



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Ref: 12/9/11L217/6

Enquiries: Mr MM Tshitangoni

**Tel. 012 310 3380 Fax: 12 310 3753 Email Address: mtshitangoni@environment.gov.za
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Eskom Holdings Limited
P.O Box 1091
Sunninghill
Johannesburg
2157

Fax: 011 800 5140

Dear licence holder

Please find hereto attached a waste licence issued in terms of S.49 of the National Environmental Management: Waste Act, 2008, (Act 59 of 2008) "NEMWA".

This is to advise you that applications for authorisation of licence amendments, waste delisting, emergency and or once-off authorisations will be processed only if the Department of Environmental Affairs is in receipt of the latest external audit report, and any other reports required to be submitted to the department in terms of the attached licence. Please note section 54 of NEMWA.

Yours Sincerely

Ms Joanne Yawitch

**Deputy Director-General :Environmental Quality and Protection
Department of Environmental Affairs**

Letter signed by Mr Mpho Tshitangoni

Designation: Acting Director: Authorisations and Waste Disposal Management

Date: 02/09/2010



environmental affairs

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Ref. 12/9/11/L217/6

Enquiries: Mr. Mpho Tshitangoni

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LICENCE NUMBER 12/9/11/L217/6

CLASS: G:S:B - WASTE DISPOSAL SITE

WASTE FACILITY: ESKOM TUTUKA POWER STATION GENERAL LANDFILL SITE

LOCATION: PORTIONS 7 AND 19 OF THE FARM PRETORIUS VLEI 374 IS, WITHIN THE LEKWA LOCAL MUNICIPALITY IN THE DISTRICT OF STANDERTON IN MPUMALANGA PROVINCE

LICENCE HOLDER: ESKOM HOLDINGS LIMITED

ADDRESS: P. O BOX 1091, SUNNINGHILL, JOHANNESBURG, 2157

CONTACT DEIDRE HERBST, Tel. (011) 8003501, FAX (011) 8005140, Email: Deidre.herbst@eskom.co.za

LICENCE IN TERMS OF SECTION 49 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 2008 (ACT NO. 59 OF 2008)

In terms of National Environmental Management: Waste Act, 2008 (Act 59 of 2008) read with the Environmental Impact Assessment Regulations, 2006, published in Government Notice No.R.385 of 21 April 2006, the Deputy Director General: Environmental Quality and Protection, Acting under delegation, hereby grants Eskom Holdings Limited a Waste Management Licence for the following waste management activity as listed in Category B of Government Notice No 718:

(10) The disposal of general waste to land covering an area in excess of 200m²



G:S:B- Tutuka Power Station General Landfill site

DEFINITIONS APPLICABLE TO THIS LICENCE ONLY:

i. "Director" means: The Director: Authorisations and Waste Disposal Management of the National Department: of Environmental Affairs (DEA) who may be contacted at the address below:

The Director: Authorisations and Waste Disposal Management
Department of Environmental Affairs
Private Bag X447
PRETORIA
0001

ii. "Director: RPW" means the Director: Resource Protection and Waste of the National Department of Water Affairs (DWA) who may be contacted at the address below:

Director: Resource Protection and Waste
Department of Water Affairs
Private Bag X 313
PRETORIA
0001

iii. "The Waste Act" means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)

iv. "The EIA Regulations" means the Environmental Impact Assessment Regulations, 2006, published in Government Notice No.R.385 of 21 April 2006,

v. "The Facility" means one or more of the areas indicated through geographic coordinates in condition 1.1.2 below

vi "The Department" – The National Department of Environmental Affairs

1. SITE DETAILS

1.1 LOCATION

1.1.1 This Licence authorises the disposal of general waste to land covering an area in excess of 200m² on portions 7 and 19 of the Farm Pretorius Vlei 374 IS, within the jurisdiction of Lekwa Local Municipality in Mpumalanga Province (hereinafter referred to as "the Site") according to Eskom's application form, Environmental Impact Assessment Report compiled by Zitholele Consulting, dated June 2010 referred to as "the Report"), submitted by the Applicant.



