



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/3/63/AM1

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PER EMAIL / MAIL

Dear Ms Douglas

RE: EXEMPTION REQUEST FOR THE PROPOSED CONTINUOUS ASH DISPOSAL AT THE EXISTING KENDAL POWER STATION REFERENCE NUMBER 14/12/16/3/3/3/63 AND EA 145929 IN MPUMALANGA PROVINCE

The Environmental Authorisation EA145929 issued by this Department on 28 July 2015, your application for exemption received by this Department on 20 October 2015 and surface and groundwater studies received by this Department on 26 February 2016, 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 years, with the following conditions:

1. The ash disposal facility will be lined as per Environmental Authorisation dated 28 July 2015, after the exemption period with a view to minimise seepage of poor quality leachate into the groundwater;
2. The Holder of EA must compile and submit annual progress reports on the status of the engineering drawings;
3. The ash disposal facility, pollution control dams, drainage trenches or any effluent storage facility should not be constructed on the geological features such as lineaments, dykes, fault zones or shallow water table;
4. A groundwater management plan in terms of quality and quantity must be developed and implemented, including monitoring of boreholes up gradient and down gradient of the proposed ash disposal facility, prior operation of the site during operational, decommissioning and closure phases;
5. A monitoring programme which defines the frequency of measurements, parameters to be monitored as well as database and reporting must be developed;
6. 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;

7. Additional groundwater monitoring boreholes must be incorporated into the existing monitoring programme and must be sited and drilled to a depth that penetrates the whole system for both shallow and deep groundwater;
8. The shallow aquifer zone must be ceased and sealed off in the deeper boreholes to minimise the risk of cross contamination and a few of the monitoring boreholes must be installed in the shallow aquifer as an early detection;
9. The groundwater quality (including the private boreholes adjacent to the proposed ash disposal facility found during hydrocensus) must be monitored on a quarterly basis by using approved groundwater sampling techniques and analysed by an accredited laboratory;
10. If all parameters after being monitored for a period of two years or less show an increasing trend, or do not comply with the standards for drinking water qualities, groundwater quality monitoring frequency must be changed from quarterly to monthly;
11. During operational phase, it must be ensured that local aquifers are not artificially recharged by seepage emanating from the ash disposal facility as well as leakages along pipelines transporting ash or hazardous waste such as oil and diesel;
12. Emergency actions plans in case of groundwater pollution from the ash disposal facility and pipe leakages must be adhered to in order to protect groundwater quality from degradation, moreover a groundwater remediation plan must be developed to ensure corrective measures are implemented and this plan must be submitted to the Department of Water and Sanitation;
13. In the event of where dewatering is deemed the best option to intercept contaminated plume, the applicant should always ensure that the boreholes are not depleted to a level where the static water reaches the main water strike;
14. Dewatering volumes must be recorded and groundwater levels to avoid exploitation of groundwater;
15. In the event that the groundwater users become affected by the ash due unacceptable water quality as a result of contamination plume migrating an emanating from the ash disposal facility, the power station must compensate them with portable water;
16. Early warning leachate detection systems, seepage interception trenches as well controls should be in place to minimise the impacts of pollution and to allow timely control of contamination incidents;
17. The leachate detection system, seepage interception trenches and pipelines must be monitored on a regular basis for the occurrence of leakages;
18. The ash should be analysed to determine which toxic elements it contains and ash leachate test should be conducted to identify the mobility of those elements;
19. Any subsidised surface adjacent to the ash disposal facility should be rehabilitated to minimise ingress of surface water into the ash disposal facility and massive subsidies should be directed away from the ash disposal facility;
20. The site should be capped effectively to minimise ponding and runoff should be directed away from the ash disposal facility.

This letter must be read in conjunction with the EA dated 28 July 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 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 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



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 05/05/2016