

**COMMENT AND RESPONSE REPORT
FOR
KENDAL POWER STATION, ADF
EXEMPTION EXTENSION AMENDMENT**

DEA Ref Number: 14/12/16/3/3/3/63AM1

PREPARED BY:

Green Gold Group (Pty) Ltd



PREPARED FOR:

Eskom Holdings SOC Ltd



1. Introduction

This Comments and Response Report (CRR) records the comments expressed by Interested and Affected Parties (I&APs) during the Public Participation Process (PPP) followed for the Kendal Power Station's Ash Disposal Facility's Exemption extension application. The Public Participation phases were conducted as follows:

	Description	Date(s)
Phase 1	Invitation of I&APs	23 August – 26 August 2019
Phase 2	Public Review; Draft Amendment Motivation Report	01 November – 11 December 2019
	Public meeting	19 November 2019
	Focus Group Meeting with Emalahleni Local Municipality.	28 November 2019
	Focus Group Meeting with Kendal Poultry Farm	11 December 2019

Comments were received in writing (comment forms and emails), telephonically and through the discussions during the above-mentioned meetings. The comments are tabulated in Table 1 and are separated to include those received throughout the Public Participation Process. The appropriate, responses from the Eskom and Green Gold Group project team members are included.

Table 1: Comments and Responses

No.	Comments Raised by stakeholders	Stakeholder name	Community/ Organization	Date	Source	EAP Response
1. Invitation to participate						
1.1.	Thank you, I will send replies.	Mike Elliot	Kusile Mining	23/08/2019	Email	Acknowledgement email was sent.
1.2.	Dear Ms Motha, Your wayleave application with DEA reference number 14/12/16/3/3/3/63AM1 dated 22 August 2019 has reference. Transnet pipeline servitudes are not affected by the proposed work/installations/excavations/connections/construction/road upgrade/development/etc. This wayleave authorisation is valid for thirty-six (36) months from today's date – 23 August 2019.	Thami Hadebe	Transnet	23/08/2019	Emails	Response email was sent which clarified that a wayleave was not applied for, and that a wayleave is not required/applicable for this project.
1.3.	Sorry to be late to raise my concern I want to check with you about this environment program. Are the people of rural areas going to benefit in this process because why I am asking this, we are most directly affected parties in terms of all these things but at last we don't benefit in anything there is something that we can assist this directly affected community if there is, what kind of things job opportunity or procurement opportunity or skills. Can you please be honest with me so that I can be honest to these poor of the poorest people. This is my suggestion for that ash distribution we are requesting if there is anything in your capacity let us this rural community with everything that we have thank you that is my comment	Councilor Ezekiel Sekhukhuni	Victor Khanye Municipality - Councilor: Ward 7	27/08/2019	Emails and telephone	As the email from the councilor was not clear a telephone conversation with the councilor helped clarify that the project was for the amendment of an exemption authorisation and there would not be any additional job opportunities related to this exemption extension application and that a public meeting would be held where further discussions about the project would be done.

						The amendment (Exemption extension) is part of the current operations and no contractor is required to execute the work.
1.4.	I thank you for the notification. Please register the FSE as an interested and affected party. Allow me please to also copy some of our affiliates on this notification.	Marriette Lieferink	Federation for Sustainability	27/08/2019	Emails	A response email was sent. The stakeholder and their affiliates were added to the database
1.5.	This email is an acknowledgement of receipt for your enquiry. Please note that your enquiry will be evaluated and a response provided within 30 days, in line with requirements of Section 29 of the Spatial Planning and Land Use management Act (Act No.16 of 2013) read with Section 3 of the Promotion of Administrative Justice Act (Act No.3 of 2000).	Ria Barkhuizen	National Road Agency	28/08/2019	Emails	Acknowledgement email was sent to the stakeholder (Appendix D17).
1.6.	Thanks for including me, as a resident of Johannesburg, and of the planet. May I quickly come up to speed here, by asking, to what extent is the CoJ and the Kelvin operator factoring in climate change, Basi? What is the shut-down plan for Kelvin, consistent with the need not to destroy future generations' life chances, as well as other species?	Patrick Bond	Wits University	29/08/2019	Emails	A response email was sent indicating that the power station in question was not Kelvin in Kempton Park but rather Kendal which is located in the Mpumalanga Province.
1.7.	Tina May, the administrator at the municipality sent a comment form which had the following comments from Mr. Nkabinde; <ul style="list-style-type: none"> • He is commenting on the project, as an interested party and the custodian of the environment for the inhabitants of the municipality. 	Erald. /John Nkabinde / Tina May	Emalahleni Local Municipality	29/08/2019	Email and Telephonic conversation.	It was discussed telephonically with Mr. Nkabinde on the 2 nd of September 2019 that a focus group meeting shall be arranged once the draft report was available to the public for review.