G:S:B- Tutuka Power Station General Landfill site

- 1.1.2 The location of the General waste disposal site must be according to the co-ordinates indicated below:

| Corner No. | Latitude (E) | Longitude (S) |
|------------|----------------|----------------|
| Corner 1 | 26° 46' 16.07" | 29° 19' 32.55" |
| Corner 2 | 26° 46' 24.47" | 29° 19' 30.93" |
| Corner 3 | 26° 46' 29.91" | 29° 19' 30.85" |
| Corner 4 | 26° 46' 29.99" | 29° 19' 24.63" |
| Corner 5 | 26° 46' 23.20" | 29° 19' 22.74" |
| Corner 6 | 26° 46' 23.33" | 29° 19' 23.51" |
| Corner 7 | 26° 46' 20.39" | 29° 19' 23.32" |
| Corner 8 | 26° 46' 18.46" | 29° 19' 24.01" |
| Corner 9 | 26° 46' 17.21" | 29° 19' 23.14" |
| Corner 10 | 26° 46' 15.17" | 29° 19' 23.43" |

1.2 **DOCUMENTS CONSIDERED**

- 1.2.1 Environmental Impact Assessment Report, compiled by Zitholele Consulting, dated June 2010;
- 1.2.2 Application forms, dated 01 February 2010 and 28 June 2010;
- 1.2.3 Record of decision issued by the Department of Water Affairs, dated 15 June 2010

1.3 **LICENCE CONDITIONS**

1.3.1 **SITE SECURITY AND ACCESS CONTROL**

- 1.3.1.1 The licence holder must ensure effective access control and that the facility is located within a fenced area with a minimum height of 1.8 metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown waste.
- 1.3.1.2 The licence holder must prevent the acceptance of waste not authorised at the site as per condition 3.1 below.
- 1.3.1.3 Weatherproof, durable and legible notices in at least three official languages applicable in the area, must be displayed at each entrance to the site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the licence holder and the person responsible for the operation of the site.



G:S:B- Tutuka Power Station General Landfill site

2. MANAGEMENT

2.1 GENERAL MANAGEMENT

2.1.1 The site must be managed and operated:

(a) in accordance with a documented management system 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 licence holder as a result of complaints;

(b) in accordance with an updated site operational plan;

(c) in accordance with conditions of this licence and any other written instruction by the Director; and

(d) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

2.1.2 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties are carried out. The copy of this licence may be published on any website deemed fit by the Department as it is a public document.

2.2 DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER

2.2.1 A Waste Management Control Officer (WMCO) must be designated to monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Operational and Maintenance Plan. The WMCO must:

(a) Develop a plan to implement the waste management hierarchy.

(b) Report any non-compliance with any licence conditions or requirements or provisions of NEM:WA to the licensing authority through the means reasonable available

2.2.2 The duties and responsibility of the WMCO should not be seen as exempting the Licence Holder from the legal obligations in terms of the NEW: WA

2.3 EMERGENCY PREPAREDNESS PLAN

2.3.1 The licence holder must maintain and implement an emergency preparedness plan and review it annually when conducting audits and after each emergency and/or incident. The plan must among others include measures to address site fire, spillage, slope failure, natural disasters such as floods.



G:S:B- Tutuka Power Station General Landfill site

3 PERMISSIBLE WASTE

- 3.1 Any portion of the site which has been constructed or developed according to condition 4 of this licence, may be used for the disposal of all waste types which are classified as general waste according to the latest edition of the 1998 2nd Edition of the "Minimum Requirements" series of documents (DWAF Minimum Requirements). See Annexure II for waste prohibited unless it forms less than 3 percent of the waste stream from residential areas.

4. COMMISSIONING AND CONSTRUCTION OF THE SITE

- 4.1 Construction and further development within the site must be carried out under the supervision of a registered professional engineer appointed by the licence holder to ensure that it remain stable (Slope of 1:3).
- 4.2 Works must be constructed and maintained on a continuous basis by the licence holder to divert and drain from the site all runoff water arising from 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) (hereinafter referred to as the "estimated maximum precipitation"). Such works must, under the said rainfall event, maintain a freeboard of half a metre.
- 4.3 Works shall be constructed and maintained on a continuous basis by the licence holder to divert and drain from the working face of the site, all runoff water arising from 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 half a metre.
- 4.4 Should any archaeological artefacts be exposed during excavation, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any artefacts be destroyed. Such an archaeological site must be marked and fenced off, and South African Heritage Resource Agency must be contacted within 48 hours.
- 4.5 All the black clay (average 0.4m deep) must be removed prior to construction, stockpiled and used as landfill cover material.
- 4.6 The licence holder must install a liner that consist of a geosynthetic clay liner, placed on a prepared sub-grade and covered with a 300mm layer of compacted residual dolomite soil.



G:S:B- Tutuka Power Station General Landfill site

- 4.7 After construction of the Site or further development within the Site, the Licence Holder must notify the Director by submitting a Certificate or alternatively a letter that the construction of the Site or further development within the Site, is in accordance with recognised civil engineering practice before disposal may commence on the Site. If the Director is satisfied with the construction of the Site or any further development within the Site and has given permission, the Licence Holder may use the Site for the disposal of general waste.

