

BACKGROUND INFORMATION DOCUMENT

**AMENDMENT OF AN EXEMPTION AUTHORISATION FOR ASH
DISPOSAL FACILITY AT KENDAL POWER STATION IN,
MPUMALANGA. DEA REF NO. 14/12/16/3/3/3/63AM1**

Report Date: 2019/08/22

Developed By



Developed For



1. BACKGROUND

Eskom Holdings SOC Ltd (Eskom) was granted an Integrated Environmental Authorisation (IEA) on the 28th of July 2015 for their Kendal Power Station, continuous ash disposal facility (ADF) to accommodate the ash to be produced by the power station up to the year 2030. One of the conditions of the IEA is that the ADF should be lined with a Class C liner. However, as a way to cater for the extended construction of the ADF, a transitional period exemption was applied for and granted in May 2016 for Eskom to ash without lining until May 2020, for a period of 4 years (DEA Ref No. 14/12/16/3/3/3/63AM1)

Eskom intends to extend the exemption authorisation period to continue ashing on the exempted area until the exempted footprint is covered with ash, in order to proceed to the lined area.

Green Gold Group has been appointed as an independent Environmental Assessment Practitioner (EAP) to facilitate the Part 2 amendment process in terms of the National Environmental Management Act, Act No. 107 of 1998 (NEMA) as amended, read in conjunction with Chapter 5 of the Environmental Impact Assessment (EIA) Regulations 2014 as amended.

2. PURPOSE OF THE DOCUMENT

The aim of this document is to:

- Provide an overview of the proposed amendment and its location.
- Provide the environmental and legal framework governing the project;
- Provide information of the amendment process to be followed; and

- Indicate how you, as the Interested and Affected Party (I&AP), can become involved in the amendment process.

3. LOCATION

The project is located in the Eskom, Kendal Power Station on the farm Schoongezicht 218 IR, Emalahleni Local Municipality within the Mpumalanga Province. The centre coordinates for the site are 26° 5'56.02"S, 28°56'13.86"E.

Please see **Appendix 1** for the locality map.

4. PROJECT DESCRIPTION

Eskom proposes to undertake a Part 2 Amendment process for the exemption authorisation that was granted on 5 May 2016. The exemption is valid for a period of 4 years, from 5 May 2016 to 5 May 2020. However, project delays were encountered during this period which would result in Eskom surpassing the time-frame granted within the exemption period. Furthermore, the exempted area still has a remaining footprint of 52 hectares to be filled up with ash prior to ashing on the new lined area.

Eskom therefore, intends to extend the exemption authorisation period to continue ashing on the exempted area until the exempted footprint is covered with ash, in order to proceed to the lined area.

5. LEGAL FRAMEWORK

The primary legislation that governs the EA amendment process is the National Environmental Management Act, 1998 (Act No.107 of 1998). (NEMA), as amended. Applying the aforementioned act as well as the Environmental Impact Assessment (EIA) Regulations 2014, amended in 2017, the following regulation is to be considered.

**Government Notice Regulation 326, Chapter 5,
Regulation 31**

**Amendments to be applied for in terms of Part
2**

An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not—

- (a) assessed and included in the initial application for environmental authorisation; or
- (b) taken into consideration in the initial environmental authorisation; and the change does not, on its own, constitute a listed or specified activity.

6. AMENDMENT APPLICATION PROCESS

The amendment process being implemented can be divided into three phases namely:

Pre-Application Phase

- Notification to the Department of Environment, Forest and Fisheries. (DEFF)
- Project announcement and registration of I&APs (30 days)
- Specialist studies

Amendment Application and Report Phase

- Amendment application form prepared and submitted to DEFF
- Draft amended Report for released for I&AP review (30 days commenting period)
- Final amended Report submitted to DEFF including comments and responses from I&AP

Decision Making and Appeal Period

DEFF will make a final decision, taking into consideration, the submitted documentation, either to grant or deny the proposed application.

Once the decision has been announced I&APs are given a period to appeal the decision if ever one disagrees with the final decision made.