	<ul style="list-style-type: none"> • His comments shall be provided in the actual EIA application and that a focus group shall be required to get more detail about the project. • The stakeholders within the municipality can be invited if a focus group meeting is arranged. 					A focus group meeting was held on 28 November 2019.
2. Draft Report Comments						
2.1.	How will the project benefit the community in terms of job creation and business opportunities?	Councilors: NL Mfokeng & Ezikel Sekhukhuni	Emalahleni; ward 30 and Victor Khanye; Ward 4.	1/11/2019	Meeting	It has to be noted that the current Kendal ash disposal facility (ADF) Exemption extension project does not have any new jobs and/or business opportunities, as no new structures or construction is required. This is because the station is continuing with its normal (historical) ashing operations. The application is for the station to be able to continue with its normal ashing processes/operations while constructing the other portion of the ADF, to be lined, at a defined footprint.
2.2.	It is difficult to get a vendor number for Eskom. What is the process of registering a vendor?	Vusi Mavuso	Kendal Forum, community representative	1/11/2019	Meeting	It was stated by Eskom representatives that according to the procurement procedure, a business is not required to have a vendor number prior to tendering.

						A vendor number is registered to successfully awarded tenders/supplier/contractor who met the requirements of such a tender.
2.3.	Is there a stakeholder meeting for addressing local employment and procurement issues	Councilor Ezikiel Sekhukhuni	Victor Khanye Ward 4	1/11/2019	Meeting	Eskom representatives indicated that there would be a Kendal power station stakeholder meeting on Friday the 8 th of November at Kopanong Hall from 08:00 – 10:00. For attendance at the meeting, only two representatives from each recognized structure are allowed and no individual representation is permitted. Each structure/ forum needed to bring a letter from their recognized structures.
2.4.	Please remove me from your circulation list as my company closed down 5 years ago.	Jan van Niekerk	C-Shell 229 (Pty) Ltd	4/11/2019	Email	A response was sent to Mr. van Niekerk thanking him for the response. He was removed from the list as requested.
2.5.	Please may you send us the motivation report as we cannot access the link	Sandra Reyneke	Sasol	4/11/2019	Email	The draft report was emailed directly to Sandra.

2.6.	Good day I need more information regarding the ash continuous disposal at Kendal Power Station.	Sibusiso Kolobe	Interested party	11/11/2019	Email	A response was sent asking Mr. Kolobe to please specify the information he required. In addition to the draft report that was sent, a copy of the final Amendment Motivation Report will be send to him.
2.7.	<p>Please clarify the following:</p> <ul style="list-style-type: none"> • The notice received on 12.11.2019 indicates a meeting date of 2018 and the comments period is also noted to close in November 2018? <ul style="list-style-type: none"> a) Firstly, this is presumed to be incorrect. b) Secondly, at least 2 weeks is the prescribed minimum notice period. c) The date is thus unacceptable – please reschedule with a reasonable time-frame allowed. • Secondly, Kendal Poultry Farm is noted as an I&AP with Eskom. <ul style="list-style-type: none"> a) I do not see them invited on this list, yet they are located in between Kusile and Kendal Power Stations, I cannot see how they are not included in your list of potential I&APs? 	Dr JA Meyer	Consultant for Top pigs SA/ Kendal poultry Farm.	12/11/2019	Email	<p>Clarifications:</p> <ul style="list-style-type: none"> • The error on dates (reflected as 19 November <u>2018</u>) was identified, and the invite was recalled and replaced with one that had the correct date (a date of 19 November 2019) immediately after it was brought to EAP's attention. • The commenting period was ending on 30 November 2019 initially, and this was subsequently extended to 11 December 2019. • It was further explained to Dr Meyer that we had been

