



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X 447, PRETORIA, 0001 - Fedsure Building, 315 Pretorius Street, PRETORIA
Tel (012) 310 3911, Fax (012) 322 2882

FAX COVER SHEET

DATE :

2008/08/19

TO :	Mr. Nico Gewers
ORGANISATION :	ESKOM
FAX :	(011) 800 3917
FROM :	Lesiba Ngoasheng
TEL :	012 310 3001
ROOM NO :	416
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NO. PAGES :	6
SUBJECT : ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF AN ASH DAM FACILITY AND THE DEVIATION OF THE EXISTING POWER LINES AT KOMATO POWER STATION, MPUMALANGA PROVINCE.	

MESSAGE:

Signature

Lefapha la Merero ya Tikologo le Bojana le Iebe le Zandalo noKhenkatho - Lefapha la Tikologo la Bohahlaudi - Muhase wa zwa Mupo na Vhuendelamzashango - Umnyango wezaMvelo nozokuVakoshu - Ndzawulo ya Timhaka ta Mbango na Vuphumba - Departement van Omgewingsake en Toetsame - Umnyango wezaBhoduluko nokuVakajja - LITiko letasimondzawo Nekuvakaaha - Kgoro ya Merero ya Tikologo le Boeti



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Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2692

Reference: 12/12/20/1007

Enquiries: Mr Lesiba Ngoasheng

Telephone: (012) 310 3597 Fax: (012) 320 7539 E-mail: pngoasheng@deat.gov.za

Mr Nico Gewers
Eskom Holdings Limited
P O Box 1091
JOHANNESBURG
2000

Fax no: (011) 800 3917

PER FACSIMILE / MAIL

Dear Sir

**GRANTING OF CONDITIONAL AUTHORISATION FOR PROJECT REFERENCE
12/12/20/1007: ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION
OF AN ASH DAM FACILITY AND THE DEVIATION OF THE EXISTING POWER LINES AT
KOMATO POWER STATION, MPUMALANGA PROVINCE**

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within seven (7) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

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

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

Mufasho wa zwa Vhupo na Vhuendelamashango • Litiko le Tesimondzawo netekuVakasha • Isebe lemiCimbi yokusiNgqongileyo noKhenketho
Ndzawulo ya Tinkaka & Mbango • Department: Omgewingsake en Toerisme • Lefapha la Tikoloho le Bohanhlaudi • Lefapha le Bojanele
Kgoro ya Tikologo le Boeti • UmNyango wezeBhuduluko nokuVakajha • UmNyango Wezemvelo NokuVakasha

By facsimile: (012) 310 3688;
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and
Pretorius Streets, Pretoria.

You must also serve a copy of the notice of intention to appeal on all registered IAPs as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisation or conditions thereof, suspend the authorisation pending the outcome of the appeals

Yours faithfully



Ms Ntsipho Ngcaba
Director - General
Department of Environmental Affairs and Tourism
Letter signed by: Ms Lize McCourt
Designation: Chief Director: Environmental Impact Management
Date: 18/6/2008

CC: Mr Matthew Hemming Synergistics Environmental Services Fax: 0111 807 8226
Mr Herman Grové DEAT

**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 AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation 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 if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- 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@deat.gov.za ; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.
Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:
By facsimile: 012 310 3688;
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.



environment & tourism

Department
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1007

Last amended: N/A

Holder of authorisation: **ESKOM HOLDINGS LIMITED**

Location of activity: **KOMATI POWER STATION 56 IS, TITLE DEED NUMBER:
CCT24999/1975, PORTION 6 AND 7 ON THE FARM GELUK
26 IS, STEVE TSHWETE LOCAL MUNICIPALITY**

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

ESKOM HOLDINGS LIMITED

with the following contact details –

Mr K Nair
P O Box 1091
JOHANNESBURG
2000

FAX: (011) 800

to undertake the following activity/ activities (hereafter referred to as "the activities"):

- No. R. 386 of 2006 1 (I)** The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of above ground electricity with a capacity of more than 33kV and less than 120kV.
- No. R. 387 of 2006 1 (a)** The construction of facilities or infrastructure, including associated structures or infrastructure for the generation of electricity where the electricity output is 20MW or more.


