

**APPLICATION FOR
AN ENVIRONMENTAL AUTHORISATION
FOR THE
CONSTRUCTION OF A WATER SUPPLY PIPELINE
AT THE DUVHA POWER STATION,
MPUMALANGA PROVINCE**

FINAL ENVIRONMENTAL MANAGEMENT PROGRAMME - JUNE 2016



APPLICATION FOR AN ENVIRONMENTAL
AUTHORISATION FOR THE PROPOSED WATER
SUPPLY PIPELINE AT DUVHA POWERSTATION

Comments and Responses
Report

Accompanying the Final Basic Assessment (FBAR)

JUNE 2016

This report presents all comments by Interested and Affected Parties (I&APs) received during the Draft Basic Assessment Report (DBAR) phase of the application for an Environmental Authorisation (EA) for the proposed water supply pipeline at Duvha Power Station (please refer to **Figures 1** for the locality map). It is presented as an Appendix to the Final Basic Assessment Report (FBAR) that will be submitted to the Department of Environmental Affairs (DEA).

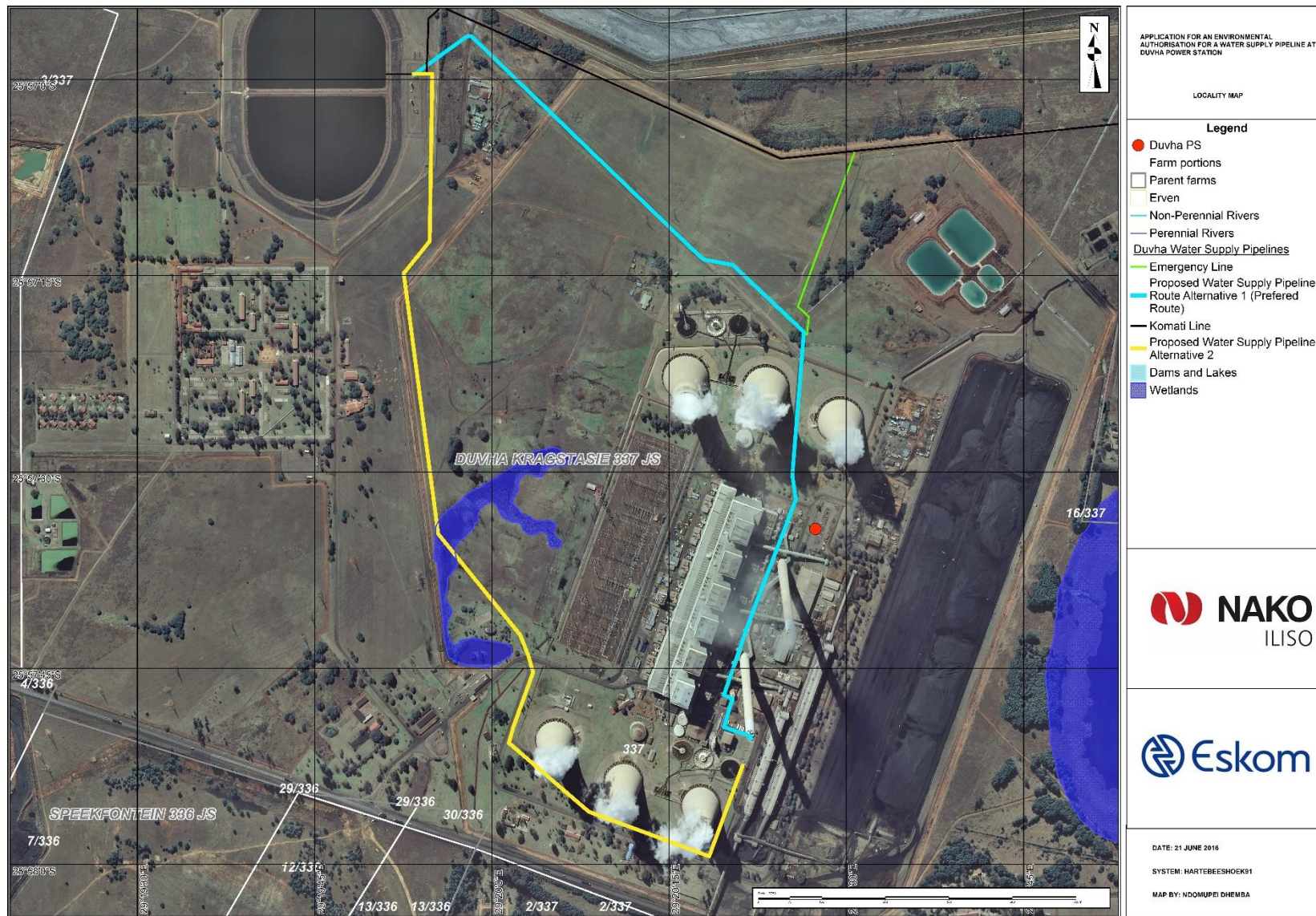


Figure 1: Project Location

1 OBJECTIVES OF THE COMMENTS AND RESPONSES REPORT

The Comments and Responses Report has the following objectives:

- To provide a formal and integrated record of all the issues raised by Interested and Affected Parties (I&APs) during the draft Basic Assessment Phase and the responses provided by the independent Environmental Assessment Practitioner (EAP) on the application.
- To provide a mechanism that allows all parties that contributed during the comment period to check whether the issues raised have been considered and where appropriate, adequately addressed by the EAP.

2 HOW COMMENTS HAVE BEEN RAISED

- A letter received from the Department of Water and Sanitation dated 01/06/2016;
and
- A letter from DWS Mpumalanga Regional Office dated 07/06/2016.

Original letters received have been included as an Appendix to this Comments and Responses Report (**Appendices A and B**),

