

<b>Purpose of Meeting:</b>	Tutuka Continuous Ashing EIA Landowners Focus Group Meeting
<b>Venue:</b>	Die Kliphuis 31 Caledon street, Standerton
<b>Date:</b>	Tuesday, 2 September 2014

<b>Attendance Register:</b>			
<b>Project Team Members Present:</b>			
<b>Name</b>	<b>Company</b>	<b>Name</b>	<b>Company</b>
Tobile Bokwe (TB)	Eskom – EIA Centre of Excellence	Ryno Lacock (RL)	Eskom SOC Ltd – Tutuka Power Station
Shane Roux (SR)	Eskom SOC Ltd	Egard van Rensburg (EvR)	Eskom SOC Ltd – Tutuka Power Station
Ilse Coop (IC)	Eskom SOC Ltd – Tutuka Power Station	Senzo Sibiyi (SS)	Eskom SOC Ltd – Tutuka Power Station
Meshack Hlogwane (MH)	Eskom SOC Ltd	Netshidongolwe Thivhusiwi (NT)	Eskom SOC Ltd
Danie Brummer (DB)	Lidwala SA	Bongi Mhlanga (BM)	Lidwala SA
Nicolene Venter (NV)	Zitholele Consulting		
<b>5 Landowners attended the Focus Group Meeting. Please see attached Appendix A for the attendance record of the attendees.</b>			

<b>Acronyms</b>	
<u>ADF</u>	<u>Ash Disposal Facility</u>
<u>DEA</u>	<u>Department of Environmental Affairs</u>
<u>FGM</u>	<u>Focus Group Meeting</u>
<u>DEIR</u>	<u>Draft Environmental Impact Report</u>
<u>EAP</u>	<u>Environmental Assessment Practitioner</u>
<u>EIA</u>	<u>Environmental Impact Assessment</u>
<u>I&amp;APs</u>	<u>Interested and Affected Party's</u>

Item	Actions	Action by whom	Action by when
<b>1.</b>	<b>INTRODUCTION / WELCOME</b>		
1.1	Nicolene Venter (NV) welcomed everyone present and thanked them for taking the time off their busy schedules to attend the Workshop.		
1.2	NV requested that the team members introduce themselves, and briefly describe their roles and responsibilities associated with this proposed project, and/or the organisations they represent.		
<b>2.</b>	<b>PRESENTATIONS (<i>Presentation attached as Appendix B</i>)</b>		
2.1	NV presented the Draft Agenda, the purpose of the meeting and the conduct of the meeting. The Draft Agenda was accepted by the attendees and the meeting proceeded.		
2.2	Ryno Lock (RL) provided a brief summary of the history of Tutuka Power Station and presented the need for the proposed project.		
<b>3.</b>	<b>QUESTIONS / DISCUSSION</b>		
3.1	<p>Ben Steyn (BS) commented that he does not agree with the statement that the footprint of the proposed new ADF was licenced. BS stated that a footprint is never licenced but it is the operating plan that is licenced and the operating plan for the power station was originally for 35 years and another 5 years. BS further stated that the legislation has changed significantly since then, amongst those changes is the liner issue.</p> <p>BS noted that if you put the liner down, you do not get seepage into the groundwater and you do not get contamination of the underground water, and that your surface runoff will disappear. But BS mentioned that it is not a simple issue as saying: there will be a liner or there will not be a liner.</p> <p>BS noted that if Eskom had a permit then they would not go through all of this trouble for getting permits and licences as this EIA process would not be required. BS commented that it is unfortunately so that for a number of years there has been significant pollution from the existing ash dam. BS asked Eskom the question that if they cannot control what they have now, how are they going to control what they will have in the future?</p> <p>RL responded by saying that licencing and permitting worked differently in those days, but it is not that Eskom was outside the law. Eskom did what they had to do and what was</p>		