5 GENERAL OPERATION AND IMPACT MANAGEMENT

5.1 IMPACT MANAGEMENT

- 5.1.1 The Licence Holder must ensure that litter and mud arising from the site must be cleared from affected areas outside the site as soon as practicable and wind-blown waste and litter must be picked up and removed from fences at all times to prevent pollution or nuisance.
- 5.1.2 The Licence Holder must ensure that emissions from the site are free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Department and interested and affected parties.
- 5.1.3 The Licence Holder must ensure that all liquid wastes, whose emission to water or land could cause pollution, are provided with secondary containment and/or diverted to sewer only after receiving written approval from the relevant Municipality.
- 5.1.4 Waste disposed on the site may not be reclaimed.
- 5.1.5 The Licence Holder must ensure that emissions from the site are free from noise at levels likely to cause annoyance, harm or disturb the peace of interested and affected parties.
- 5.1.6 Waste deposited on site must not be allowed to burn and suitable measures must be implemented to prevent fires on the site or extinguish fires which may occur.
- 5.1.7 Should the site generate significant leachate, the Licence Holder must ensure that the leachate is collected for treatment. Under no circumstance must the leachate be used for dust suppression.
- 5.1.8 Suitable fencing and indigenous vegetation must be established and maintained around the site to effectively screen the site from nearby roads and residential areas paying attention to blending with the natural environs of the area.
- 5.1.9 Any complaint from the public during the construction and operation of this waste disposal facility must be attended to by the holder of this licence as soon as possible and to the satisfaction of parties concerned.



G:S:B- Tutuka Power Station General Landfill site

5.2 OPERATION

- 5.2.1 The Licence Holder must ensure that records in terms of volume/weight, source and nature of all wastes received and landfilled are maintained and reported as per Annexure V hereafter on annual basis.
- 5.2.2 Waste that is not permissible under condition 3.1 above must be dealt with in accordance with the relevant legislation or the Department's policies and practices.
- 5.2.3 Waste disposed off on the site must be compacted and covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Director.
- 5.2.4 The Licence Holder must ensure that the site is operated in such a manner that nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards are prevented.

6 MONITORING

6.1 MONITORING PARAMETERS

- 6.1.1 The licence holder must carry out all tests required in terms of this licence in accordance with standards prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 8 of 2008).
- 6.1.2 The licence holder must put in place a monitoring and measurement plan that must amongst others include:
 - (a) Tonnage disposed on site;
 - (b) Surface and Ground water quality monitoring;
 - (c) Compaction ratio, air space and stability monitoring.

6.2 WATER MONITORING

- 6.2.1 The licence Holder must maintain monitoring boreholes network for the site accordingly and to the satisfaction of the Director and the Director: RPW, so that unobstructed sampling, as required in terms of this licence, can be undertaken. In the case the borehole collapse, both the upstream and downstream boreholes must monitor same aquifer and must be hydro-logically linked through pumping test results. The monitoring boreholes network for the site are geographically located as follows:



G:S:B- Tutuka Power Station General Landfill site

| Borehole Code | Depth (M) | Latitude (S) | Longitude (E) | Aquifer Type | Up or Downstream |
|---------------|-----------|--------------|---------------|--------------|------------------|
| DMB33 | 18 | -X323445.98 | Y2962013.15 | Shallow | Downstream |
| DMB34 | 24 | -X32461.35 | Y2962012.34 | Shallow | Downstream |
| DMB35 | 36 | -X32281.51 | Y2962332.08 | Shallow | Upstream |
| DMB37 | 120 | -X32432.59 | Y2962369.03 | Shallow | Upstream |
| DMB87 | 21 | -X32247.62 | Y2961973.02 | Shallow | Downstream |
| DMB88 | 19 | -X32201.10 | Y2961882.04 | Shallow | Downstream |

6.2.2 Monitoring boreholes must be equipped with lockable caps. The Department and the DWA reserves the right to take water samples at any time and to analyse these samples or have them analysed.

6.2.3 Surface water monitoring must be performed within the first hour of rain in all storm water drains outlets that discharges to the natural environment.

6.3 BACKGROUND MONITORING

6.3.1 Samples from the borehole as required in condition 6.2.1 below, where the groundwater in the borehole is at an expected higher hydraulic pressure level as the hydraulic pressure level of the groundwater under the site, must be considered as background monitoring and tested bi-annually for the water quality variables listed in Annexure III (once off) and Annexure IV.

