

## **Annexure E.3**

### **Comment Response Report**

**INTEGRATED ENVIRONMENTAL IMPACTS ASSESSMENT:  
PROPOSED EXPANSION OF ASH DISPOSAL FACILITY, KRIEL POWER STATION, MPUMALANGA**

**Comments and Response Report No.1, Scoping Phase**

**Date: 13 December 2016**

This Comments and Response Report reflects the comments received during the Scoping Phase public comment period (27 October 2016 to 28 November 2016). Note that comments and requests for registration on the project database have been included below.

In cases where Interested and Affected Parties (I&AP's) commented in any language other than English, a translation (to English) is provided in italics together with the original text that were received during the public comment period.

**Table 1: List of I&AP submissions**

No	Name	Organisation	Date of communication	Method
1.	Andre Boshoff	Plaas Bakenlaagte	01 November 2016	Email
2.	Mmenako Dludlu	Private	9 November 2016	Phone
3.	Love Shabane	Department of Agriculture, Forestry and Fisheries	13 December 2016	Email
4.	Wilma Lutsch	Department of Environmental Affairs: Biodiversity Management	13 December 2016	Email
5.	Sabelo Malaza	Department of Environmental Affairs: Integrated Environmental Authorizations	19 December 2016	Email

**Table 2: Comments and Responses**

No.	From	Comments received	Response/Comment
1.	Andre Boshoff	Thanks for invite me to your open meeting I will attend to it on the 9 November 2016.	Acknowledged.
2.	Mmenako Dlodlu	<ol style="list-style-type: none"> <li>1. Mr. Dlodlu enquired about potential job opportunities on the proposed project.</li> <li>2. Mr. Dlodlu asked to be registered as I&amp;AP.</li> </ol>	<ol style="list-style-type: none"> <li>1. Mr. Dlodlu was informed that the proposed project would not be creating any significant new job opportunities since the application is to expand the existing ash disposal facility to keep the Kriel Power Station operational. Furthermore, Eskom has also indicated that the principal contractor would be encouraged to identify and source part of the contract to Black Owned entities with a registered business address in the local district municipality / Province according to procurement targets that would be set by Eskom.</li> <li>2. Mr. Dlodlu has been registered as I&amp;AP.</li> </ol>
3.	Love Shabane	<p>With reference to the expansion of ash disposal facility in Kriel power station, the Department of Agriculture Forestry and Fisheries, Directorate Land use and soil management has no objection on the development, however:</p> <p>Please you are requested to consider /address the following when compiling the report.</p> <ol style="list-style-type: none"> <li>1. Compliance with Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)</li> <li>2. The Act makes provision for the Conservation of the Natural Agricultural Resources of South Africa through: <ul style="list-style-type: none"> <li>• Maintaining the production of land.</li> <li>• Combating and preventing of erosion.</li> </ul> </li> </ol>	<p>Acknowledged.</p> <p>1 and 2. Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) (CARA) and the provision made therein will be considered when undertaking the Environmental Impact Assessment, specifically as part of the Agricultural Impact Assessment. An Environmental Management Programme (EMPr) will also be compiled in which aspects such as maintenance of productive land, combating and preventing of erosion, preventing the weakening or destruction of the water</p>

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		<ul style="list-style-type: none"> <li>• Preventing the weakening or destruction of the water sources.</li> <li>• Protecting of the vegetation.</li> <li>• Combating of weeds and invader plants.</li> </ul> <p>3. Detailed soil study as well as sensitive areas that will be negatively impacted by the project.</p> <p>4. Mitigation measures to be applied in order to minimize the negative impact.</p> <p>5. Pre and post land use on the properties to be affected by the project.</p> <p>6. A detailed rehabilitation plan to be implemented during and after completion of the project.</p>	<p>sources, protection of vegetation and combating of weeds and invader plants will be addressed.</p> <p>3. A detailed soil study will be undertaken for the proposed development.</p> <p>4. Mitigation measures will be identified for all potential negative impacts during the EIA process and included in the EMPr to minimise these potential impacts.</p> <p>5. Land use of the properties within a 12km of the Kriel Power Station were considered during the site selection process described in Section 2 of the Scoping Report. The preferred site that has been identified is located directly adjacent to the existing ash disposal facility to minimise the impact on the ecological, social and economic environments and the disturbance footprint of the facility.</p> <p>6. Rehabilitation measures will be included in the EMPr for the construction and operational phases of the proposed expanded ash disposal facility. During the decommissioning phase, Eskom will need to apply for the relevant approvals in terms of the prevailing legislation at that specific point in time, which would include details on the specific rehabilitation activities to be implemented.</p>
4.	Wilma Lutsch	<p>The Directorate Conservation received and carefully reviewed the SDSR and it was noted that the proposed Ash Disposal Facility could potentially result in a range of biodiversity impacts during the construction and operational phases and therefore the following recommendations must adhere to:</p> <p>Recommendations:</p>	Acknowledged.