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<p>It is mentioned that alternative route 2 will cross an artificial wetland</p> <p>The application may not develop within 500m of a wetland or 1:100 year floodline, whichever is greater. If these activities are within these regulated area, the applicant must apply for a water use licence in terms section 21 (C) and (i) of the National Water Act, 1998 (Act No.36 of 1998).</p> <p>In light of the above, the Applicant is requested to liaise with the DWS for guidance on the requirements for water use authorisation applications. Furthermore the Applicant shall conduct a public participation process in terms of section 41 (4) of the Nation Water Act, 1998 (Act 36 of 1998).</p>	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	Alternative 1 which does not impact on any water resources has been recommended for authorisation.	Ms Ndomupe Dhemba (EAP)
<p>It is mentioned that adequate stormwater management must be incorporated into the design of the project to prevent erosion.</p>	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	These stormwater management measures will be incorporated into the stormwater management plan (Refer to Section 5.8.2 of the EMPr)	Ms Ndomupe Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<p>The applicant shall ensure that stormwater management plan is implemented to prevent pollution of run-off. Furthermore the applicant must ensure that stormwater is diverted away from all the working areas and the stormwater leaving the construction areas must not be contaminated by any substance, whether that substance is a solid, liquid vapour or any combination thereof. The soil must be stabilised in order to prevent the resulting wash downs into any water resource and where possible rehabilitation of the disturbed areas must be done concurrently with the construction activity.</p>					
<p>It is mentioned that the concrete and PVC waste from the dismantling of the emergency pipeline will be disposed of at a suitable licensed site.</p> <p>The applicant shall ensure that the general and hazardous waste generated on site is separated and</p>	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	General and Hazardous waste will be separated on site and disposed of at licenced waste disposal facilities as stipulated in Section 5.1.5 of the EMPr.	Ms Ndomupei Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
disposed of at the permitted waste disposal site in such a manner as not to cause any nuisance conditions or secondary pollution.					
<p>Sanitation: It is indicated in the report that e.g. chemical toilet will be used</p> <p>Reasonable measures shall have to be taken to prevent the potential pollution of the ground and surface water resources due to the proposed onsite sanitation facilities. A letter of agreement between the applicant and the permit holder of the sewage disposal facility should be submitted to this Department.</p>	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	A letter of agreement between the applicant and sewage disposal company for chemical toilets will be submitted to the DWS before commencement of construction activities.	Ms Ndomupe Dhemba (EAP)
<p>It is mentioned that approximately 100m³ of water will be required for concrete mixing and for pipe supports. The water required for construction will be transported to the construction site via tanker trucks.</p> <p>In light of the above, the applicant must note that the Department of</p>	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	The water for construction will be sourced from Water Treatment Plant (WTP) at Duvha Power Station and delivered to the construction site using tanker trucks.	Ms Ndomupe Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
Water and Sanitation must be provided with the source of water in order to make an informed decision.					
Storage of oil, diesel, hydraulic fluids and grease: It is recommended that the storage areas for these fluids be bunded with cement and in such a manner that any spillages can be contained and reclaimed without causing any pollution to the ground and surface water resources.	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	Facilities for the storage of oil, diesel, hydraulic fluids and grease will be bunded with cement and in such a manner that any spillages can be contained and reclaimed without causing any pollution to the ground and surface water resources (see EMPr section 5.1.5)	Ms Ndomupe Dhemba (EAP)