6.4 DETECTION MONITORING

6.4.1 Monitoring must be conducted in January and July of each year for water quality variables listed paragraph (a) of Annexure IV and Annually in July for the variables listed in paragraph (b) of Annexure IV.

6.5 INVESTIGATIVE MONITORING

6.5.1 If, in the opinion of the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 6.4, shows an increasing trend, the licence holder must initiate a monthly monitoring programme for the water quality variables listed in Annexure III.

7 INVESTIGATIONS

7.1 If, in the opinion of the Director, environmental pollution, nuisances or health risks may be or is occurring on the site, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.



G:S:B- Tutuka Power Station General Landfill site

- 7.2 If, in the opinion of the Director: RPW, water pollution may be or is occurring the licence holder must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables, at those monitoring points and such frequency as may be specified by Director: RPW.
- 7.3 Investigations carried out in terms of conditions 7.1 and 7.2 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Director.
- 7.4 Should the investigation carried out as per conditions 7.1 and 7.2 below reveal any unacceptable levels of pollution, the Licence Holder must submit mitigation measures to the satisfaction of the Director.
- 7.5 Any complaint from the public must be attended to by the Licence Holder and feedback regarding the root cause and preventative action given in 14 days to the complainant.
- 8 AUDITING**
- 8.1 INTERNAL AUDITS
- 8.1.1 Internal audits must be conducted biannually by the licence holder 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 8.2.1.
- 8.2 EXTERNAL AUDITS
- 8.2.1 The licence holder must appoint an independent external auditor to audit the site annually and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the licence holder according to condition 10.9, below. The audit report must:
- (a) specifically state compliance with regard to each licence condition;
 - (b) include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
 - (c) specify target dates for the implementation of the recommendations by the licence holder to achieve compliance;
 - (d) contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by the licence holder and whether corrective action taken for the previous audit non conformities was adequate; and
 - (e) show monitoring results graphically and conduct trend analysis.



G:S:B- Tutuka Power Station General Landfill site

8.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- 8.3.1 The Department reserves the right to audit and/or inspect the site at any time and at such frequency as the Director may decide, or to have the site audited or inspected.
- 8.3.2 The licence holder must make any records or documentation available to the Director: RPW upon request, as well as any other information the Director may require.
- 8.3.3 The findings of these audits or inspections must be made available to the licence holder within 30 days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act 2 of 2000).

9 RECORDING

- 9.1 Licence Holder must ensure that records in terms of volume/weight, source and nature of all wastes received; reclaimed and landfilled are maintained and reported as per Annexure V hereafter on annual basis
- 9.2 All records required or resulting from site required by this licence must:
- (a) be legible;
 - (b) be made as soon as reasonably practicable and should form part of the external audit report;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable and,
 - (d) be retained in accordance with documented procedures which are approved by the Department.
- 9.3 The licence holder must record all borehole data and chemical analyses in the form attached as Annexure VI.
- 9.4 Records demonstrating compliance with condition 2.1.1 must be maintained.
- 9.5 All complaints must be recorded for submission to the Director together with the external audit report.

10 REPORTING

- 10.1 The licence holder 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.



G:S:B- Tutuka Power Station General Landfill site

- 10.2 The licence holder must, within 14 days, or a shorter period of time, if specified by the Director from the occurrence or detection of any incident referred to in condition 10.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Director: RPW and/or the Director of measures taken to –
- a) correct the impact resulting from the incident;
 - b) prevent the incident from causing any further impact; and
 - c) prevent a recurrence of a similar incident.
- 10.3 In the event that measures have not been implemented within 21 days of the incident to address impacts caused by the incident referred to in condition 10.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 10.4 The licence holder must keep an incident and complaints register, which must be attached to the External audit report.
- 10.5 The Department must be notified without delay in the case of the following:
- a) any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - b) the breach of this licence; and
 - c) any significant adverse environmental and health effects.
- 10.6 Prior written notification must be given to the Director of the following events and in the specified timescales.
- a) as soon as practicable prior to the permanent cessation of any operational activities
 - b) full or partial cessation of the operational activities for a period likely to exceed 3 months
 - c) full or partial resumption of the operation of all or part of the activities after a cessation notified under (b) above
 - d) the professional engineer appointed by the licence holder in line with condition 4.1 must make a signed declaration that condition 4.1, above have been adhered to.
- 10.7 The Department must be notified within 7 days of any changes to the management of the site including the name of the incoming person together with evidence that such person has the required technical competence.
- 10.8 The Department must be notified within 14 days of the following changes:
- a) Licence holder's trading name, registered name or registered office address;



G:S:B- Tutuka Power Station General Landfill site

- b) Particular's of the licence holder's ultimate holding company (including details of an ultimate holding where a licence holder has become a subsidiary;
- c) steps taken with a view to the licence holder , or any one of them, going into bankruptcy, entering into composition or arrangement with creditors, or ,in the case of them being in a partnership, dissolving the partnership.