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No. R. 387 of 2006 1 (I) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of above ground electricity with a capacity of 120kV or more.

on the Farm Komati Power Station 56 IS (Title Deed Number: CCT24999/1975), Portion 6 and 7 of the Farm Geluk 26 IS, which falls within the jurisdiction of the Steve Tshwete Local Municipality, hereafter referred to as "the property". The proposed Ash Dam 3 will be constructed on Site 7 as recommended by the environmental impact assessment (EIR) dated March 2008.

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activities which are authorised may only be carried out at the properties indicated above.
- 1.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 These activities must commence within a period of 4 (four) years from the date of issue. If commencement of the activities 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.

1.6 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity

1.6.1 Relevant legislation that must be complied with by the holder of this authorization include but not limited to:

- Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.
- Relevant local authority bylaws and regulations.

Appeal of authorisation

1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.

1.8 The notification referred to in 1.7 must –

- 1.8.1 specify the date on which the authorisation was issued;
- 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
- 1.8.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

1.9 A revised Environmental Management Plan ("EMP") which fulfills the requirements of this authorisation must be compiled and submitted to the Department for approval. The EMP must –

- 1.9.1 contain, but not limited to, the following information –

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- (i) the management of stormwater to ensure that no stormwater is discharged to the working areas and further ensuring that the stormwater leaving the footprint of the proposed development areas is not contaminated by any substance, whether that substance is solid, liquid, vapour or any combination thereof. The soils must be stabilized in order to prevent resulting wash-down into the river courses;
- (ii) rehabilitation of areas to be disturbed during the construction phase of the project;
- (iii) implementation of measures aimed at controlling invasive plant species and weeds;
- (iv) Siting and management of construction camps, sanitation, ablution and housing facilities as well as material storage areas used by the contractor. All work areas must be supplied with proper sanitation facilities;
- (v) Waste avoidance, minimisation and disposal of waste at an appropriate facility.
- (vi) Provisions for harvesting of any medicinal plants that may occur on site prior to site clearance;
- (vii) Protection of indigenous vegetation where such is not affected by the physical footprint of the power lines or ancillary infrastructure and associated construction works;
- (viii) Provision for plant search and rescue of protected and endangered species which should be done before commencement of any construction related activity;
- (ix) A fire control management plan for implementation on site;
- (x) Measures for the management of heritage resources if such are exposed during construction. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.

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(xi) Insofar as it relates to the activities hereby approved, all recommendations and mitigation measures as proposed in the final environmental impact report dated September 2007 forms part of this record of decision and must be implemented as part of the revised EMP.

- 1.9.2 The revised EMP should indicate the responsibilities for every action, activity and the goal should be clearly defined, including arrangements for co-ordination between the various actors making up the team responsible.
- 1.9.3 The timing, frequency and duration of mitigation measures should be specified in an implementation schedule, showing links with overall project implementation. Procedures to provide information on the progress and results of mitigation and monitoring measures should also be clearly specified.
- 1.9.4 The revised EMP must be adhered to during the commencement, operation and closure of the activity.

Monitoring

- 1.10 Eskom must appoint a suitably qualified Environmental Officer (EO) who would on behalf of the applicant, on a daily basis, monitor project compliance with the conditions of environmental authorization, environmental legislation and the recommendations of the revised EMP.
- 1.11 The EO must be appointed before the start of construction and pre-construction related activities and the authorities must be notified of such an appointment.
- 1.12 The EO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractor for operation.
- 1.13 The EO shall maintain the following on site:
- a daily site diary;
 - a non-conformance register; and
 - a public complaint register;

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Recording and reporting to the Department

1. 14 The holder of the authorisation must ensure that the EO record the general environmental performance during project implementation and all the issues related to non-compliance with the conditions of the environmental authorization. All issues relating to non-compliance must be reported to the Director: Environmental Impact Evaluation within 48 hours of such occurrences.

Commissioning of the activity

1. 15 (a) **Commencement**
- (i) The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation.
 - (ii) Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity / activities unless authorised by the minister in writing.
- (b) **Notification of authorities**
- (i) Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the period contemplated in 1.15 (a) (i).
 - (ii) Fourteen (14) days written notice must be given to the Department that the operational phase of the activity will commence.

Construction and Operation of the activity

1. 16 The applicant must ensure the following:
- 1.16.1 The hydraulic fluids are stored in concrete lined surfaces with bund walls and must be designed in such a manner that any spillages can be contained and reclaimed without any impact on the surrounding environment. The repair of construction vehicles must be done on a paved surface to avoid leaking oils seeping into the ground.