It is mentioned that clean and dirty water shall be separated and dirty water shall be contained and reused where practical possible. The Department supports the re-use of dirty water and clean water to be release to the environment.	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	Clean and dirty water will be separated and dirty water will be re-used as far as possible.	Ms Ndomupe Dhemba (EAP)
The applicant shall ensure that no stock piling of any material shall take place within 100m from the watercourse owing to high sedimentation.	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	No stockpiling of any material will take place within 100 m of a watercourse (see EMPr Section 5.2.2).	Ms Ndomupe Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
The applicant is advised to not commence with any water uses activities before obtaining a Water Use Authorisation.	2016/06/01	Ms BN Mnguni (DWS Mpumalanga Regional Office Official)	Letter	No water use activities will commence without a water use licence.	Ms Ndomupe Dhemba (EAP)
The applicant is referred to Section 19(1) of the National Water Act, 1998 (Act No. 36 of 1998), and to report any pollution incidents originating from the proposed project to the Provincial Office of the Department of Water and Sanitation within 24 Hours.				Any pollution events will be reported to the Provincial Office of the DWS within 24 hours as required by Section 19 (1) of the NWA.	Ms Ndomupe Dhemba (EAP)
Undertaking of an oath: The EAP must include an undertaking under oath or affirmation (administered by a Commissioner of Oaths) as per Appendix 1 (3) (r) of the EIA Regulations, 2014 which states that the BAR must include: <i>“An undertaking under oath or affirmation by the EAP in relation to:</i>	2016/06/07	Ms N Nkosi (DEA Official)	Letter	Please refer to Appendix H of the FBAR.	Ms Ndomupe Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<ul style="list-style-type: none"> • <i>The correctness of the information provided in the reports;</i> • <i>The inclusion of comments and inputs from stakeholders and I&APs;</i> • <i>The inclusion of inputs and recommendations from the specialist reports where relevant; and</i> • <i>Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties”.</i> 					
<p>The EAP must provide the following:</p> <ul style="list-style-type: none"> • Proof of submission of the draft BAR to registered interested and affected parties and organs of state; 	2016/06/07	Ms N Nkosi (DEA Official)	Letter	Please refer to Appendix E1 and E4 of the FBAR for the proof of submission of the DBAR to registered interested and affected parties and organs of state respectively.	Ms Ndomupe Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<ul style="list-style-type: none"> Copies of all comments received during the draft BAR comment period; and A comments and responses report which addresses all issues raised and comments received during the draft BAR commenting period, including comments from the DEA. 				<p>Please refer to Appendix A and B of this Comments and Responses Register for copies of the comments received during the draft BAR comment period.</p> <p>Please refer to Appendix E3 of the FBAR for a copy of the comments and responses report, addressing all issues raised and comments received during the draft BAR commenting period</p>	
<p>Ensure that the BAR includes the period for which the environmental authorisation is required and the date on which the activity will be concluded as per Regulation 3 (1) (q) of Appendix 3 of GN R982.</p>	2016/06/07	Ms N Nkosi (DEA Official)	Letter	<p>Please refer to Section 1: Project Description and Section E: Recommendation of the EAP of the FBAR.</p>	Ms Ndomupe Dhemba (EAP)
<p>You are reminded to comply with Regulation 19 (1) (a) of the EIA Regulations (2014), which states that:</p> <p><i>“Where a basic assessment must be applied to an application, the</i></p>	2016/06/07	Ms N Nkosi (DEA Official)	Letter	<p>Noted. The FBAR will be submitted to the DEA within 90 days.</p>	Ms Ndomupe Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<p><i>applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority-</i></p> <p><i>A basic assessment report, inclusive of specialist reports, an EMPr, and where applicable, a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority”.</i></p>					
<p>Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are therefore reminded to comply with Regulation 19 (b) which states:</p>	2016/06/07	Ms N Nkosi (DEA Official)	Letter	Noted. The EAP will inform the DEA of any significant changes made to the BAR and/or EMPr.	Ms Ndomupei Dhemba (EAP)