10.9 Each external audit report referred to in condition 8.2.2 above must be submitted to the Director within 30 days from the date on which the external auditor finalised the audit.

11 REHABILITATION AND CLOSURE OF THE SITE

11.1 The Licence Holder must rehabilitate the Site or any portion thereof, in accordance with a closure report and rehabilitation plan, which must be submitted to the Director for approval at least one year prior to the intended closure of the Site, or any portion thereof.

11.2 The Licence Holder shall remain responsible for the Site, and/or any of its impacts on the environment, after operations on the site have ceased.

12. LEASING AND ALIENATION OF THE SITE

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

13. TRANSFER OF WASTE MANAGEMENT LICENCE

13.1 Should the licence holder want to transfer holder-ship of this, he/she must apply in terms of Sec 52 of the NEMWA, Act 2008 (59 of 2008).

13.2 Any subsequent licence holder shall be bound by the conditions of this licence.

14. GENERAL

14.1 Should the Licence Holder be notified in writing by the Minister, of a suspension of the Licence pending any appeals decision, the Licence Holder may not commence with the activities licensed by the Minister.

14.2 After the appeal period has expired and no good cause to extend the appeal period has been submitted, the activity may commence provided a notice has been submitted to the Department. The notice must include a date on which it is anticipated that the activity will commence.



G:S:B- Tutuka Power Station General Landfill site

- 14.3 This licence shall not be transferable unless such transfer is subject to condition 13.1
- 14.4 This licence shall not be construed as exempting the Licence Holder from compliance with the provisions of the National and Provincial Legislation and any relevant Ordinance, Regulation, By-laws or relevant National Standards and norms.
- 14.5 Transgression of any condition of this licence could result in the validity of the licence being terminated by the Department.
- 14.6 Non-compliance with a condition of this license may result in criminal prosecution or other actions provided for in Section 67(1) of the National Environmental Management: Waste Act, 2008.
- 14.7 Any committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the Licence Holder or his/her successor in title in any instance where construction or operation are to be temporarily or permanently stopped for reasons of non-compliance.
- 14.8 In terms of section 28 and 30 of the National Environmental Management Act No. 107 of 1998, and section 19 and 20 of the National Water Act No. 36 of 1998, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understand the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.
- 14.9 This licence is valid for a period of twenty (20) years and the licence holder must initiate a licence review process 1 year before the expiry date. Based on the results of the review, compliance to licence conditions or recommendations from audit reports and or changing legislation, the licence could be amended or withdrawn or the validity thereof extended.
- 14.10 The licence holder must apply for a licence for the decommissioning of the existing waste disposal facility within One (1) year of the date of this licence.
- 15 APPEAL OF LICENCE**
- 15.1 The Licence Holder must notify every registered interested and affected party, in writing and within ten (10) days, of receiving the Department's decision.
- 15.2 The notification referred to in 15.1. must –



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

14 of 25

G:S:B- Tutuka Power Station General Landfill site

- 15.2.1 Specify the date on which the licence was issued;
- 15.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 7 of the GN No. R 385 of 21 April 2006 in terms of National Environmental Management Act, 1998, as amended (see Annexure 1);
- 15.2.3 Advise the interested and affected party that a copy of the Licence and reasons for the decision will be furnished on request; and
- 15.2.4 An appeal against the decision must be lodged in terms of chapter 7 of the GN No. R 385 of 21 April 2006 in terms of NEMA 1998, as amended, from the date of this license, with: The Minister, Department of Environmental Affairs, Private Bag X 447, PRETORIA, 0001, Tel No.: (012) 310 3705, Fax No.: (012) 320 7561

Ms Joanne Yawitch
DEPUTY DIRECTOR-GENERAL
DATE: 31.08.2010



G:S:B- Tutuka Power Station General Landfill site

ANNEXURE I

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT LICENCE

| APPLICANT | INTERESTED AND AFFECTED PARTIES (IAPs) |
|--|---|
| 1. Receive a notification of a Waste Management Licence from the relevant Competent Authority | 1. Receive a notification of a Waste Management Licence from Applicant/Consultant |
| 2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal | 2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal |
| 3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs | 3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant |
| 4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal | 4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal |
| 5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant | 5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant |

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister of Water and Environmental Affairs if the decision was issued by the DIRECTOR- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- b) the MEC if the decision was issued by the Director (or another official) acting in his/ her capacity as the delegated Competent Authority;
- c) the delegated organ of state where relevant.