	<p>b) b. Please add them on the list of I&APs and include them accordingly.</p>					<p>engaging with Community Leaders and Ward Councilors from 22 October 2019. The proposed dates for the meeting were decided by the Ward Councilors and Community Leaders after consultation with the communities they represent.</p> <p>Kendal Poultry was included from the initial database. will be included in the I&AP database.</p>
2.8.	<p>We refer to the abovementioned matter and confirm that we are acting on behalf of Afgri Agri Services herein.</p> <p>We have attempted to obtain the amendment motivation report on your website without success. Kindly e-mail me the report to enable us to establish if Afgri will be affected by this project.</p> <p>Also please indicate which properties this project will affect.</p> <p>We trust you find the above in order and await your reply.</p>	Nadia Hetzel	Boshoffsmuts, acting on behalf of Afgri Agri Services	13/11/2019	Email	<p>A copy of the report was emailed to the stakeholder.</p> <p>A layout map showing affected properties was included in the report.</p> <p>The proposed amendment is for the extension of the authorised time period stipulated within the Exemption Authorisation granted to Eskom. The proposed</p>

2.9.	<p>Further to my correspondence below Zitholele Consulting confirmed in January 2019 that no physical footprint disturbance of Afgri's property will occur as a result of the proposed liner amendment. Furthermore, they confirmed that the modelled pollution plume will not migrate anywhere near Afgri's silos and property located along the R555 more than 2.5 km away from the existing ADF footprint area.</p> <p>Kindly confirm if this will still be the case.</p>	Nadia Hetzel	Boshoffsmuts, acting on behalf of Afgri Agri Services	13/11/2019	Email	<p>extension will not result in ashing operations going beyond the current exempted footprint.</p> <p>The draft motivation report was emailed directly to the individual.</p>
2.10.	<p>Please remove me from your mailing list as I am no longer involved in this side of the business.</p>	Bronwyn Stolp	Eskom: Real Estate Department	13/11/2019	Email	<p>Ms. Stolp was removed from the database as requested.</p>
2.11.	<p>The Ash Disposal Facility at Kendal Power Station will not have an impact on traffic operations on national road N4.</p> <p>I wish you to remove SANRAL (nrstatutory@nra.co.za, Barkhuizen@nra.co.za, and OliverJ@nra.co.za) as well as Kevin Rudd (kevin.rudd@geoafrika.co.za) of MA JV from your distribution list of I&AP's.</p>	Jan Oliver	South African National Roads Agency (SANRAL)	14/11/2019	Email	<p>A response was sent thanking SANRAL for their comment.</p> <p>The mentioned recipients were removed from the database as requested.</p>

2.12	<p>Thank you for the response, however, please note the following:</p> <ol style="list-style-type: none"> 1) Kendal Poultry Farm is on the Eskom data base already, not only as an I&AP, but also as an Appellant. <ol style="list-style-type: none"> a. It is thus unacceptable not to have them included in community stakeholder engagement. 2) Secondly, they are a key commercial agricultural entity within close proximity to Kendal PS. <ol style="list-style-type: none"> a. How they were not consulted is thus unclear, as it is reasonable to have expected this. 3) Irrespective of this, the date communicated, however, still falls out of the required 2-week minimum notice period. <ol style="list-style-type: none"> a. Your communication thus fails to comply with the required time-frames for all those to whom it was sent. b. I cannot be there next week due to prior engagements and thus expect a re-scheduling or repeat the week after 	Dr JA Meyer	Consultant for Top pigs SA/ Kendal poultry Farm.	14/11/2019	Email	<p>It was clarified to Dr. Meyer that the Kendal Poultry Farm had been consulted from the initial stage of PPP. The landowner, Mr. Byrne, indicated telephonically that they were satisfied with the manner in which they were consulted. (Proof of email sent to Mr. John Byrne of Kendal Poultry attached in Appendix D2 – which shows he was involved at commencement of the PPP). A call log with Mr. Byrne is also attached).</p> <p>It is to be noted that a public meeting is not a compulsory requirement, but is rather one of the means to reach the greater community. The public meeting was requested by the Community Leaders/Representatives and, after engagement with their communities, they decided on the</p>
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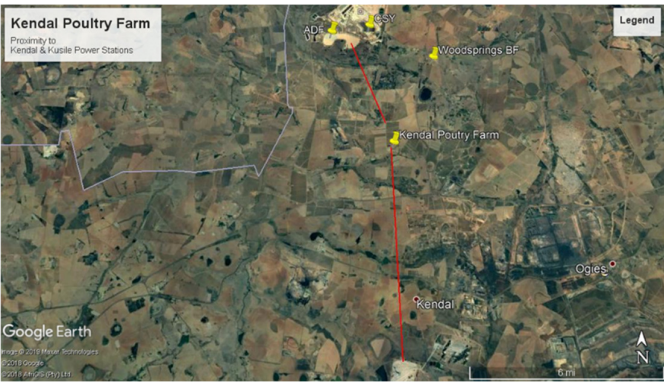
						<p>date that was suitable to the local communities within the vicinity of Kendal ADF.</p> <p>A focus group meeting was scheduled with Kendal Poultry Farm representatives for 11 December 2019.</p>
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2.13.	<p>Please find attached SANRAL's comments. Please note for any new applications and request for comments, use NRStat@nra.co.za email address.</p> <p>Attached Letter: NRA has no comment/objection to this application as it does not affect a national route or interchange.</p>	Ria Barkhuizen	South African National Roads Agency (SANRAL)	15/11/2019	Email & attached letter	A response email was sent thanking Ria for the comment.
2.14.	What will be in the agenda of the proposed public meeting. Will it be covering issues regarding the Kendal Mine?	Gerhard Steyn	Awanzi Services & Trading Ventures cc	15/11/2019	Telephone	It was explained to Mr. Steyn that the public meeting is for the amendment of the Exemption Authorisation for the Kendal PS Ash Disposal Facility and not the Kendal Mine.
2.15.	<p>The following is pointed out to Green Gold Group:</p> <p>In order to give effect to the legislated intention of constructive community (public) stakeholder engagement a reasonable timeframe for meetings should be provided. The date provided of 19.11.2019 did not fall within a two-week period and was at unreasonably short notice.</p>	Dr JA Meyer	Consultant for Top pigs SA/ Kendal poultry Farm.	2/12/2019	Email	The view that this was short notice is acknowledged. However, it should be noted that Green Gold Group engaged with Kendal community representatives and Emalahleni Local Municipality (ELM) Ward 30 Councilor and Victor Khanye Ward 4 Councilor to establish a date and venue that was suitable for the majority of the community. Attendance register