7. PUBLIC PARTICIPATION PROCESS

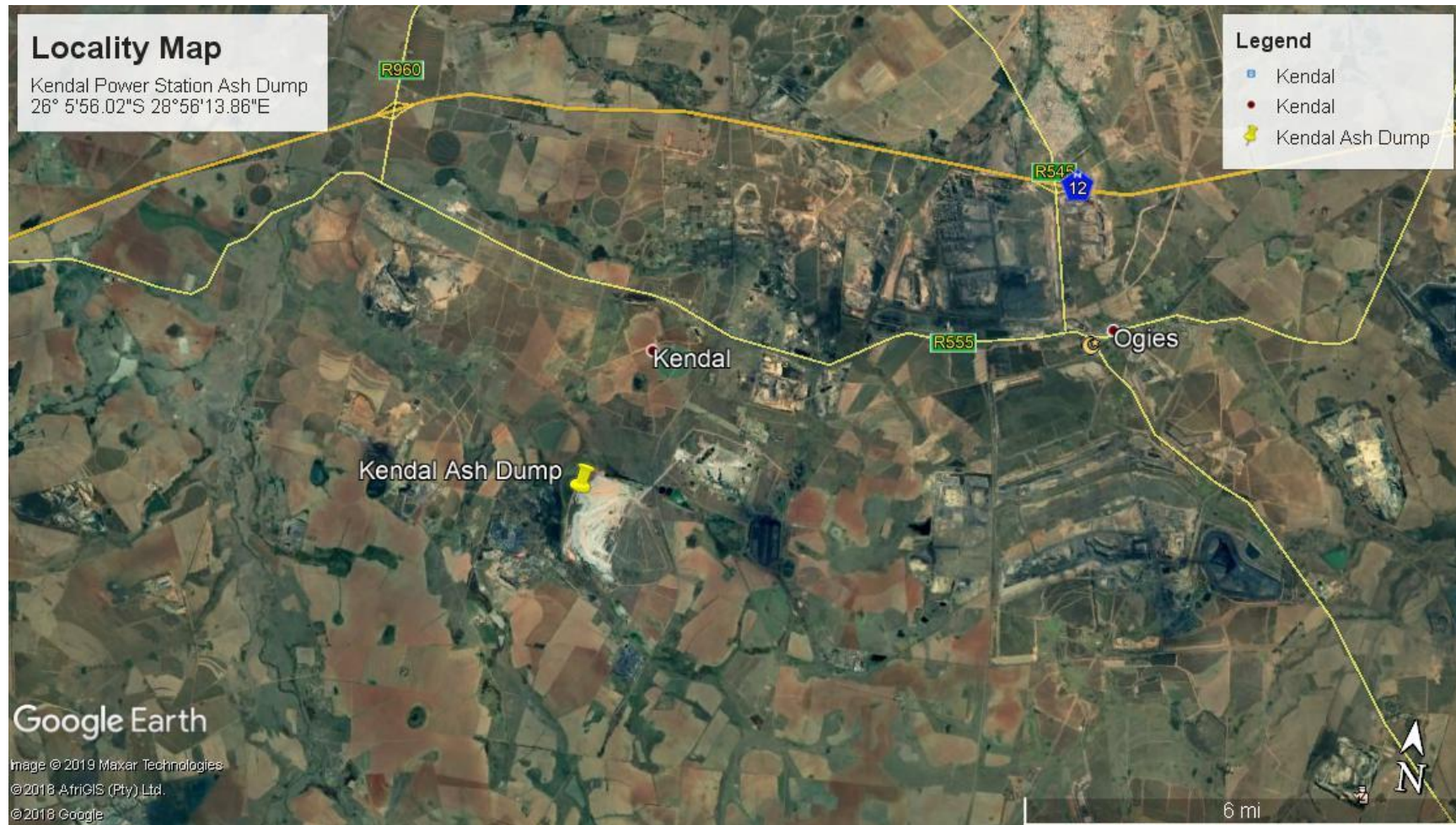
The PPP involves the public in problem-solving or decision-making and forms an integral part of the EIA process. The PPP provides people who may be affected by the project, with an opportunity to provide comments and to raise issues of concern and or make suggestions that may result in enhanced benefits for the project.

As part of the amendment process an Amendment Report must be subjected to a public participation process in order to bring the proposed change to the attention of potential and registered I&APs. Comments and issues raised during the PPP will be captured, evaluated and included in a Comments and Response Report, which will be submitted with the Amendment Report to DEFF. These documents will form part of the documents assessed by the competent authority in order to make its decision regarding the proposed amendment.

8. YOUR ROLE IN THE PROCESS AS AN I&AP

If you consider yourself an I&AP for the proposed project, we encourage you to make use of the opportunities provided and raise any issues or concerns which affect or interest you. Please register by completing and submitting the accompanying registration form (**Appendix 2**) on or before **26 September 2019**. Alternatively, you can call us on the telephone numbers provided in the form. We will ensure that you are registered as an I&AP and that your concerns or queries regarding the project are considered. We will also ensure that you are provided with future information pertaining to the project.

APPENDIX 1: LOCALITY MAP



APPENDIX 2:

INTERESTED AND AFFECTED PART REGISTRATION FORM

KINDLY COMPLETE THIS FORM IN DETAIL AND RETURN TO EIAs:

Postal Address: Green Gold Group, P.O. Box 65384, Erasmusrand, 0165. **Tel:** 073 232 4312

Email: EIAs@greengoldgroup.co.za

PERSONAL DETAILS:

Title:	Full Name:
Organisation:	Capacity:
E-Mail:	Fax:
Telephone:	Mobile:
Physical Address:	Code:
Postal Address:	Code:

EXPRESSION OF INTEREST

What is your main area of interest with regard to the proposed project?
2. Do you have any points of concern or support regarding the proposed project? <input type="checkbox"/> YES/ <input type="checkbox"/> NO
If "yes", please briefly list these in point form
3. Are there any additional stakeholders who you feel should be consulted with regard to the proposed project? <input type="checkbox"/> YES/ <input type="checkbox"/> NO
If "yes" please list their names and contact details below:

PLEASE ADD MORE PAGES IF NECESSARY