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- 1.16.2 All waste generated during construction and operation of the facility is removed and disposed of at a waste disposal facility permitted in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 1.16.3 If disturbed areas are left to rehabilitate naturally, they must be frequently monitored and interventions put in place immediately should it become necessary. Special attention must be given to the potential for erosion and the associated environmental degradation. Monitoring is also especially important with respect to alien vegetation control and management.
- 1.16.4 Hazardous and flammable substances must be stored and used in compliance with applicable regulations and safety instructions.
- 1.16.5 The removal of protected vegetation and medicinal plants during construction must be done in consultation with the provincial environmental authorities, and the appropriate post-construction rehabilitation measures must be implemented in cooperation with the provincial environmental authorities.
- 1.16.6 Heritage resources specialist must undertake a site inspection of the proposed ash dam facility and any new access roads to ensure that no heritage resources are compromised during construction.
- 1.16.7 The dust control measures, such as watering, chemical stabilisation and the reduction of surface wind speed through the use of windbreaks and source enclosures, must be put in place during construction activities. Emission control efficiencies of 50% can readily be achieved through the implementation of effective watering programme for unpaved roads and material handling points.
- 1.16.8 The holder of this authorisation must ensure that the predicted mitigated highest daily average ground level dust concentration for the proposed construction activities does not exceed the daily South African Standard of $180\mu\text{g}/\text{m}^3$ at the site boundary and the sensitive receptor site of Komati Village.
- 1.16.9 Longer term aquifer tests are undertaken on the existing monitoring boreholes to obtain information on the specific yield and/or the storativity of an aquifer. The drawdown tests should be at least 24 hours and recovery should be measured until at least a 90% rebound of groundwater levels are achieved.
- 1.16.10 The groundwater monitoring programme must be maintained in all monitoring boreholes during the operation of the ash dams. It is important to include aluminium in the monitoring programme, as it is characteristic of the impact of ash on groundwater quality. This programme is detailed below:

Parameter	Monitoring interval
Groundwater levels	Monthly
Groundwater quality	Quarterly
Rainfall	Daily

- 1.16.11 Geochemical modelling must be undertaken to determine the extend and to quantify chemical reaction in the aquifers. This information must be used to update existing solute transport modelling results.
- 1.16.12 Boreholes B2 and B3, which fall within the ash dam extension footprint, must be sealed to prevent the transfer of polluted water from the ash dam into the groundwater.
- 1.16.13 Two additional monitoring boreholes are required on the eastern side of the residential area in order to detect the contaminant plume before it reaches the residential areas of Komati Village.
- 1.16.14 Representative samples of ash material and coal from stockpiles must be taken for leach tests to improve confidence in source characterisation presented in the EIR dated March 2008. It is recommended that kinetic leach tests be undertaken to obtain information on the rate that contaminants will be released from the material.
- 1.16.15 The numerical model constructed for the project must be verified with monitoring information to improve confidence in the simulations. It is recommended that verification is undertaken once at least one hydrogeological season's information is available.

Site closure and decommissioning

- 1.17 Should the activity ever cease or become redundant, the applicant shall 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.

General

- 1.18 A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the

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Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

1. 19 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
1. 20 The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if condition of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within 48 hours if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
1. 21 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

Date of environmental authorisation: ...18 August 2008



Ms Mosiso Ngcaba

Director-General

Department of Environmental Affairs and Tourism

Letter signed by: Ms Lize McCourt

Designation: Chief-Director: Environmental Impact Management

Annexure 1: Reasons for Decision

1. Background

The applicant, ESKOM HOLDINGS LIMITED applied for authorisation to carry on the following activities—

No. R. 386 of 2006 1 (l) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of above ground electricity with a capacity of more than 33kV and less than 120kV.

No. R. 387 of 2006 1 (a) The construction of facilities or infrastructure, including associated structures or infrastructure for the generation of electricity where the electricity output is 20MW or more.

No. R. 387 of 2006 1 (l) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of above ground electricity with a capacity of 120kV or more.

on the Farm Komati Power Station 56 IS (Title Deed Number: CCT24999/1975), which falls within the jurisdiction of the Steve Tshwete Local Municipality, hereafter referred to as "the property". The proposed Ash Dam 3 will be constructed on Site 7 as recommended by the environmental impact assessment (EIR) dated March 2008.