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		<ol style="list-style-type: none"> <li>1. The extent of the impacts that will be caused by the proposed Ash Disposal Facility must be explored and explained carefully with all the mitigation measures in places to limit impacts on biodiversity.</li> <li>2. A sensitivity map must be produced showing all the sensitive areas with buffer zones and also indicating all the “no-go areas” on the site.</li> <li>3. A final Ecological Report and Wetland Specialist Reports must be submitted together with a full layout plan overlaid with the development footprint and sensitive areas.</li> </ol> <p>Conclusion: On condition that the above recommendations are taken into consideration in the EIA phase, the Directorate: Biodiversity Conservation does not have any objection to the proposed development.</p>	<ol style="list-style-type: none"> <li>1. Potential impacts on biodiversity have been considered during the scoping and site selection phase of the proposed development and will be investigated during the EIA phase by various specialists (see Section 6.5 of the Scoping Report). During the EIA phase specific mitigation measures pertaining biodiversity will be identified for inclusion into the EMPr.</li> <li>2. A sensitivity map showing all sensitive areas with buffer zones and “no-go areas” will be produced and included in the Environmental Impact Report (EIR) and EMPr.</li> <li>3. Sensitive areas as identified by the Ecological and Wetland Reports will be mapped and overlaid by the development footprint in the EIR. These reports will be made available to registered I&amp;APs and authorities during the EIA Phase.</li> </ol> <p>The above recommendations will be included in the EIR to ensure that biodiversity features are adequately identified and potential impacts mitigated.</p>
5.	Sabelo Malaza	<ol style="list-style-type: none"> <li>1. The project title indicates that the proposed development is for expansion of ash disposal facility (ADF). However, the project description indicates that the new ash disposal facility is proposed. You are therefore requested to clarify why the project title does not relate to the project description.</li> </ol>	<ol style="list-style-type: none"> <li>1. In order to prevent any confusion, all references in the report to a “new” facility has been removed to refer to the proposed expansion of the existing ash disposal facility at the Kriel Power Station. The expansion of the existing facility would entail the construction of two additional ash dams (ash dam 4.1 and 4.2) and ancillary infrastructure directly adjacent to the existing ash disposal facility as described in <i>Chapter 3: The Proposed Development</i> of the Scoping Report. These ash dams (i.e. 4.1 and 4.2) and ancillary infrastructure would form part of the expansion of the existing ash disposal facility.</li> <li>2. The MTE was proposed to monitor potential subsidence over the backfilled area. The monitoring results would be used to inform</li> </ol>

