

##### **1.4.1 CVs and Declarations of Independence**

Comprehensive CVs for the environmental auditors are attached in **Annex B**.

#### **1.5 Environmental Audit Methodology**

Senkosi Environmental performed an independent assessment of the Elandskop BESS compliance with the EA and performance against the 2020 EMPr requirements. Preparation of the Audit was conducted by communicating with the EO on site. She was consulted to confirm her availability on site and all other members of the site management team. Dates were set and confirmed with key members.

Arrival was at 09:00 in the morning and a meeting was held to discuss how the audit would be conducted for that day. Issues were discussed relevant to the audit. A safety presentation was made by a safety officer on site addressing among other things the emergency situation that may arise. Attendees were told where and how to move to the point of assembly should there be an emergency. The attendance register was to be used to account for all personnel on site. An attendance register was completed by all members attending the audit session. See attached appendix showing the attendance register. The key delivery milestones for the Environmental Audit are presented below:



| Engagement Milestones                                    | Delivery Date    |
|--|------------------|
| Initiation of Communication for Audit Plan               | 22 November 2022 |
| Site visit and initial list of audit findings            | 20 January 2023  |
| Draft Audit Report submitted to client                   | 07 February 2023 |
| Receipt of comments & review of draft report from Client | 09 February 2023 |
| Final Audit Report                                       | 13 February 2023 |
| Engagement Close-out Meeting proposed for                | 15 February 2023 |

## 2. SUMMARY OF MAIN FINDINGS

The environmental audit was conducted on the 20<sup>th</sup> of January 2023. Numerous non-compliances were identified during the audit. It was noted that the Applicant appointed a Botanist instead of a Horticulturist, as required by the EA, to identify sensitive plant species and assist in identifying areas that require protection. It was also noted that the construction activities commenced without the approval of the Fire Management Plan as per the provisions of the EA, however, the plan has been submitted to the Municipality and the contractor is awaiting approval. Backfilling within the BESS space took place on the day of the audit to prepare the site for the installation of batteries.

Correct signage was well implemented within the site. The waste bins were properly labelled and closed. The ablution facilities were well maintained and complied with the specifications of the EMPr. Offices were also well installed and well kept. The eating area as well as the boardroom was also well equipped with the roof and walls reinforced. The security guardhouse was also in order and well secured with lights installed. Water was made available for both drinking and hand washing needs.

### 2.1. NON-COMPLIANCES

The recorded non-compliances were as follows:

- ✓ A Botanist was appointed instead of a Horticulturist to identify sensitive plant species and assist in identifying areas that require protection.
- ✓ The construction works commenced without an approved Fire Management and Protection Plan.
- ✓ The announcement of the approval of the EA was not properly announced to the Interested and Affected parties. Some parts of the announcement of informing the I&APs were not complied with.

### 2.2. COMPLIANCES

- ✓ Site Environmental officer has been appointed to ensure the implementation of and adherence to the environmental Management Programme (EMPr) in the contractor's execution of the day-to-day construction activities.



- ✓ The EMPr was available on site.
- ✓ The Environmental Authorisation was available on site.
- ✓ A security was available on site to manage access within the site.
- ✓ Ablution facilities were well maintained.
- ✓ The site was neat and the garden landscape well maintained.
- ✓ Sufficient fire extinguishers were provided.
- ✓ Vegetation clearing was limited to the required footprint.
- ✓ Stockpiles within the construction site did not exceed 2 meters in height.
- ✓ Housekeeping was appropriate.
- ✓ Drinking and hand washing water was well supplied.

### **3. COMPLIANCE MONITORING**

The compliance monitoring was done against the approved EMPr and EA.

**Table 1: Compliance Rating**

| <b>Rating</b>                           | <b>Description</b>   | <b>Abbreviation</b> | <b>Colour Code</b> |
|---|--|---------------------|--------------------|
| Compliance                              | Fully Complying  | C                   |                    |
| Opportunity for Improvement (to comply) | Complying with fraction of the conditions                    | OFI                 |                    |
| Non-Compliance                          | Not Complying to any of the conditions                       | NC                  |                    |
| Not Applicable                          | Conditions that are not applicable at the time of inspection | N/A                 |                    |