G:S:B- Tutuka Power Station General Landfill site

2. An appeal lodged with:-

- a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs by means of one of the following:

By facsimile: (012) 320 7561

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

By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Pretorius and van der Walt Streets, Pretoria.

- b) the MEC must be submitted to the provincial department responsible for environmental affairs;
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state.

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department;
- b) accompanied by:
- a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority;
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62;
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@environment.gov.za ; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@environment.gov.za, at the Department.



ANNEXURE II

WASTE WHICH MAY NOT BE ACCEPTED ON THE SITE: CONDITION 3.1

1. Waste where specific control has been established in terms of the Nuclear Energy Act, 1999 (Act 46 of 1999).
2. Waste types controlled in terms of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and the Electricity Act, 1987 (Act 41 of 1987), Nuclear Energy Act, 1999 (Act 46 of 1999), unless written permission has been obtained from the Director.
3. Waste which is defined, according to the Minimum Requirements, as an extreme hazard or Hazard Group 1 (HG1); high hazard or Hazard Group 2 (HG2); moderate hazard or Hazard Group 3 (HG3) and low hazard or Hazard Group 4 (HG4), unless an application for delisting has been successfully submitted to the Manager: Waste Discharge and Disposal through the Regional Director and written approval was obtained from the Manager: Waste Discharge and Disposal for the disposal of this waste on the Site.
4. Flammable wastes, with a closed cup flash point less than 61°C.
5. Corrosive substances, as defined and described in the Minimum Requirements as Class 8 (1998 edition: page 6-8, Diagram III).
6. Oxidising substances and organic peroxides, as defined and described in the Minimum Requirements as Class 5 (1998 edition: page 6-8, Diagram III).
7. Any waste with a substance which is a Group A and/or Group B carcinogen/mutagen. Group A carcinogens/mutagens have been proven in humans, both clinical and epidemiological. Group B carcinogens/mutagens have been proven without doubt in laboratory animals.
8. Any waste with a substance at a concentration greater than 1% where the substance is a Group C and/or Group D carcinogen/mutagen. Group C carcinogens/mutagens have shown limited evidence in animals. Group D carcinogen/mutagen - the available data is inadequate and doubtful.
9. Any infectious waste which is generated during the diagnosis, treatment or immunisation of humans or animals; in the research pertaining to this; in the manufacturing or testing of biological agents including blood, blood products and contaminated blood products, cultures, pathological wastes, sharps, human and animal anatomical wastes and isolation wastes that contain infectious substances.
10. All materials which fall in Class 1 (explosives), Class 2 (compressed gases) and Class 7 (radioactive materials), as defined and described in the Minimum Requirements.
11. Any waste with a pH less than 6 or greater than 12.



G:S:B- Tutuka Power Station General Landfill site

12. Any waste which is difficult to analyse and classify.
13. Any complexes of heavy metal cations, paint and paint sludges, or laboratory chemicals.
14. Organic or inorganic element or compound which may have a definite acute or chronic negative effect on human health and/or the environment, due to its toxic, physical, chemical or persistent characteristics;
15. Medical waste; and
16. Scheduled pharmaceutical products registered in terms of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965) or associated containers, are disposed of on the Site



G:S:B- Tutuka Power Station General Landfill site

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR BACKGROUND MONITORING
AND INVESTIGATIVE MONITORING: CONDITIONS 6.3.1 and 6.5.1

| | |
|---|---|
| Alkalinity (P.AIk) | Free & saline ammonia as N (NH ₄ -N) |
| Calcium (Ca) | |
| Boron (B) | |
| Chromium (hexavalent) (Cr ⁶⁺) | Magnesium (Mg) |
| Chromium (Total) (Cr) | Cadmium (Cd) |
| Chemical oxygen demand (COD) | Chloride (Cl) |
| Cyanide (CN) | Fluoride (F) |
| Mercury (Hg) | pH |
| Lead (Pb) | Sodium (Na) |
| Nitrate (as N) (NO ₃ -N) | Electrical conductivity (EC) |
| Phenolic compounds (Phen) | Sulphate (SO ₄) |
| Potassium (K) | Mercury |
| Total dissolved solids (TDS) | |



