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- Informing interested and affected parties of the decision;
  - Informing interested and affected parties where the decision can be accessed; and
- In addition, the holder of the authorisation must publish a notice –

Environmental Impact Assessment ("EIA") Regulations, 2010. application as well as the provisions regarding the making of appeals that are provided for in the twelve (12) calendar days of the date of this letter, of the Department's decision in respect of your instructed to notify all registered interested and affected parties ("IAPs"), in writing and within in terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are activity and EIA listed activity). The Environmental Authorisation requires that:

With reference to the abovementioned application, please be advised that the Department has accepted the Environmental Impact Assessment Report ("EiAR") dated August 2010 and consequently hereby grant the integrated authorisation (Comprised of listed Waste Management

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 385 AND NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008: GN 718 FOR THE PROPOSED CONSTRUCTION AND OPERATION OF A BRINE TREATMENT WORKS AT TUTUKA POWER STATION (STANDERTON), MPUMALANGA PROVINCE.**

Dear Mrs. D. Herbst

PER FACSIMILE / MAIL

Fax no: (011) 800 5140

2000

JOHANNESBURG

PO Box 1091

Eskom Holdings Limited

Mrs. Derde Herbst

Enquiries: Lucas Mahlangu/ Mahlatse Shubane  
 Telephone: 012-310-3536/ 3182 Fax: 012-320-7539 E-mail: mahlangu@environment.gov.za  
 mshubane@environment.gov.za

DEA Reference: 12/12/20/1789

Private Bag X 447, PRETORIA · 0001, Fedure Building · 315 Pretorius Street · PRETORIA  
 Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

**environmental affairs**  
 Department:  
 Environmental Affairs  
 REPUBLIC OF SOUTH AFRICA



drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspapers contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Your attention is drawn to Chapter 7 of the EIA Regulations, 2010, 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 TH Zwane, Senior Legal Administrator (Appeals), Tel: 012 310 3929, [IZwane@environment.gov.za](mailto:IZwane@environment.gov.za) at the Department.

Should any party, including the applicant, wish to appeal any aspect of the decision, they or the applicant must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 20 days after the date of the decision, by means of one of the following methods:

By facsimile: 012 320-7561

Department of Environmental Affairs  
Private Bag X447  
Pretoria

By hand:

Fedure Forum Building,  
2nd Floor North Tower  
Corner Van der Walt and Pretorius Streets  
Pretoria

If the appellant is a person other than the applicant, the appellant must within ten (10) days of lodging the notice of intention to appeal, provide a copy of the notice to the applicant and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant is the appellant, the applicant must also provide a copy of the notice of intention to appeal, within ten (10) days of having lodged such notice, to each person and organ of state which was a registered interested and affected party. The applicant must furthermore provide all the above-mentioned registered interested and affected parties with a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister or MEC, and indicate where and for what period the appeal submission will be available for inspection by such person or organ of state.

Please include the Department, attention of the Director: Environmental Impact Evaluation as well as Director: Authorisation and Waste Disposal Management, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

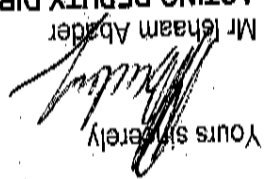
The authorised activities shall not commence within thirty (30) days of the date of signature of the authorisation. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or

- supporting documentation which is referred to in the appeal and is not available to the relevant Appeal Authority;
- a statement that the appellant has complied with regulation 60 (2) or (3) has been compiled with together with copies of the notices referred to in regulation 60; and
- the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from: Mr TH Zwane, Senior Legal Administrator (Appeals); Tel: 012 310 3929, TZwane@environment.gov.za

any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Yours sincerely



Mr Ishaam Abder

**ACTING DEPUTY DIRECTOR GENERAL: ENVIRONMENTAL QUALITY PROTECTION**  
 Department of Environmental Affairs

Date: 8/2/2011

CC:

Ms L. Corbett  
 Mr K. Mofung  
 Mr T. Zwane

Environmental Assessment Practitioner ("EAP")  
 Lekwa Local Municipality  
 Appeals Administrators ("DEA")

Fax: (021) 424 5588  
 Fax: (017) 712 8808  
 Fax: (012) 310 3929

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Ms. Deidre Herbst,  
Tel (011) 800 3501,  
Fax (011) 800 5140

Contact Details:

P.O. BOX 1091  
Johannesburg  
2000

Address:

Wastewater Treatment Works

Class (Waste Activities):