**Table 2: Compliance to the EA Conditions**

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                    |                 |
|---|------------|-----|----|-----|--|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person | Action Date     |
|   | C          | OFI | NC | N/A |  |                    |                 |
| Scope of Authorization  |            |     |    |     |  |                    |                 |
| 1. The holder of the authorization is responsible for ensuring compliance with the conditions contained in the Environmental Authorization. Including 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 authorization. |            |     |    |     | An Eskom Environmental Officer has been appointed to monitor and enforce compliance on site on a day-to-day basis. | Applicant          | 17 October 2022 |
| 2. The activities authorized may only be carried out at the property as described on page 4 of the EA   |            |     |    |     | All construction activities were kept within the site boundary.  | Applicant          | 20 January 2023 |
| 3. Any changes to, or deviations from, the project description set out in this authorization must be approved, in writing, by the Department before such changes or deviations may be effected.   |            |     |    |     | There is no deviation from the project description.  | Applicant          | 20 January 2023 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |   |                    |                  |
|---|------------|-----|----|-----|---|--------------------|------------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date      |
|   | C          | O/I | NC | N/A |   |                    |                  |
| 4. The holder of an EA must apply for an amendment of the EA with the Competent Authority (CA) of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.   |            |     |    |     | A letter from DFFE approving the change of name of property ownership for the application was presented. Ms. Tshililo has been appointed the new property representative. | Applicant          | 22 Nov 2022      |
| 5. This activity must commence within a period of five (5) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken. |            |     |    |     | The activity commenced on 4 November 2022 and the EA was issued on 19 June 2020.  | Applicant          | 4 November 2022. |
| 6. Commencement with one activity listed in terms of this environmental authorisation   |            |     |    |     | The commencement was on the 4 <sup>th</sup> of November 2022. A revised commencement letter will be sent to the DFFE.   | Applicant          | 20 January 2023  |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |   |                    |                 |
|---|------------|-----|----|-----|---|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date     |
|   | C          | O/I | NC | N/A |   |                    |                 |
| constitutes commencement of all authorised activities.  |            |     |    |     |   |                    |                 |
| 7. The holder of the EA must notify interested and affected party (I&AP), in writing and within twelve (14) calendar days of the date of the EA of the decision to authorize the activity. The notification must comply with the said conditions. |            |     |    |     | The I&APs were notified about the decision to authorize the activity within 14 days of the issue of the EA. The EA was issued on the 19 <sup>th</sup> of June 2020 and the I&APs were notified on 24 June 2020. | Applicant          | 20 January 2023 |
| 8. The notification referred to must-<br>8.1 Specify the date on which the authorisation was issued;<br>8.2 Inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;               |            |     |    |     | The letter did not inform the I&AP about the reasons as stipulated in the National Appeal Regulations 2014.   | Applicant          | 24 June 2020    |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |                            |                    |                 |
|---|------------|-----|----|-----|----------------------------|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person | Action Date     |
|   | C          | O/I | NC | N/A |                            |                    |                 |
| 8.3 Advise the interested and affected party that a copy of the authorisation will be furnished on request and<br><br>8.4 Give the reasons of the competent authority for the decision.   |            |     |    |     |                            |                    |                 |
| <b>Commencement of the Activity</b>   |            |     |    |     |                            |                    |                 |
| 9. The authorised activity must not commence until the period of the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not |            |     |    |     | No appeal has been lodged. | Applicant          | 20 January 2023 |

| COMPLIANCE TO EA CONDITIONS  |            |     |    |     |   |                    |                 |
|--|------------|-----|----|-----|---|--------------------|-----------------|
| EA Condition   | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date     |
|  | C          | O/I | NC | N/A |   |                    |                 |
| commence with the activity until such time that the appeal has been finalised.   |            |     |    |     |   |                    |                 |
| 10. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.   |            |     |    |     | The specifications of the EMPr are adhered to. Please refer to the photographic evidence below. | Applicant          | 20 January 2023 |
| Frequency and process of updating the EMPr   |            |     |    |     |   |                    |                 |
| 11. The EMPr must be updated where the findings of the environmental audit reports, contemplated in conditions 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation of EMPr. |            |     |    |     |   | ECO                | 20 January 2023 |