ANNEXURE IV

WATER QUALITY VARIABLES REQUIRED FOR BACKGROUND MONITORING AND
DETECTION MONITORING: CONDITIONS 6.3.1 AND 6.4.1

- (a) Bi-annually for:
 - Alkalinity (P.Alk)
 - Chemical oxygen demand (COD)
 - pH
 - Total dissolved solids (TDS)
 - Chlorides (Cl)
 - Nitrate (NO₃-N)
 - Potassium (K)

- (b) Annually for:
 - Electrical conductivity (EC)
 - Calcium (Ca)
 - Magnesium (Mg)
 - Sodium (Na)
 - Sulphate (SO₄)
 - Fluoride (F)
 - Arsenic (As)



G:S:B- Tutuka Power Station General Landfill site

ANNEXURE V

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS: CONDITION 5.2.1

| |
|--|
| NAME OF ACTIVITY: _____ DATE OF REPORT: _____ (yy/mm/dd) |
|--|

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

| | | |
|----------------|-------------|--|
| Name | Telephone | |
| Postal Address | Fax | |
| | Postal Code | |

2. Operator in control of Facility:

| | | |
|--------------------------------|-------------|--|
| Name | Telephone | |
| Identity number | After hours | |
| Educational Qualifications (*) | | |

3. Latest estimated lifetime of the disposal: _____ yr.

4. Indicate the type of waste and approximate quantities of waste disposed of during the year:

| Type of waste | Quantity (m ³ annum ⁻¹) |
|---|--|
| General waste | |
| Specify.. | |
| Domestic, Building Rubble and Garden Refuse | |
| Other | |
| Specify...None | |
| TOTAL | |

5. Indicate the applicable waste types and quantities reused, recycled, recovered, treated during the year (*)

| Salvaging undertaken? | | Yes |
|-----------------------|---|----------------------------|
| Type | (Collector's Name & final destination of Waste) | Quantity (m ³) |
| Paper/wood fibre | | |
| Plastics | | |
| Glass | | |
| Rubber | | |
| Textiles | | |
| Iron | | |
| Other (Specify) | | |



G:S:B- Tutuka Power Station General Landfill site

6. Attach Emergency preparedness & business Continuity plan for the current year.

| Receptor | Source | Harm | Pathway | Probability of exposure | Consequence | Magnitude of risk | Justification for magnitude | Risk Management | Residual risk |
|---|---|---|---|-----------------------------|--|--|----------------------------------|---|---|
| What is at risk? What do I wish to protect? | What is the agent or process with potential to cause harm? | What are the harmful consequences if things go wrong? | How might the receptor come into contact with the source? | How likely is this contact? | How severe will the consequences be if this occurs | What is the overall magnitude of the risk? (Low-Medium-High) | On what did I base my judgement? | How can I best manage the risk to reduce the magnitude? | What is the magnitude of the risk after management? This residual risk will be controlled by Compliance Assessment) |
| Local human population | Airborne dusts /particulates | Nuisance -dust on cars, clothing etc. | Deposition from air | | | | | | |
| Local human population | Noise from machine | Nuisance loss of amenity, loss of sleep | Air transport | | | | | | |
| Local human population | Fugitive releases, waste, litter and mud on roads | Nuisance loss of amenity. | Vehicles entering and leaving the Site. Waste escaping the Site | | | | | | |
| Local human population | Odour | Nuisance loss of amenity. | Air transport | | | | | | |
| Local human population | Scavenging birds and animals | Nuisance loss of amenity. | Air transport and over land | | | | | | |
| | Pests (e.g flies) | Nuisance loss of amenity. | Air transport and over land | | | | | | |
| Local human population | Flooding of Site | If waste is washed off site it may cause contamination | Flood waters | | | | | | |
| Groundwater and surface waters | Fire on site leading to run-off from polluted fire fighting waters. | Contaminating of groundwater and aquatic ecosystems | Direct and indirect run-off | | | | | | |
| Local human population and/or livestock gaining unauthorised access to the activities | All non-site hazards-particularly relating to waste handling & storage activity | People/livestock coming into contact with hazards | Direct physical contact | | | | | | |
| | | Arson and/or vandalism causing the release of polluting materials | Arson-air. Liquids polluting watercourses and/or groundwater | | | | | | |