Lekwa Local Municipality,  
Mpumalanga Province

Location of activities:

Eskom Holdings Limited

Holder of integrated authorisation:

First issue

Last amended:

12/12/20/1789

Authorisation register number:

The National Environmental Management: Waste Act, 2008 (Act No 59 of 2008) and Government Notice 718 of 03 July 2009

and

The National Environmental Management Act, 1998 and the Environmental Impact Assessment Regulations 2010

Integrated Environmental Authorisation issued in terms of

environmental affairs  
Department  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA



**PART A: INTEGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA), NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (NEM: WA) (ACT NO. 59 OF 2008), GOVERNMENT NOTICE 718 OF 03 JULY 2009 AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2010**

**1. DECISIONS**

The Department is satisfied, on the basis of information provided and subject to compliance with the conditions of this integrated Environmental Authorisation ("the integrated Environmental Authorisation") that the applicant should be authorised to undertake the NEMA EIA and NEMWA listed activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure "I" to this integrated Environmental Authorisation.

**2. NEMA EIA AND NEMWA ACTIVITIES AUTHORISED**

By virtue of the powers conferred on it by NEMA, the NEMA EIA Regulations, 2010, NEMWA and Government Notice 718 of 3 July 2009 the Department hereby authorises

(ESKOM HOLDINGS LIMITED)

With the following contact details –

Address: P.O. Box 1091  
Johannesburg  
2000

Tel: (011) 800 3501  
Fax: (011) 800 5140

To undertake the following EIA regulation GN No R 387 activity 1(e) and waste management activities as listed in Category B of Government Notice No 718; (hereafter referred to as "the activities"):

GN No. R.387:

1(e): The construction of facilities or infrastructure, including associated structures or infrastructure, for any process or activity, which requires an amendment of an existing permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent.

GN No. 718, Category B.

(7): The treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more; and

(11): The construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity).

The location of the Site (Tutuka Power Station Brine treatment plant) must be according to the co-ordinates indicated on the Integrated Environmental Authorisation application form, submitted by the Applicant which is defined as follows:

Brine Treatment Works S1	Latitude	Longitude
Corner 1	26°46'28.46"S	29°20'49.68"E
Corner 2	26°46'27.55"S	29°20'54.65"E
Corner 3	26°46'35.57"S	29°20'55.58"E
Corner 4	26°46'35.67"S	29°20'50.08"E

The brine treatment plant is within Tutuka Power Station in Lekwa Local Municipality, Mpumalanga Province, hereafter referred to as "the Site".

### 3. SCOPE OF AUTHORISATION

3.1 Authorisation of the activities is subject to the conditions contained in this authorisation, which form part of the Integrated Environmental Authorisation and are binding on the holder of the Integrated Environmental Authorisation.

3.2 The holder of the Integrated Environmental Authorisation is responsible for ensuring compliance with the conditions contained in this Integrated Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.

3.3 The activities authorised may only be carried out at the Site as described in Parts A and B of this Integrated Environmental Authorisation.

3.4 Any changes to, or deviations from, the project description set out in this authorisation must follow the waste management Integrated Environmental Authorisation variation processes as prescribed in NEMWA, 2008 and or as in Chapter 4 (Parts 1-3) of the NEMA EIA Regulations, 2010, 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.

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

(a) Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:

- Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. 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 and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All provisions of the National Water Act, 1998 (Act 36 of 1998).
- 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 No. 28 of 2002) administered by the Department of Minerals and Energy.

3.6 Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

3.7 Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.

3.8 An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste which is not recyclable must be disposed of at waste management facilities licensed in terms of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008) to accept such wastes.

#### 4. SPECIFIC CONDITIONS

##### 4.1 SITE SECURITY AND ACCESS CONTROL

4.1.1 The Integrated Environmental Authorisation Holder must ensure effective access control of the Waste Management Site to reasonable prevent unauthorised entry. Weatherproof, durable and legible signs in at least three official languages applicable in the area must be displayed at each entrance to the site. The signs must indicate the risks involved in entering the Site, warning against the use of water containing waste, state the hours of operation and the name, address and telephone number of the Integrated Environmental Authorisation Holder and the person responsible for the operation of the Site.

4.1.2 The Integrated Environmental Authorisation Holder must prevent treatment of waste that is not authorised for treatment at the Site as per condition 3.1 below.