| COMPLIANCE TO EA CONDITIONS  |            |     |    |     |                                |                    |                 |
|--|------------|-----|----|-----|--------------------------------|--------------------|-----------------|
| EA Condition   | Compliance |     |    |     | Recommendation/ Comments       | Responsible Person | Action Date     |
|  | C          | O/I | NC | N/A |                                |                    |                 |
| 12. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.  |            |     |    |     | The EMPr has not been updated. | ECO                | 20 January 2023 |
| 13. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulations 34 of GNR 982, The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval. |            |     |    |     | The EMPr has not been updated. | ECO                | 20 January 2023 |
| 14. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the process prescribed in Regulation 35 of GN R982. Prior to approving an amended EMPr, the Department may request such   |            |     |    |     | N/A                            | ECO                |                 |

| COMPLIANCE TO EA CONDITIONS  |            |     |    |     |                          |                    |             |
|--|------------|-----|----|-----|--------------------------|--------------------|-------------|
| EA Condition   | Compliance |     |    |     | Recommendation/ Comments | Responsible Person | Action Date |
|  | C          | OFI | NC | N/A |                          |                    |             |
| amendment to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.   |            |     |    |     |                          |                    |             |
| 15. The holder of the authorisation may apply for an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPR as least 60 days prior to submitting such amendment to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulated of GNR 982. |            |     |    |     | N/A                      | ECO                |             |
| Monitoring   |            |     |    |     |                          |                    |             |



| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |   |                    |                |
|---|------------|-----|----|-----|---|--------------------|----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date    |
|   | C          | OFI | NC | N/A |   |                    |                |
| <p>16. The applicant must appoint an independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.</p> <p>16.1 The ECO must be appointed before commencement for any authorised activities.</p> <p>16.2 Once appointment, the name and contact details of the ECO must be submitted to the Director: Compliance monitoring of the Department at <a href="mailto:Directorcompliance@environment.go.za">Directorcompliance@environment.go.za</a></p> |            |     |    |     | <p>An ECO was appointed, and the letter was sent to the DFFE and satisfies the ECO appointment.</p> <p>The weekly reports are submitted to the ECO by the EO on any incidents and transgressions.</p> | Applicant          | 03 August 2022 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                    |                 |
|---|------------|-----|----|-----|--|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person | Action Date     |
|   | C          | O/I | NC | N/A |  |                    |                 |
| 16.3 The ECO must keep record of all activities on site, problems identified, transgressions noted and a task scheduled of tasks undertaken by the ECO.<br>16.4 The ECO must remain employed until all rehabilitation, as required for implementation due to construction damage, are completed and the site ready for operation. |            |     |    |     |  |                    |                 |
| Recording and Reporting to the Department   |            |     |    |     |  |                    |                 |
| 17. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the Director Monitoring of the Department at Directorcompliance@environment.gov.za.   |            |     |    |     | ECO already sent communications to this address and directorate. | ECO                | 24 January 2023 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |   |                    |                 |
|---|------------|-----|----|-----|---|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date     |
|   | C          | OFI | NC | N/A |   |                    |                 |
| 18. The holder of the environmental authorisation must for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the Director: Compliance Monitoring of the Department at Directocompliance@environment.gov.za |            |     |    |     | Audits are done and submitted for monthly audits.   | Applicant          | 20 January 2023 |
| 19. The frequency of auditing and submission of environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GNR 982.  |            |     |    |     | The audits are conducted monthly as required by the EA, except for the delays reported on the letter that was sent Department on 24 January 2023. | ECO                | 24 January 2023 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                    |                 |
|---|------------|-----|----|-----|--|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person | Action Date     |
|   | C          | O/I | NC | N/A |  |                    |                 |
| 20. The holder of the EA must, in addition, 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 a final environmental audit report within 30 days of completion of rehabilitation activities.   |            |     |    |     | The construction activities are still underway.  | ECO                | 20 January 2023 |
| 21. The environmental audit reports must be compiled in accordance with Appendix 7 of the 2014 EIA Regulations, as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as requirements of the approved EMPr. |            |     |    |     | The audit reports are compiled as per Appendix 7 of the EIA regulations, 2014 (as amended) | ECO                | 20 January 2023 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                                      |   |
|---|------------|-----|----|-----|--|--------------------------------------|---|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person                   | Action Date   |
|   | C          | OFI | NC | N/A |  |                                      |   |
| 22. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.  |            |     |    |     | <p>The reports are kept on site:</p> <ul style="list-style-type: none"> <li>The weekly inspection</li> <li>Environmental legal audit Monthly</li> </ul> <p>These are conducted by Tractional and audited by Eskom EO.</p> <p>ECO audit will also be placed on site once available.</p> | <p>Tractional EO</p> <p>Eskom EO</p> | 20 January 2023   |
| <b>Notification to Authorities</b>  |            |     |    |     |  |                                      |   |
| 23. A written notification of commencement must be given to the Department no later than Fourteen (14) days prior to the commencement of the activity. 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, as well as a reference number. |            |     |    |     | <p>A written notification was submitted to the DFFE within 14 days prior to commencement. Several letters were written and revised due to the unpredictability of the construction schedule.</p>   | <p>Applicant</p>                     | <p>03 August 2022;</p> <p>13 October 2022;</p> <p>And</p> <p>03 February 2023</p> |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                    |                 |
|---|------------|-----|----|-----|--|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person | Action Date     |
|   | C          | OFI | NC | N/A |  |                    |                 |
| Operation of the Activity   |            |     |    |     |  |                    |                 |
| Site Closure and Decommissioning  |            |     |    |     |  |                    |                 |
| 24. Should the activity ever cease or become redundant, the holder of the authorisation must 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. |            |     |    |     | Not application  | Applicant          | 20 January 2023 |
| Specific EA Conditions  |            |     |    |     |  |                    |                 |
| 25. The holder of the EA must, prior to commencement of construction, inform this Department on the preferred technology or technology mixture of the BESS.   |            |     |    |     | A letter informing the Department of the preferred technology was submitted on the 13 October 2022 to the department | Applicant          | 13 October 2022 |