						<p>for meeting with community representatives is attached (Appendix D10). Green Gold Group wanted to release the information of the date and venue together with notifications of the availability of draft report on 1 November 2019, but the Ward Councilors and Community Representatives confirmed the suitable date that was agreed on with the community on 11 November 2019. Invitations for the public meeting were released the next day on 12 November 2019.</p>
	<p>The Invitation Letter received notes that comments must be submitted by 16:00 on 30 November 2019, yet the notice is dated 12/11/2019.</p>					<p>The first communication disseminating draft report was sent on 01 November 2019, Mr. John Byrne of Kendal Poultry Farm was included in the distribution of draft report (Appendix D8).</p>

						<p>The second communication sent on 12 November 2019 was to invite the I&APs to a public meeting and to further remind I&APs to review the draft report (Appendix D9), as the date of 19 November 2019 was determined by Community representatives.</p>
	<p>It is brought to the attention of Green Gold Group that legally, in terms of NEMA, a commenting period cannot end on a Saturday and has to be extended to the next Monday. This would be the correct date even if the notice was received on 01.11.2019</p>					<p>Comment noted and the comments received after the said date are included in this report. Furthermore, the comment period was extended to 11 December 2019. All I&APs were informed about this extension (Appendix D18).</p>
	<p>Furthermore, the commenting period should actually be in the second week in December 2019, as the documentation and invite letter were only received on 12.11.2019.</p>					<p>This is incorrect, notices were sent on 01 November 2019 (Appendix D8). The letter sent on 12 November 2019 was for public meeting invite and to further remind the I&APs to comment on the draft report), as the date of 19</p>

						<p>November 2019 was determined by Community representatives.</p>
	<p>Irrespective, the comments to the Draft report received are provided on 02.12.2019 in this document.</p>					<p>Comments received, appreciated and responded to.</p>
	<p>It is furthermore pointed out that the correspondence contains several errors (as noted in the email correspondence copied above) including the provision by Green Gold Group of the incorrect email address to which comments were requested to be sent as demonstrated in the email details provided for in the text by B Motha on 01.11.2019:</p> <p>The notice received on 12.11.2019 indicates a meeting date of 2018 and the comments period is also noted to close in November 2019.</p>					<p>We take this as acknowledgement that you did receive the first notice to comment on the draft report on 01/11/2019.</p> <p>The incorrect email typed out in the body of the email was EIAs@greengoldgorup.co.za.</p> <p>However, the correct email address EIAs@greengoldgroup.co.za was copied in that distribution email.</p> <p>We acknowledge and apologise for the error.</p> <p>The email with 2018 date was recalled on 13 November 2019 and replaced with the email with the correct date (19 November 2019), upon realization of this</p>

						error. (Proof attached in Appendix D9.)
2.16.	<p>Perspective</p> <p>Kendal Poultry Farm is located between the Kusile and Kendal Power Stations – refer to the following image:</p>  <p>These power stations both belong to Eskom Holdings Limited.</p> <p>It is pointed out that Kendal Poultry Farm is listed as an appellant with special consideration and conditions provided in the EA granted for the Kusile Power Station (Ref: 12/12/20/807) to which Eskom as a company is bound to ensure no adverse effects occur to the chickens at Kendal Poultry Farm due to the activities of Eskom.</p>	Dr JA Meyer	Consultant for Top pigs SA/ Kendal poultry Farm.	2/12/2019	Email	Noted as correct information.
						Noted. Eskom has been made aware of this comment and will deal with this separately since it involves a different project. Kendal Poultry Farm is represented in Kusile's stakeholder engagement processes.