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<p><i>“...the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority- a notification in writing that the basic assessment report, inclusive of specialist reports and EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority as significant changes have been made or significant new information has been added to the BAR or EMPr or, where applicable, a closure plan, which changed or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub-regulation (1) (a) and that the revised reports, or EMPr or, where applicable, a closure plan will be subjected to another public</i></p>					

Issue/Comment	Date received	Origin	How the Issue was raised	Response during the EIA Phase	By whom
<i>participation process of at least 30 days”.</i>					

APPENDIX A

**COMMENTS RECEIVED FROM THE DEPARTMENT OF WATER AND SANITATION
(DWS)**



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

MPUMALANGA

Private Bag X11259, Mbombela, 1200. Prorom Building, Cnr Brown and Paul Kruger Street

Enquiries: BN Mnguni **Telephone:** 013 932 2061 **Reference:** 16/2/7/B100/N402

ILISO Consulting (Pty) Ltd
PO Box 68735
Highveld
CENTURION
0159

Attention: Ms Terry Calmeyer

RE: BASIC ASSESSMENT REPORT FOR THE PROPOSED WATER SUPPLY PIPELINE AT DUVHA POWER STATION (DEA REFERENCE NO: 14/12/16/3/3/1/1571).

The Department of Water and Sanitation acknowledges receipt of the above report dated 16 May 2016, prepared by ILISO Consulting (Pty) Ltd on behalf of Eskom Holdings SOC Ltd: Duvha Power Station and the comments are as follows:

1. It is mentioned that alternative route 2 will cross an artificial wetland.

The applicant may not develop within 500m of a wetland or 1:100 year floodline, whichever is greater. If these activities are within these regulated area, the applicant must apply for a water use licence in terms of section 21 (c) and (l) of the National Water, 1998 (Act No. 36 of 1998).

In light of the above, the Applicant is requested to liaise with the DWS for guidance on the requirements for water use authorisation applications. Furthermore the Applicant shall conduct a public participation process in terms of section 41(4) of the National Water Act, 1998 (Act 36 of 1998).

2. It is mentioned that adequate stormwater management must be incorporated into the design of the project to prevent erosion.

The applicant shall ensure that stormwater management plan is implemented to prevent pollution on run-off. Furthermore the applicant must ensure that stormwater is diverted away from all the working areas and the stormwater leaving the construction areas must not be contaminated by any substance, whether that substance is a solid, liquid, vapour or any combination thereof. The soil must be stabilised in order to prevent the resulting wash downs into any water resource and where possible rehabilitation of the disturbed areas must be done concurrently with the construction activity

3. It is mentioned that the concrete and PVC waste from the dismantling of the emergency pipeline will be disposed of at a suitable licensed site.

The applicant shall ensure that the general and hazardous waste generated on site is separated and disposed of at the permitted waste disposal site in such a manner as not to cause any nuisance conditions or secondary pollution.

4. **Sanitation:** It is indicated in the report that e.g. chemical toilet will be used.

Reasonable measures shall have to be taken to prevent the potential pollution of the ground and surface water resources due to the proposed onsite sanitation facilities. A letter of agreement between the applicant and the permit holder of the sewage disposal facility should be submitted to this Department.