| COMPLIANCE TO EA CONDITIONS  |            |     |    |     |  |                          |                 |
|--|------------|-----|----|-----|--|--------------------------|-----------------|
| EA Condition   | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person       | Action Date     |
|  | C          | O/I | NC | N/A |  |                          |                 |
| 26. The holder of the EA must ensure that the volume of dangerous goods on site does not exceed 500m <sup>3</sup>  |            |     |    |     | The diesel bowser storing dangerous fuel is monitored to be kept at 300 liters and is always kept at the capacity of 300 liters. | Applicant                | 20 January 2023 |
| 27. Vegetation clearing must be limited to the required footprint for actual construction works and operational activities. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species. |            |     |    |     | Vegetation clearing was only limited to the required footprint.  | Applicant                | 20 January 2023 |
| 28. No exotic plants must be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometer radius of the development site must be utilized.   |            |     |    |     | Not application. The rehabilitation process has not yet been undertaken.   | Contractor               | 20 January 2023 |
| 29. Should any potential human remains be encountered during construction, work in the immediate vicinity of the find must be stopped and  |            |     |    |     | No human remains have been identified.   | Applicant/<br>Contractor | 20 January 2023 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                          |                 |
|---|------------|-----|----|-----|--|--------------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person       | Action Date     |
|   | C          | OFI | NC | N/A |  |                          |                 |
| the KwaZulu-Natal AMAFA and Research Institute and SAPS must be notified.   |            |     |    |     |  |                          |                 |
| 30. No heritage material will be removed or relocated without confirmation from KwaZulu-Natal AMAFA and Research Institute as well as an accredited heritage professional specialist. |            |     |    |     | No human remains have been identified.   | Applicant/<br>Contractor | 20 January 2023 |
| 31. A horticultural specialist must be appointed to identify and relocate sensitive plant species prior to any site works.  |            |     |    |     | The horticulturalist was not used but a Botanist.  | Applicant                | 20 January 2023 |
| 32. An ongoing Alien invasive Management Plan must be compiled and implemented prior to construction activities.  |            |     |    |     | The invasive plants were removed but not evidence of appropriate disposal, 14 days to correct the situation. | Applicant                | 20 January 2023 |



| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |   |                    |                 |
|---|------------|-----|----|-----|---|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date     |
|   | C          | O/I | NC | N/A |   |                    |                 |
| 33. A Landscape Plan must be submitted to the Msunduzi Municipality: Environmental Management Unit for comment and approval prior to site works commencing.                       |            |     |    |     | A letter was sent to Msunduzi Municipality, and it was approved. The letter from the municipality was obtained. | Applicant          | 20 January 2023 |
| 34. A species relocation plan must be compiled and submitted to the Msunduzi Municipality: Environmental Management Unit for comment and approval prior to site works commencing. |            |     |    |     | A letter was sent to Msunduzi LM and was approved.  | Applicant          | 14 October 2023 |