	<p>available and appropriate at that point in time. Now that Environmental legislation has changed Eskom needs to adjust to such legislative changes. Therefore Eskom now needs licencing and permission. The original footprint of the ADF was never formally permitted or licenced because there were no permits or licences, now we have to get a licence and a permit therefore we have to go through this EIA process.</p> <p><b><u>Post meeting note:</u></b></p> <p>In previous years, ash was legally not deemed as waste, hence no authorisation was required. The Regulations made under the Environment Conservation Act (ECA) as published in GN 1986 in GG 12703 of 24 August 1990 and as amended by GN 292 in GG 24938 of February 2003 expressly exempted ash produced by or resulting from activities at an undertaking for the generation of electricity under the provisions of the Electricity Act No 41 of 1987. To this end, there was no obligation for Eskom to obtain a permit to dispose of waste or to operation a disposal site for ash.</p>		
3.2	<p>BS raised the concern that the Officials who are responsible for the licencing of the project are not present at the focus group meeting, and that the landowners will have to depend on Eskom to convey their messages to the department. He enquired as to why the DEA is not present at the meeting.</p> <p>NV responded that the DEA has not been invited to the FGM as this FGM is to provide the surrounding landowners at Tutuka PS an opportunity to submit comments on the DEIR, ask questions for clarification and raise concerns regarding the proposed project as they, as landowners, might have the same issues / concerns. NV mentioned for clarification purposes that it is not Eskom who will be submitting their concerns to the DEA, but the EAP, Lidwala SA. NV made it known to the landowners that the DEA looks at the Comment and Response Report and how the EAP addressed the comments.</p>		
<b>4.</b>	<b>PRESENTATIONS (<i>Presentation attached as Appendix B</i>)</b>		
4.1	Danie Brummer (DB) presented the project scope and a brief summary of the key environmental findings as documented in the Draft Environmental Impact Report.		
4.2	NV presented the Public Participation Process.		
<b>5.</b>	<b>QUESTIONS / DISCUSSION</b>		
5.1	Linda Riekert (LR) asked for clarification whether the studies was 8km, as first mentioned or 12km as mentioned secondly.		

	DB responded that it was an oversight and confirmed that the secondary study area was 8km radius around the Tutuka Power Station		
5.2	<p>Wouter Theron (WT) asked whether the studies were done or must it still be done as his property falls within the 8km radius and he was not aware of the studies being conducted.</p> <p>DB replied that it was already done and that most of the studies were done on desk-top level during the scoping phase, and these studies were only conducted to identify suitable sites for the newly proposed ADF. These sites were assessed in depth during the EIA phase.</p> <p><b>Post-Meeting Note:</b> WT's land falls outside the area that were assessed in the EIA phase (i.e. the five alternatives).</p>		
5.3	<p>LR enquired what is meant by low, medium and sensitive areas</p> <p>DB responded that the sensitivity of the areas and its rating is not linked to one specific study i.e. biodiversity but a result of all specialist studies undertaken.</p>		
5.4	<p>LR asked whether DB's presentation will indicate to the attendees what the result of the sensitivity ratings are per site, i.e. in terms of fauna and flora, and will it also indicate whether the sensitivity of that alternatives site is low, medium or high.</p> <p>DB responded that his presentation does not address each site in such details but detailed information is available in each specialist report and a summary thereof in the DEIR.</p> <p>RL asked LR whether the response address her question and LR confirmed that she will review the specialist reports for the information.</p>		
5.5	<p>WT asked whether his understanding of the rating table is correct that agriculture carries less weight than the three (3) for bats identified in the area.</p> <p>DB confirmed that that is the outcome of the specialists' importance rankings during the scoping phase.</p> <p>The delegates present express their agitation regarding the fact that three (3) for bats in the area carries more weight than agriculture. Though agriculture people get work and feed the nation and they do not agree with the outcome of the study as it is extremely unbelievable that bats get preference above agriculture.</p>		

	<p>DB informed the delegates that the conclusion has not been made by Lidwala alone but had participation by Eskom, Lidwala and the I&amp;APs as well as the specialists. I&amp;APs submitted their inputs during the scoping phase and the assessing calculations were done by taking these parties evaluations into consideration. Lidwala's input is only a 3<sup>rd</sup> of the overall assessments. It is not Lidwala that made the decision that bats is more important than agriculture but a cumulative calculation.</p> <p>WT informed the project team that they do not accept the assessment that was done and request that the team proceed with their presentation as it seems to be a waste of time to argue the point.</p> <p>NV enquired whether feedback can be provided in the draft minutes which will be provided as a post-meeting note as to how the environmental team determined the agricultural potential vs bats and how the environmental team derived to the conclusion as presented.</p> <p><b><u>Post-meeting note:</u></b> A copy of the Adjustment Factors / Weighting Factor Methodology was e-mailed to the delegates on 29 October 2014. The abstract e-mailed forms part of the Final Environmental Scoping Report (Chapter 7 pages 11 - 13).</p>		
5.6	<p>Fanie van der Merwe (FvdM) expressed his mistrust in the project as it was indicated last year that there would be finality regarding the project in August 2013 and believe that the landowners are led around by their noses.</p> <p><b><u>Post-meeting note:</u></b> It needs to be noted that during EIAs time frames shift as new information becomes available, technical constraints identified that needs to be investigated, etc and all these aspects have an impact on projects' time frames. All dates communicated at meetings and in public documents / letters are reflected as "envisaged" and/or "proposed" dates.</p>		
5.7	<p>FvdM expressed his frustration regarding the groundwater quality that keeps declining and on his own cost tests have been done and these are available should the project team need them. He stated that according to the studies conducted it seems that agriculture is seen as a gimmick. He informed the project team that his time is being wasted and he left the meeting.</p>		
5.8	<p>WT informed the project team regarding the economic impact that the existing ash facility has on farming activities in the area. References were made to implements rusting, trekker filters need to be replaced during planting and</p>		