**5. MANAGEMENT**

**5.1 GENERAL MANAGEMENT**

5.1.1 The activities shall be managed and operated:

- a) in accordance with a documented Environmental Management System (EMS), 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 Integrated Environmental Authorisation Holder as a result of complaints;
- b) in accordance with conditions of this Integrated Environmental Authorisation and any other written instruction by the Department; and
- c) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

5.1.2 Any persons having duties that are or may be affected by the matters set out in this Integrated Environmental Authorisation must have convenient access to a copy of it, kept at or near the place where those duties are carried out. A copy of this Integrated Environmental Authorisation may be published on any website deemed fit by the Department.

**5.2 DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER**

5.2.1 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 Integrated Environmental Authorisation and standard operation procedures. The WMCO must:

- (a) Report any non-compliance with any Integrated Environmental Authorisation conditions or requirements or provisions of NEM:WA to the licensing authority through the means reasonably available.

5.2.2 The duties and responsibility of the WMCO should not be seen as exempting the Integrated Environmental Authorisation Holder from the legal obligations in terms of the NEM:WA

**5.3 EMERGENCY PREPAREDNESS PLAN**

5.3.1 The Integrated Environmental Authorisation Holder must maintain and implement an emergency preparedness plan and review it annually when conducting audits and after each emergency incident and/or major accident. The plan must, amongst others, include measures to address:

- a) Power failure;
- b) Equipment malfunction;
- c) Site fires;
- d) Spillage (on route and on Site);
- e) Natural disasters such as floods; and





8.1.1 Waste, which is not permissible under condition 3, must be dealt with according to relevant legislation or the Department's policies and practices.

8.1 IMPACT MANAGEMENT

8. GENERAL OPERATION AND IMPACT MANAGEMENT

7.5 The Integrated Environmental Authorisation Holder must construct and maintain on a continuous basis, a drainage and containment system capable of collecting and storing all contaminated runoff water arising from the site, which could be expected as a result of the 1 in 100 years flood over a period of 24 hours to prevent such runoff water from coming into contact with waste. The system must under the said rainfall event, maintain a freeboard of a metre.

7.4 The Integrated Environmental Authorisation Holder must ensure that all facilities used for reagent storage tanks and reaction units are bunded. These bunded areas must be built pumps to return any spilled material back into the system.

7.3 The brine treatment areas must have firm, impermeable, and chemical resistant floors to prevent contamination of ground water.

7.2 The site plan must only be changed under the supervision of a registered professional engineer and upon approval by the Department.

7.1 The Integrated Environmental Authorisation Holder must submit the site plan of the building structures and associated infrastructure used for the treatment of wastewater which is approved by a registered professional engineer as compliant with recognised civil engineering standards and adequately lined as per condition 7.3 below to protect surface and ground water resources.

7. COMMISSIONING AND CONSTRUCTION OF THE FACILITY

6.2 The classification, acceptance and disposal criteria as listed in the latest edition of the document "Minimum Requirements for Handling, Classification and Disposal of Hazardous Waste, Waste Management Series, Department of Water Affairs and Forestry or the departmental norms and standards in terms of the Waste Act must be conformed to.

6.1 Any portion of the Site, which has been constructed or developed according to condition 4 below, may be used for treatment of brine with an annual throughput capacity of 15000 cubic metres or more.

6. PERMISSIBLE WASTE

f) The plan must include contact details of the nearest police station, ambulances services and the emergency centre.

- 8.1.2 The Integrated Environmental Authorisation Holder must prevent spillages, where they happen nonetheless, condition 5.3.1 above should be improved and the Integrated Environmental Authorisation Holder must ensure the effective and safe cleaning of such spillages.
- 8.1.3 The treatment of wastewater must not impact on a water resource or on any other person's water use, property or land and must not be detrimental to the health and safety of the public in the vicinity of the activity.
- 8.1.4 The Integrated Environmental Authorisation Holder must ensure that emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Department and/or interested and affected parties.
- 8.1.5 The Integrated Environmental Authorisation Holder must prevent the occurrence of nuisance conditions.
- 8.1.6 The pipelines used for the conveyance of water containing waste must be painted in a conspicuous colour or manufactured of a coloured material distinctly different from the colour of the pipes in which drinking water is flowing to avoid the possibility of any cross-connection of the different pipelines.
- 8.1.7 All stop-valves and taps on the pipelines conveying water containing waste must be of a type that can be opened and closed by means of a loose wrench. The wrench must be in the safe keeping of the Integrated Environmental Authorisation Holder or delegated member of the staff to prevent unauthorised use thereof.
- 8.1.8 The Integrated Environmental Authorisation Holder must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risks involved. Records of training and verification of competence must be kept by the Integrated Environmental Authorisation Holder.
- 8.2 OPERATION
- 8.2.1 The Integrated Environmental Authorisation Holder must ensure that the treated sludge adheres to "the Guidelines for the Utilisation and Disposal of Wastewater Sludge", Water Research Commission Reports, Volumes 1-5 published by the Department of Water Affairs and Forestry, dated March 2008.
- 8.2.2 The Integrated Environmental Authorisation Holder must ensure that the wastewater treatment plant operates within its design parameters at all times.
- 8.2.3 The Integrated Environmental Authorisation Holder must ensure that the sludge is disposed of at a Waste Management Facility licensed to accept such wastes.
- 8.2.4 The Integrated Environmental Authorisation Holder must take all reasonable steps to ensure that the integrity of the watertight base, bund walls and infrastructure are routinely monitored and corrective action must be taken before containment integrity is breached.
- 8.2.5 No wastewater must be discharged into any storm water drain or furrow, whether by positive act and/or by omission.