| COMPLIANCE TO EA CONDITIONS  |            |     |    |     |   |                    |                  |
|--|------------|-----|----|-----|---|--------------------|------------------|
| EA Condition   | Compliance |     |    |     | Recommendation/ Comments  | Responsible Person | Action Date      |
|  | C          | O/I | NC | N/A |   |                    |                  |
| 35. A storm water management plan must be submitted to Msunduzi Municipality: Environmental Management Unit as well as the Msunduzi Roads and Drainage Management Unit for comment and approval prior to any site works commencing. The Storm Water Management Plan must address the impacts associated with the increase in hardened surface area and must address quantity and quality of the storm water discharged from the site and incorporate on-site storm water attenuation measures to ensure the proposed development is flood neutral. Post development storm water discharge volumes must not exceed pre-development volumes. |            |     |    |     | The stormwater management plan was submitted and approved by the Msunduzi Municipality. | Applicant          | 12 December 2022 |

| COMPLIANCE TO EA CONDITIONS   |            |     |    |     |  |                    |                 |
|---|------------|-----|----|-----|--|--------------------|-----------------|
| EA Condition  | Compliance |     |    |     | Recommendation/ Comments   | Responsible Person | Action Date     |
|   | C          | O/I | NC | N/A |  |                    |                 |
| 36. Once the final technology alternative is selected, a detailed fire management and protection plan must be compiled and submitted to the relevant Municipality for consideration prior to undertaking any construction activities.   |            |     |    |     | The submission for consideration was on 1 August 2022. But the response from the Municipality was only received on 20 November 2022. While the commencement was on or around the 1 <sup>st</sup> of November 2022. | Applicant          | 03 August 2022  |
| GENERAL CONDITIONS  |            |     |    |     |  |                    |                 |
| 37. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying:<br><br>30.1 At the site of the authorised activity.<br>30.2 To anyone on request; and<br>30.3 Where the holder of the environmental authorisation has a website, on such publicly accessible website. |            |     |    |     | Copies are available on site and website.  | Applicant          | 20 January 2023 |

Table 3: Compliance to the EMPr

| COMPLIANCE TO THE EMPR CONDITIONS  |            |     |    |    |   |                    |                 |  |
|--|------------|-----|----|----|---|--------------------|-----------------|--|
| EMPr Condition   | Compliance |     |    |    | Recommendation/Comments   | Responsible Person | Action Date     |  |
|  | C          | OFl | NC | NA |   |                    |                 |  |
| General Construction Activities  |            |     |    |    |   |                    |                 |  |
| Environmental signage must be displayed on site including “no smoking”, “fire hazards”, etc. |            |     |    |    | Proper signage was available on site. Please refer to the attached photographic evidence. | Contractor         | 20 January 2023 |  |
| Emergency numbers must be clearly displayed  |            |     |    |    | Emergency numbers are clearly displayed.  | Contractor         | 20 January 2023 |  |
| Access fuel and other equipment stores must be strictly controlled                           |            |     |    |    | Access fuel and other equipment stores are strictly controlled.                           | Contractor         | 20 January 2023 |  |
| Clearing of the Site   |            |     |    |    |   |                    |                 |  |
| The Contractor must do an initial alien plant clearance and three follow up clearances.      |            |     |    |    | Alien plant clearance was undertaken as specified by the alien invasive management plan.  | Contractor         | 20 January 2023 |  |