	<p>harvesting time, additional staff needs to be employed to clean the dust that is settling within the house, etc. He advised that farmers need to ensure that their farms stay economically viable but it is extremely difficult as they have to make provision for the impacts that the power station causes on their farms and the implements.</p> <p>To date the landowners had carried this cost and it is believed that Eskom now needs to carry the burden and compensate the landowners for these additional expenditures that occur due to the ash.</p> <p>Tobile Bokwe (TB) responded that he recommend that Eskom engage with the landowners outside of this meeting, since the concerns are regarding the existing ash disposal facility, and if the problems have been brought to the power station’s attention then he would like to bring his manager to assist in resolving the issues so that the two entities can run together.</p> <p>All present agreed to TB’s recommendation. Ilse Coop (IC) will secure a date with the landowners for this meeting.</p> <p><b><u>Post meeting note:</u></b>  A meeting was held with the landowners on Tuesday 14 October 2014, and the established forum will be a vehicle to be used in engaging landowner issues going forward.</p>		
5.9	<p>BS asked how they as landowners can be expected to provide comments on the Report if they had not received it.</p> <p>NV responded that notifications to all the landowners, and all registered I&amp;APs on the database, were sent on 18 July 2014 that the DEIR is available for review from 21 July to 01 September 2014. Also included in the letter was the information as to where hard copies are available for review i.e. public library and Tutuka Power Station (Main Gate (Security Gate)) and that it is also electronically available on Lidwala’s website and on CD and that the CD will be posted to those who request it.</p> <p>BS requested whether a hard copy can be made available to the landowners in the area.</p> <p>The team agreed and it was confirmed that NV will drop off the hard copy of the DEIR and its Appendices at the house of Mr Hennie du Preez.</p> <p><b><u>Post-meeting note:</u></b></p>		

	The Reports was delivered in the afternoon of Wednesday 03 September 2014 by NV.		
5.10	WT expressed his appreciation towards Tutuka Power Station for their greening efforts.  Comment acknowledged by the project team.		
5.11	WT stated that the National Weather Service is not included in the studies as the power station has an impact on the weather conditions in the area.  DB responded that some of the results are included in the groundwater studies.		
5.12	WT informed the project team that as landowners they are losing more and more, and referred to the prospecting right application that he signed, and through that lost the underground mining rights on his farm.  NV replied that the comment is noted and that the project team cannot respond to it as it is not part of the scope for this proposed project.		
5.13	BS requested that a meeting be conducted between DEA, Eskom, and the Landowners to provide them the opportunity to verbally submit their objections regarding the proposed project. He stated that it is a concern that Eskom will be submitting their concerns to the DEA.  NV replied that all comments, concerns and objections received are included in the CRR and Mr Steyn's letter is included in the PP appendices. It was also pointed out that the EIA and PP process is an independent process and that comments, concerns and issues raised by stakeholders are captured and addressed by the EAP and PP team and not by Eskom.  <b>Post-meeting note:</b> A meeting has been secured with the DEA, during the Case Officer's site visit, for Tuesday 14 October 2014. Mr Steyn submitted his apologies for not attending the meeting.		
5.14	BS said that in his viewpoint there is a problem with the Report and the process as they should have had the report made available to them prior to the meeting so that they could be prepared for the meeting.  NV provided the same response as per item 5.9 above.		
5.15	RL commented that he believes that the landowners' issues are with the Tutuka Power Station's existing dust and groundwater management and not with the continuation of the ash facility.		

	<p>BS responded by acknowledging that it is correct, they have major concerns and issues with the management of the existing ash facility. But also stated that he will appeal, even to the President's office if need be because the farmers come from a line of losing out. BS stated that he is looking out for his own interest. BS stated that he understands the whole story (need for the project) but asked why he should sacrifice his own land.</p> <p>TB clarified that the DEIR is the document that the Department of Environmental Affairs will use to make a decision and that in order for the department to apply their minds fully they need to have something in writing from the landowners. TB noted that the person reviewing the document is just a case officer who is the front of a higher hierarchy. TB urged the landowners to have a look at the report and write their comments extensively.</p>		
5.16	TB noted that the existing ADF does not have a liner and that the new ADF will have a liner as is required by the National Waste Management Act. Without being biased TB commented that the new ADF will be a better infrastructure and its management regime will be different, resulting in less challenges than experienced by all, from the existing facility.		
<b>6.</b>	<b>CLOSURE</b>		
6.1	NV thanked everyone for their time and invited the attendees to a light lunch and then closed the meeting.		

Minutes drafted by: Nicolene Venter