- 9. MONITORING**
- 9.1 MONITORING METHODS AND PARAMETERS
- 9.1.1 The Integrated Environmental Authorisation Holder must carry out all tests required in terms of this Integrated Environmental Authorisation in accordance with published laboratory analysis methods or those prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008).
- 9.1.2 The Integrated Environmental Authorisation Holder may only use another method of analysis if written proof is submitted to this Department specifying that the method to be used is at least equivalent to the SABS method.
- 9.2 WATER QUALITY MONITORING
- 9.2.1 Surface water monitoring shall be performed in all storm water drains on and adjacent to the site at locations selected in conjunction with the Department of Water Affairs and such a frequency as determined by the responsible authority.
- 9.3 INVESTIGATIVE MONITORING
- 9.3.1 If, in the opinion of the Department a water quality variable at any monitoring point referred to in condition 9.2.1 above, shows an increasing trend, the Integrated Environmental Authorisation Holder shall report in terms of condition 12 below.
- 10. INVESTIGATIONS**
- 10.1 If, in the opinion of the Department, environmental pollution, nuisances or health risks may be occurring or is occurring on the Site, the Integrated Environmental Authorisation Holder must initiate an investigation into the cause of the problem or suspected problem.
- 10.2 If, in the opinion of the Department, water pollution may be occurring or is occurring the Integrated Environmental Authorisation 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 the Department of Water Affairs.
- 10.3 Should the investigation carried out as per conditions 10.1 and 10.2 above reveal any unacceptable levels of pollution, the Integrated Environmental Authorisation Holder must submit mitigation measures to the satisfaction of the Department.
- 11. RECORDS**
- 11.1 The Integrated Environmental Authorisation Holder must keep records and update all the information referred to in Annexure II and submit this information to the Department on an annual basis.
- 11.2 All records required or resulting from activities required by this Integrated Environmental Authorisation must:

- 11.3 Records demonstrating compliance with condition 5.1.1 must be maintained.
12. REPORTING
- (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 a documented procedure which is approved by the Department.

12.1 The Integrated Environmental Authorisation Holder must, within 24 hours notify the Department 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.

12.2 The Integrated Environmental Authorisation Holder must, within 14 days, or a shorter period of time, if specified by the Department from the occurrence or detection of any incident referred to in condition 12.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by top management, to the satisfaction of the Department 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.

12.3 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 12.1, or measures which have been implemented are inadequate, the Department may implement the necessary measures at the cost and risk of the Integrated Environmental Authorisation Holder.

12.4 The Integrated Environmental Authorisation Holder must keep an incident and complaints register, which must be attached to the external audit report, as well as the Department and DWA for audit purposes.

12.5 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 Integrated Environmental Authorisation; and
- c) any significant adverse environmental and health effects.

12.6 The Department must be notified within 14 days of the following changes:

- a) Integrated Environmental Authorisation Holder's trading name, registered name or registered office address;
- b) Particulars of the Integrated Environmental Authorisation Holder's ultimate holding company (including details of an ultimate holding where a Integrated Environmental Authorisation Holder has become a subsidiary;



12.7 Each external audit report referred to in condition 13.2 below must be submitted to the Department within 30 days from the date on which the external auditor finalised the audit.

**13. AUDITING**

**13.1 INTERNAL AUDITS**

13.1.1 Internal audits must be conducted biannually by the Integrated Environmental Authorisation 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 13.2.1.