| COMPLIANCE TO THE EMPR CONDITIONS   |            |     |    |    |  |                    |                 |
|---|------------|-----|----|----|--|--------------------|-----------------|
| EMPr Condition  | Compliance |     |    |    | Recommendation/Comments  | Responsible Person | Action Date     |
|   | C          | OFl | NC | NA |  |                    |                 |
| Site clearing must be limited to only the area designated for the specified works.                                  |            |     |    |    | Site clearance was only undertaken within the site area.   | Contractor         | 20 January 2023 |
| "No-go" areas prior to earthworks commencing  |            |     |    |    | The no-go areas were clearly barricaded  | Contractor         | 20 January 2023 |
| No unauthorized entry, stockpiling, dumping or storage of equipment in "no-go" areas, or outside the site boundary. |            |     |    |    | Access to the site is controlled by a security guard.<br>All activities are kept within the site boundary. | Contractor         | 20 January 2023 |
| Earthworks  |            |     |    |    |  |                    |                 |
| The earthworks operation must be carried out by a suitably qualified contractor.                                    |            |     |    |    | The qualifications of the Contractor were submitted to the ECO   | Contractor         | 20 January 2023 |
| Storage, mixing, and disposal of cement and concrete  |            |     |    |    |  |                    |                 |

| COMPLIANCE TO THE EMPR CONDITIONS   |            |     |    |    |  |                    |                 |
|---|------------|-----|----|----|--|--------------------|-----------------|
| EMPr Condition  | Compliance |     |    |    | Recommendation/Comments  | Responsible Person | Action Date     |
|   | C          | OFl | NC | NA |  |                    |                 |
| Clean stormwater must be kept away from areas where it could be contaminated and must be directed to the stormwater drainage system |            |     |    |    | Clean stormwater is kept away from areas where it could be contaminated and must be directed to the stormwater drainage system | Contractor         | 20 January 2023 |
| <b>Soil Erosion</b>   |            |     |    |    |  |                    |                 |
| Vegetation must not be removed unnecessarily  |            |     |    |    | No vegetation was removed unnecessarily.   | Contractor         | 20 January 2023 |
| Soil erosion measures must be placed on sensitive areas like banks, slopes and towards the site boundary.                           |            |     |    |    | Soil erosion measures were undertaken.   | Contractor         | 20 January 2023 |
| All stockpiles must be covered with suitable material to prevent loss of sediment via wind/ water.                                  |            |     |    |    | Stockpiles were not covered.   | Contractor         | 20 January 2023 |

| COMPLIANCE TO THE EMPR CONDITIONS   |            |     |    |    |   |                    |                 |
|---|------------|-----|----|----|---|--------------------|-----------------|
| EMPr Condition  | Compliance |     |    |    | Recommendation/Comments   | Responsible Person | Action Date     |
|   | C          | OFl | NC | NA |   |                    |                 |
| Topsoil (top 300mm layer minimum) must be removed prior to the construction by earthmoving equipment. Topsoil must be stored in heaps of not higher than 2m in a way that prevents damming. Stored topsoil must not be compacted. |            |     |    |    | The topsoil heaps were not higher than 2m.                                    | Contractor         | 20 January 2023 |
| Topsoil must not be used as fill material for backfilling of excavations on site.   |            |     |    |    | Topsoil was not used as fill material for backfilling of excavations on site. | Contractor         | 20 January 2023 |
| Disturbed sites must be rehabilitated as soon as construction in an area is complete and not left until the end of the project to be rehabilitated.   |            |     |    |    | Not applicable as the rehabilitation process has not commenced.               | Contractor         | 20 January 2023 |
| Ground water and Surface water pollution  |            |     |    |    |   |                    |                 |

| COMPLIANCE TO THE EMPR CONDITIONS  |            |     |    |    |  |                    |                 |
|--|------------|-----|----|----|--|--------------------|-----------------|
| EMPr Condition   | Compliance |     |    |    | Recommendation/Comments  | Responsible Person | Action Date     |
|  | C          | OFl | NC | NA |  |                    |                 |
| An adequate number of chemical toilets for the staff must be provided and serviced regularly. The positioning of the toilets must be authorized by the ECO.  |            |     |    |    | Sufficient toilets were provided, and proof of service was provided. | Contractor         | 20 January 2023 |
| Spills that result in the contamination of ground and/or surface water must be reported immediately to the ECO.  |            |     |    |    | No spillages were recorded on the day of the audit.                  | Contractor         | 20 January 2023 |
| Spills must be managed in the following manner:<br><br>✓ Stop the spill<br><br>✓ Contain the spill<br><br>✓ Report significant spills to DWS and the Local Municipality Water and Sanitation Department. |            |     |    |    | No spillages were recorded on the day of the audit.                  | Contractor         | 20 January 2023 |