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		<p>2. It is noted that the MTE (Monitored Trial Embankment) and Ash dam 4,3 does not form part of this EIA and that it will be investigated at a later stage. If this EIA is for a new ADF as depicted in the project description, why would the MTE be investigated at a later stage as according to the approved MTE, the MTE was recommended to collect data to design barrier system for the new ADF?</p> <p>3. Equally important, on page 16 of the report, it is stated that <i>'it was concluded that the MTE to investigate pit backfill settlement will only be needed for Ash dam 4.3 of the new proposed ash dam'</i>. Please clarify how many new proposed dams are proposed for Kriel Power Station.</p>	<p>the designing of the lining of the concept designs. According to Eskom, the investigations on ash dam 4.3 are not at a progressed development to inform inclusion of ash dam 4.3 into this project, thus there would be a delay in Kriel's readiness if ash dam 4.3 is awaited. In subsection 3.3.3. <i>Site layout alternatives</i> of the Scoping Report, it is shown how the ash dam design has been amended so that only ash dam 4.3 overlays the backfilled area. Thus the MTE is only required for ash dam 4.3 which does not form part of this EIA. The process of authorising, constructing and monitoring the MTE would take several years to complete which would result in the Kriel Power Station having to stop operations or implement very expensive disposal measures (e.g. making use of Matla's ash disposal facility) due to not having sufficient disposal space at the power station. While a separate Basic Assessment process was undertaken by Eskom for the construction of the MTE, for which an Environmental Authorisation was issued, the EA lapsed and Eskom has initiated a separate Basic Assessment for the construction of the MTE while this application is for the construction of ash dams 4.1 and 4.2 to allow continued operations at the Kriel Power Station.</p> <p>3. The existing ash disposal facility would be expanded by two ash dams (i.e. 4.1 and 4.2) located directly adjacent to it. Should the MTE studies (which will take several years to complete) prove that ash dam 4.3 would be (1) <i>stable in terms of subsidence</i> and (2) <i>if the additional ash disposal capacity is required</i>, an application for authorization would be undertaken at such time by Eskom to further expand the existing ash disposal facility at the Kriel Power Station.</p>

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		<p>4. Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.</p> <p>5. An amended application form with original signatures must be submitted. Please note that the Departments application form template has been amended and can be downloaded from the following link <a href="http://www.environment.gov.za/documents/forms">www.environment.gov.za/documents/forms</a> .</p> <p>6. Please ensure that all issues raised and comments received during the circulation of the draft SR from registered I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 and 44 of the EIA Regulations 2014.</p> <p>7. Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable,</p>	<p>4. Relevant listed activities in terms of the National Environmental Management Act, Act 107 of 1998, Government Notice Regulation (GN R.) 983, GN R984 and GN R985 of 4 December 2014, to be authorised for the proposed Ash Disposal Facility and the National Environmental Management Waste Act, GN No. 921 of 29 November 2013, List of waste management activities that have, or are likely to have, a detrimental effect on the environment are provided in Subsection 1.2.2 and 1.2.3 of the Scoping Report, respectively. Each activity applied for is accompanied by a description of the project activity that may trigger the listed activity.</p> <p>5. An application form with original signatures will be provided to the Department.</p> <p>6. All comments received from I&amp;APs have been included in this comment response report. Please refer to Annexure E.2 of the Scoping Report for proof of public participation undertaken to date in terms of Regulation 39 to 44 of the 2014 EIA Regulations.</p> <p>7. Chapter 2 of the Scoping Report provides an overview of the site selection process which took several year to complete (due to</p>

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		<p>including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity as per Appendix 1(2) (e) and 3 (1) (h) (i) of GN R 982 of 2014. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.</p> <p>8. In accordance with Appendix 1(3)(1)(a) of the EIA Regulations 2014, the details of-</p> <ul style="list-style-type: none"> <li>i. the EAP who prepared the report; and</li> <li>ii. the expertise of the EAP to carry out Scoping and Environmental Impact assessment procedures; must be submitted.</li> </ul> <p>9. You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations, 2014.</p> <p>10. Further note that in terms of Regulation 45 of the EIA Regulations 2014, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of the these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p>	<p>additional geotechnical studies undertaken by Eskom). The outcome of this site selection process is further described in subsection 3.3 of the Scoping Report which describes the location, site and activity alternatives that have been considered for this application. Please also refer to Annexure B.1 Process followed to reach the proposed preferred activity, site and location for additional information.</p> <p>8. Please refer to subsection 6.9 and Annexure A.1 of the Scoping Report for the details and expertise of the EAP that prepared the report.</p> <p>9. Regulation 21(1) of the 2014 EIA Regulations has been considered as part of undertaking the Scoping Report. Please refer to Table 1 of the Scoping Report which reference the location of the information required in terms of Appendix 2 of the 2014 EIA Regulations.</p> <p>10. The prescribed timeframes in terms of Regulation 45 of the EIA Regulations 2014 are noted and will be complied with.</p>