5. It is mentioned that approximately 100 m³ of water will be required for concrete mixing and for pipe supports. The water required for construction will be transported to the area via tanker trucks.

In light of the above, the applicant must note that the Department of Water and Sanitation must be provided with the source of water in order to make an informed decision

6. Storage of oil, diesel, hydraulic fluids and grease: It is recommended that the storage areas for these fluids be bunded with cement and in such a manner that any spillages can be contained and reclaimed without causing any pollution to the ground and surface water resources.
7. It is mentioned that clean and dirty water shall be separated and dirty water shall be contained and reused where practical possible.

The Department supports the re-use of dirty water and the clean water to be released to the environment.

8. The applicant shall ensure that no stock piling of any material shall take place within 100 m from the watercourse owing to high sedimentation.
9. The applicant advised to not commence with any water uses activities before obtaining a Water Use Authorisation.
10. The Applicant is referred to Section 19(1) of the National Water Act, 1998 (Act No. 36 of 1998), and to report any pollution incidents originating from the proposed project to the Provincial Office of the Department of Water and Sanitation within 24 hours.

Please do not hesitate to contact Ms BN Mnguni on Cell Number 082 884 1854, e-mail address mngunib@dws.gov.za should you have further queries.

Yours faithfully,


ACTING PROVINCIAL HEAD: MPUMALANGA
DATE : 01/06/2010

APPENDIX B

COMMENTS RECEIVED FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/1/1571

Enquiries: Nyiko Nkosi

Telephone: 012-399-9392 E-mail: nnkosi@environment.gov.za

Ms Ndomupei Dhemba
NAKO-ILISO
PO Box 68735
Highveld
CENTURION
0169

E-Mail: ndomupei@iliso.com

PER MAIL / E-MAIL

Dear Ms Dhemba

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT: PROPOSED CONSTRUCTION OF WATER SUPPLY PIPELINE AT DUVHA POWER STATION WITHIN THE JURISDICTION OF EMALAHLENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

The draft Basic Assessment Report (BAR) dated May 2016 and received by the Department on 16 May 2016, refers.

This letter serves to inform you that the following information must be included to the final BAR:

a) Undertaking of an Oath

The submitted draft BAR does not include an undertaking under oath or affirmation by EAP. You are therefore requested to include an **undertaking under oath or affirmation (administered by a Commissioner of Oaths)** as per Appendix 1 (3) (r) of the EIA Regulations, 2014, which states that the BAR must include:

"an undertaking under oath or affirmation by the EAP in relation to:

- (i) the correctness of the information provided in the reports;*
- (ii) the inclusion of comments and inputs from stakeholders and I&APs;*
- (iii) the inclusion of inputs and recommendations from the specialist reports where relevant; and*
- (iv) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties".*

b) Public Participation Process

- Proof of submission of draft BAR to registered interested and affected parties and organs of state;
- Copies of all comments received during the draft BAR comment period; and
- A comment and response report which addresses all issues raised and comments received during the draft BAR commenting period. Please note that the DEAs comments must also form part of the final BAR.

General

Please ensure that the BAR includes the period for which the environmental authorisation is required and the date on which the activity will be concluded as per 3(1)(q) of Appendix 3 of GN R. 982.

You are further reminded to comply with regulation 19(1)(a) of the Environmental Impact Assessment Regulations (2014), which states that:

*"Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority -
(a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"*

Should there be significant changes or new information that has been added to the basic assessment report or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are therefore required to comply with regulation 19(b) which states:

"...the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days".

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the Environmental Impact Assessment Regulations (2014), your application will lapse.

You are requested to submit two (2) copies of the BAR to the Department and at least two (2) unprotected electronic copy (CD/DVD) of the complete final report with the hard copy documents.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Sindiswa Dlomo
Designation: Deputy Director: Public Sector
Date: 07/06/2016

CC:	Ms D Herbst	Eskom Holdings SOC Ltd	Tel: 011-800-3501	Email: HerbstDL@eskom.co.za
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