| COMPLIANCE TO THE EMPR CONDITIONS  |            |     |    |    |   |                    |                 |
|--|------------|-----|----|----|---|--------------------|-----------------|
| EMPr Condition   | Compliance |     |    |    | Recommendation/Comments   | Responsible Person | Action Date     |
|  | C          | OFI | NC | NA |   |                    |                 |
| <ul style="list-style-type: none"> <li>✓ Remove spilled material for treatment/disposal.</li> <li>✓ Determine any possible impact to soils, groundwater, storm water, etc.</li> <li>✓ Undertake any necessary remedial actions</li> <li>✓ Document the spill</li> <li>✓ Employees involved in spill control must be using PPE</li> </ul> |            |     |    |    |   |                    |                 |
| <b>Cleaning on-site</b>  |            |     |    |    |   |                    |                 |
| A chemical spill kit must be present onsite at all times and once used it must be disposed of at a registered hazardous landfill site.   |            |     |    |    | A chemical spill kit was present on site. Please refer to the attached photographic evidence. | Contractor         | 20 January 2023 |
| <b>Generation of general and domestic waste</b>  |            |     |    |    |   |                    |                 |

| COMPLIANCE TO THE EMPR CONDITIONS   |            |     |    |    |   |                    |                 |
|---|------------|-----|----|----|---|--------------------|-----------------|
| EMPr Condition  | Compliance |     |    |    | Recommendation/Comments                                       | Responsible Person | Action Date     |
|   | C          | OFI | NC | NA |   |                    |                 |
| Refuse bins must be provided for domestic waste (lunch litter) and placed in designated eating areas and any other areas where deemed necessary to control littering. |            |     |    |    | Sufficient refuse bins were provided properly labelled.       | Contractor         | 20 January 2023 |
| Refuse bins must not overflow and must be emptied regularly. No littering is permitted on site.   |            |     |    |    | The refuse bins were not overflowing on the day of the audit. | Contractor         | 20 January 2023 |
| Building rubble must be kept separate from other construction waste.  |            |     |    |    | No construction rubble was found in the refuse bins.          | Contractor         | 20 January 2023 |
| All waste must be disposed of at approved landfill sites, no burning or burying is permitted.   |            |     |    |    | Waste is disposed of at the New England landfill site.        | Contractor         | 20 January 2023 |
| Visual Quality  |            |     |    |    |   |                    |                 |
| The site must be well maintained and neat.  |            |     |    |    | The site was found to be neat on the day of the audit.        | Contractor         | 20 January 2023 |

| COMPLIANCE TO THE EMPR CONDITIONS   |            |     |    |    |   |                    |                 |
|---|------------|-----|----|----|---|--------------------|-----------------|
| EMPr Condition  | Compliance |     |    |    | Recommendation/Comments                                 | Responsible Person | Action Date     |
|   | C          | OFl | NC | NA |   |                    |                 |
| Public safety and health  |            |     |    |    |   |                    |                 |
| First aid kits must be available on site as well as an incident records file  |            |     |    |    | The first aid kit was available on site                 | Contractor         | 20 January 2023 |
| Interaction with objecting parties at the site must be well documented. A complaints register must be readily available on site. Interaction with external parties must be courteous. |            |     |    |    | No complaints were recorded on the complaints register. | Contractor         | 20 January 2023 |

## 4. PHOTOGRAPHIC EVIDENCE OF THE FINDINGS

***Figure 1: Traffic calming measures well implemented on site***



***Figure 2: All stationary vehicles had drip trays underneath to prevent soil and groundwater contamination.***



**Figure 3: Evidence of backfilling taking place on the day of the audit**



**Figure 4: Evidence of waste bins on site**



**Figure 5: Evidence of proper signage on site**



## 5. RECOMMENDATIONS

It is recommended that the EMP be amended to correct some areas in it. The following are some of the corrections:

- ECO given responsibility to keep record of incidents occurring on site. This should be amended as it is not feasible for the ECO to do this given that he only does the site once on a monthly basis.
- ECO to conduct monthly training for new and old staff/workforce to keep environmental awareness fresh and alive.

## 6. CONCLUSION

The site was found to be in a satisfactory condition on the day of the audit. All the non-compliance were addressed and both the contractor and applicant have the responsibility to ensure that they are rectified. Some areas were given opportunity to improve as such they are given 14 days to comply with these. This is specific to the responsible disposal.