**13.2 EXTERNAL AUDITS**

13.2.1 The Integrated Environmental Authorisation Holder must appoint an independent external auditor to audit the site biannually and the auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Integrated Environmental Authorisation Holder according to condition 12.7 above.

13.2.2 The audit report must:

- a) specifically state whether conditions of this Integrated Environmental Authorisation are adhered to.
- 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 Integrated Environmental Authorisation 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 Integrated Environmental Authorisation Holder and whether corrective action taken for the previous audit non conformities was adequate.
- e) show monitoring results graphically and conduct trend analysis.

**13.3 DEPARTMENTAL AUDITS AND INSPECTIONS**

13.3.1 The Department reserves the right to audit and/or inspect the Site without prior notification at any time and frequency as may be determined by the Department.

13.3.2 The Integrated Environmental Authorisation Holder must make any records or documentation available to the Department upon request, as well as any other information he/she may require.

13.3.3 The findings of these audits or inspections must be made available to the Integrated Environmental Authorisation 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).

**14. REHABILITATION AND CLOSURE OF THE SITE**

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

14.2 The Integrated Environmental Authorisation Holder shall remain responsible for the Site, or any of its impacts on the environment, after operations on the site have ceased.

**15. LEASING AND ALIENATION OF THE SITE**

15.1 Should the Integrated Environmental Authorisation Holder want to alienate or lease the site, he/she must notify the Department in writing of such an intention at least 120 days prior to the said transaction. Should the approval be granted, the subsequent Integrated Environmental Authorisation Holder shall remain liable for compliance with all integrated Environmental Authorisation conditions.

**16. TRANSFER OF WASTE MANAGEMENT INTEGRATED ENVIRONMENTAL AUTHORISATION**

16.1 Should the Integrated Environmental Authorisation Holder want to transfer the Integrated Environmental Authorisation, he/she must apply in terms of Section 52 of the National Environmental Management Waste Act, 2008 (Act No 59 of 2008).

16.2 Any subsequent Integrated Environmental Authorisation Holder shall be bound by conditions of this Integrated Environmental Authorisation.

**17. GENERAL**

17.1 The construction of the Integrated Environmental Authorisation of activity may not commence within thirty (30) days of the date of signature of this Integrated Environmental Authorisation.

17.2 Should the Integrated Environmental Authorisation Holder be notified by the Minister in writing of a suspension of the Integrated Environmental Authorisation pending any appeals decision, you may not commence with the activities Integrated Environmental Authorisation d by the Minister.

17.3 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.

17.4 The activity must commence within a period of two (2) years from the date of issue if commencement of the activity does not occur within that period, the Integrated Environmental Authorisation lapses and a new application for an Integrated Environmental Authorisation must be made in order for the activity to be undertaken.



- 17.5 If Integrated Environmental Authorisation Holder anticipates that commencement of the activity would not occur within two (2) year period, he/she **must** apply and **show good cause** for an extension of the Integrated Environmental Authorisation six (6) months prior to its expiry date.
- 17.6 This Integrated Environmental Authorisation shall not be transferable unless such transfer is subject to condition 16.1.
- 17.7 This Integrated Environmental Authorisation shall not be construed as exempting the Integrated Environmental Authorisation 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.
- 17.8 Transgression of any condition of this Integrated Environmental Authorisation could result in the validity of the Integrated Environmental Authorisation being terminated by the Department.
- 17.9 Non-compliance with a condition of this Integrated Environmental Authorisation may result in criminal prosecution or other actions provided for in Section 67 (1) of the National Environmental Management Waste Act, 2008.
- 17.10 Any committees appointed in terms of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the Integrated Environmental Authorisation 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.
- 17.11 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 Integrated Environmental Authorisation 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.
- 17.12 This Integrated Environmental Authorisation is valid for a period of twenty (20) years and shall be reviewed every ten (10) years from the date of issue or at any time before or after that date. Based on the results of the review, especially compliance to Integrated Environmental Authorisation conditions or recommendations from the audit reports and or changing legislation, the Integrated Environmental Authorisation could be amended or withdrawn or validity thereof extended.
- 17.13 The Integrated Environmental Authorisation Holder must apply for decommissioning of the existing oxidation ponds upon completion of the upgrading of activated sludge system.
18. **APPEAL OF INTEGRATED ENVIRONMENTAL AUTHORISATION**
- 18.1 The Integrated Environmental Authorisation Holder must notify every registered interested and affected party, in writing and within ten (10) days, of receiving the Department's decision.