The applicant appointed Synergistics Environmental Services to undertake an environmental impact assessment process and to compile an environmental impact assessment report as required by regulation R. 385 of 2006.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

(a) The information contained in:

- The Final Environmental Impact Report (EIR) dated March 2008;
- Scoping Report and Plan of Study for Environmental Impact Assessment dated December 2007;
- The Draft Environmental Management Plan contained in the EIR dated March 2008.

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- (b) The National Environmental Management Act, 1998 (Act 107 of 1998).
- (c) The principles set out in Section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA).

3. Key factors considered in making the decision

- (a) All information presented to the Department was taken into account in the Department's consideration of the application. It is the Department's view that the potential impacts will be minimal and insignificant. The applicant, Eskom proposes to construct the following activities:
 - a) Construction of the dam walls with ash.
 - b) Construction of ash delivery pipes.
 - c) Construction of drains and trenches to improve the dam's stability and to reduce seepage of water into the sub-soils.
 - d) Deviation of existing 132kV and 88kV power lines to accommodate the construction of the ash dam facility.

The dam will cover an area of approximately 80 (eighty) hectares and rise to a final height of 40 (forty metres).

- (b) The environmental authorization for the re-commissioning of Komati Power Station had already been granted in 2005 by Mpumalanga Department of Agriculture and Land Administration.
- (c) The upgrading and refurbishment of Komati Power Station is currently in progress. Komati Power Station's operational life will be extended by a further twenty years and the existing ash facility at Komati Power Station only have an estimated capacity for a further eighteen months after re-commissioning.

4. Findings

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

- (a) The proposed site for the ash dam extension 3 lies within the Eskom property at the Komati Power Station's ash dam complex. The site is immediately south of Komati Power Station and east of the Komati Village and it is adjacent to the existing ash

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dams. Receptors in the area include the villages of Komati, Kromfontein, Blinkpan and local farmers. The region comprises agricultural lands, coal mining and electrical generation activities. Surface topography is fairly even and the ground slopes gently to the north-west.

- (b) Landowners and the general public were consulted during the scoping exercise by means of press advertisements, posters, background information documents and public meetings. Public participation process elicited minimal response and the only concern raised by interested and affected parties was the potential risk to the residents of Komati Village should the ash dam fail. No further issues were raised by I&APs.
- (c) An investigation conducted prior to mothballing identified seven alternative sites for the establishment of a new ash disposal facility at Komati Power Station. These sites were compared and assessed in terms of the Komati Power Station requirements at the time, but no decision was taken to utilise any of these sites. As part of the re-commissioning of the power station these original sites have all been re-assessed through the current site selection process. The site selection reports (Eskom 1990) and the findings of Jones and Wagener feasibility report (J&W, 2007) for the re-commissioning of the existing ash dam identified an area near the existing ash dam as the preferred alternative site for the proposed new ash dam facility. The area is a brownfield site, which is currently disturbed and had been serving the same function as the one that is being proposed. All of the technical, biophysical and social criteria of the site and its immediate receptors are already impacted upon by the current installation and thus the establishment of an additional ash dam will have reduced impacts as compared to any of the other sites which are Greenfield sites. Further, the other six alternative sites either overlie coal reserves, which Eskom will never consider sterilising or the areas are not large enough to provide sufficient capacity for the life-span of the power station.
- (d) The proposed project was well advertised in the local newspaper, on-site and a letter was written to the local municipality inviting them to raise issues of concern during the scoping exercise. No substantial issues were raised during public participation process and everybody, including the local municipality, is in support of the proposed project.

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Public participation process undertaken by Synergistics Environmental Services satisfies the requirements of Regulation 385 of 2006.

- (e) The final EIR submitted to DEAT by Synergistics Environmental Services satisfies the requirements of GN. R. 385.
- (f) The need for the proposed construction of the ash dam facility has clearly been demonstrated and, according to the EIR dated March 2008, the viable alternative among the seven investigated during the EIA process is Site 7.
- (g) The construction of the proposed ash dam facility will, however, have definite impacts on the environment.
- (h) The negative impacts cannot therefore be avoided, but measures must be put in place to mitigate the potential impacts to acceptable levels.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed 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 proposed activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.