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

G:S:B- Tutuka Power Station General Landfill site

| Receptor | Source | Harm | Pathway | Probability of exposure | Consequence | Magnitude of risk | Justification for magnitude | Risk Management | Residual risk |
|---|--|--|---|-----------------------------|--|--|-------------------------------|---|---|
| What is at risk? What do I wish to protect? | What is the agent or process with potential to cause harm? | What are the harmful consequences if things go wrong? | How might the receptor come into contact with the source? | How likely is this contact? | How severe will the consequences be if this occurs | What is the overall magnitude of the risk? (Low-Medium - High) | On what did I f my judgement? | How can I best manage the risk to reduce the magnitude? | What is the magnitude of the risk after management? This residual risk will be controlled by Compliance Assessment) |
| Ground water | Contaminated run-off from waste | Contaminating of ground water | Soil to ground water to borehole. | | | | | | |
| Local human population | Smoke from burning of waste in case of fire. | Nuisance, loss of amenity, loss of sleep. Respiratory irritation/illness | Air transport | | | | | | |
| EXPAND TABLE AS PER YOUR RISKS | | | | | | | | | |

I, the undersigned, declare that the information stated above and the risk assessment below is to my knowledge a true reflection of the status at the _____ waste disposal facility.

Signature: _____

Name: _____

Capacity: _____

Place: _____

Date _____



G:S:B- Tutuka Power Station General Landfill site

ANNEXURE VI

FORM TO BE USED FOR CHEMICAL INFORMATION: CONDITION 9.3

| | | | | |
|---|-------|-----------------|------|--|
| Name of Activity | | | | |
| Borehole/observation- point name/number | | | | |
| Sampling date (y-m-d): | | Method: | Bail | |
| Sampling Time | | | Pump | |
| Time after start of pump: | h min | Depth of sample | M | |
| Date of analysis (y-m-d) | | Laboratory | | |

General chemistry

| Constituent | Unit | Required standard | Value | Constituent | Unit | Required standard | Value |
|--------------------|---------------------------|-------------------|-------|-------------|--------|-------------------|-------|
| pH | (-log[H ⁺]) | | | As (III) | (mg/l) | | |
| EC | (mS/m) | | | B | (mg/l) | | |
| TDS | (mg/l) | | | Cd | (mg/l) | | |
| Ca | (mg/l) | | | Free CN | (mg/l) | | |
| Mg | (mg/l) | | | Cr (Total) | (mg/l) | | |
| Na | (mg/l) | | | Cr (VI) | (mg/l) | | |
| K | (mg/l) | | | Cu | (mg/l) | | |
| Alkalinity | (mg CaCO ₃ /l) | | | Mn | (mg/l) | | |
| Cl | (mg/l) | | | Pb | (mg/l) | | |
| SO ₄ | (mg/l) | | | Hg | (mg/l) | | |
| NO ₃ -N | (mg/l) | | | S- | (mg/l) | | |
| F | (mg/l) | | | | | | |
| COD | (mg/l) | | | | | | |
| NH ₄ -N | (mg/l) | | | | | | |
| Phenol | (mg/l) | | | | | | |
| PO ₄ | (mg/l) | | | | | | |
| TOX | (µg/l) | | | | | | |
| TOC | (mg/l) | | | | | | |
| Ba | (mg/l) | | | | | | |



G:S:B- Tutuka Power Station General Landfill site

ANNEXURE VII

▪ **KEY FACTORS CONSIDERED IN MAKING THE DECISION**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Environmental issues identified and mitigation measures of environmental impacts as contained in the Environmental Impact Report for the Proposed new waste general landfill (G:S:B-), at Eskom's Tutuka Power Station in Lekwa municipality in Mpumalang Province, compiled by Zitholele Consulting, dated June 2010,
- b) The physical, socio-economic and cultural impacts of the development project on the receiving environment.
- c) The legal and procedural requirements have been complied with and the information contained in the documents is to the satisfaction of this Department.

▪ **FINDINGS**

After consideration of the information and factors listed above, the Department made the following findings:

- a) The mitigation measures proposed in the above proposed new general waste disposal facility (G:S:B-), is in accordance with the Environmental Management Plan contained in the EIR dated, July 2010.
- b) Specific specialists' studies were commissioned as part of the environmental impact assessment process and it was found that the impact of this new activity / development is acceptable.
- c) It is envisaged that, should the conditions stipulated in this Licence be complied with, the negative environmental impacts of this activity will be minimized.
- d) Based on the above, this Department's conclusion is that this activity will not lead to substantial detrimental impact on the environment, that potential detrimental impacts resulting from this activity can be mitigated to acceptable levels and that the principles of section 2 of NEMA can be upheld.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Licence, the Licensed activity 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 authorised activity can be mitigated to acceptable levels.