*[Handwritten mark]*

- 18.2 The notification referred to in 18.1, must –
- 18.2.1 Specify the date on which the Integrated Environmental Authorisation was issued;
- 18.2.2 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)
- 18.2.3 Advise the interested and affected party that a copy of the Integrated Environmental Authorisation and reasons for the decision will be furnished on request.
- 18.2.4 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.



**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2006 AS PUBLISHED IN R. 385 OF 2006 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT INTEGRATED ENVIRONMENTAL AUTHORISATION**

APPLICANT		INTERESTED AND AFFECTED PARTIES (IAPs)	
1. Receive a notification of the Integrated Environmental Authorisation from the Competent Authority.	1. Receive a notification of the Integrated Environmental Authorisation from the applicant.		
2. Within 20 days after the date of decision, submit a notice of intention to appeal to the relevant appeal authority; and -Within 10 days of having lodged the above-mentioned notice, provide the applicant with a copy of the said notice; and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.	2. -Within 20 days after the date of decision, submit a notice of intention to appeal to the relevant appeal authority; and -Within 10 days of having lodged the above-mentioned notice, provide the applicant with a copy of the said notice; and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.		
3. The appeal must be submitted to the appeal authority within 30 days after the lapsing of the 20 days period allowed for the submission of the notice of intention to appeal.	3. The appeal must be submitted to the appeal authority within 30 days after the lapsing of the 20 days period allowed for the submission of the notice of intention to appeal.		
4. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant appeal authority or designated organ of state within 30 days from the date that the appeal submission was lodged with the appeal authority.	4. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant appeal authority or designated organ of state within 30 days from the date that the appeal submission was lodged with the appeal authority.		
5. An applicant that receives notice of an appeal may submit a responding statement to the relevant Licensing Authority or designated organ of State within 30 days from the date the appeal submission was lodged with the appeal authority.	5. An applicant that receives notice of an appeal may submit a responding statement to the relevant Licensing Authority or designated organ of State within 30 days from the date the appeal submission was lodged with the appeal authority.		

**NOTES:**

1. An appeal against a decision must be lodged with:-  
 a) the Minister of Water and Environmental Affairs (as the appeal authority) if the decision was issued by the Department-General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;

**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 methods:

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.

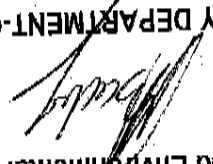
**3. An appeal must be-**

- a) submitted in writing; and
- b) accompanied by:
  - a statement setting out the grounds of appeal;
  - a statement of the grounds of appeal and is not in possession of the Appeal Authority (Minister);
  - a statement that the appellant has complied with regulation 60(2) or (3) together with copies of the notices referred to in the said regulation; and
  - 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, [prettief@environment.gov.za](mailto:prettief@environment.gov.za); or  
Mr H Grove, Appeals Administrator, Tel: 012 310 3070, [hgrove@environment.gov.za](mailto:hgrove@environment.gov.za), at the Department

Date of Integrated Environmental Authorisation: 8/2/2011



**ACTING DEPUTY DEPARTMENT-GENERAL: ENVIRONMENTAL QUALITY PROTECTION**  
Department of Environmental Affairs



**Annexure I: Reasons for Decision**

**PART A: INTEGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA), NEMWA AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2010**

**1. Background**

The applicant, Eskom Holdings Limited applied for the following activities:

GN No. R.387:

Activity 1(e): The construction of facilities or infrastructure, including associated structures or infrastructure, for any process or activity, which requires an amendment of an existing permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent.

GN No. 718, Category B:

(7): "the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more; and

(11): "the construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity)";

**2. 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) The information contained in the EIA dated August 2010.
- b) The comments received from the organs of state and interested and affected parties as included in the EIA dated August 2010.
- c) Mitigation measures as proposed in the EIA dated August 2010 and the associated EMP.
- d) The information contained in the specialist studies contained within the EIA dated August 2010.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

**3. Findings**

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

- According to the EIA dated August 2010, there are negative impacts of high significance before the implementation of mitigation measures, and no negative impacts after the implementation of mitigation measures and the identified impacts can be successfully mitigated.

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

- The negative impacts resulting from the project are, with mitigation, considered to have a low or medium significance rating. Considering the importance to the area of the treated brine infrastructure and the need to treat brine to an acceptable level, it is the opinion of the EAP that the benefits of the proposed project will outweigh the negative effects.
- According to the EIA dated August 2010, there are no heritage resources identified in the study area.
- The identification and assessment of impacts are detailed in the EIA dated August 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the EIA dated August 2010 is accurate and credible.