	<p>Kendal Poultry Farm has during numerous consultations with Eskom noted that the primary concern for effects from Eskom operated power stations relate to the Hazardous Air Pollutants (HAPS) that were commonly cited in the scientific literature linked to coal-fired power stations and the related activities.</p>					<p>Noted. This application is for extending the validity period of the Exemption approval for the station's Ash Disposal Facility.</p>
	<p>It is noteworthy that the "Reasons for the Decision" provided by the competent authority in the awarding of the EA for Kusile Power Station to Eskom state that:</p>					<p>Noted. The issue is applicable to Kusile Power Station. The current application is for Kendal's Exemption extension processes.</p>
	<p>"The potential impacts on human and animal health from the ash dump can be mitigated to acceptable levels through the conditions set by the authorization and other measures, but that additional measures must be put in place to ensure adequate monitoring of air quality. I have also taken note in my analysis of the information before me that the proposed power station will be located within the newly proclaimed Highveld Priority Area." (4.3 (d) of the RoD). This EA was dated 17 March 2008</p>					<p>Noted. The issue is applicable to Kusile Power Station. The current application is for Kendal's Exemption extension processes.</p>
	<p>It is now a matter of public record that Eskom has failed to implement the Minimum Emission Standards as required and has persistently sought extensions and/or exemptions from compliance in this regard.</p>					<p>Kendal has applied for postponement of Minimum Emissions Standards (MES), and the application is under consideration by the Department of Environmental Affairs (DEA).</p>

	<p>Eskom has also communicated to the public that it has been unable to meet the Air Emissions Licence conditions on numerous occasions at Kendal and Kusile Power Stations, with Kendal in particular problematic as required maintenance is not being effected due to the requirement to continue with generations to stabilise the National Grid (Eskom responses in press and at the Kusile Power Station Environmental Monitoring Committee).</p>					<p>Noted. The comment does indicate that the matter was addressed by Eskom at the Kusile Power Station Environmental Monitoring Committee. Kendal has applied for postponement of Minimum Emissions Standards (MES), and the application is under consideration by the Department of Environmental Affairs (DEA).</p>
	<p>Eskom has acknowledged that Kendal Power Station is emitting both excessive amounts of ash due to the ash handling system being broken and high particulate emissions due to problems with the dust handling plant and electrostatic precipitators.</p>					<p>Noted. This application is for amendment of exemption. Kendal has applied for postponement of Minimum Emissions Standards (MES), and the application is under consideration by the Department of Environmental Affairs (DEA).</p>
	<p>It is consequently a matter of public record that a court case has been lodged by Greenpeace Africa to oppose Eskom's applications for postponements and suspensions from complying with South Africa's Minimum Emission Standards.</p>					<p>Noted. This matter is under evaluation by the Minister. This application is for Exemption extension.</p>

	<p>Failings at Kusile Power Station to comply with the licenced limits are numerous and on-going, including a failure to comply with the zero-discharge condition resulting in discharge of pollution control dam wastewater directly into a wetland.</p>					<p>Noted. The current application does not include Kusile PS. Dr JA Meyer is a member/participant at the Kusile Power Station Environmental Monitoring Committee.</p>
	<p>It follows that Kendal Poultry Farm has not been afforded the protection anticipated in the EA granted for Kusile and that Kendal Power Station has also failed to comply with the minimum standards required.</p>					<p>Noted. The current application does not include Kusile PS. Dr JA Meyer is a member/participant at the Kusile Power Station Environmental Monitoring Committee, as required by Kusile EA. Kendal has applied for postponement of Minimum Emissions Standards (MES), and the application is under consideration by the Department of Environmental Affairs (DEA).</p>
	<p>Given that standard hazard and assessment methodology requires cumulative factors and site-specific settings to be included in the assessment, it follows that any assessment of impact to the I&APs should include the recognition of total impact emanating from</p>					<p>The Integrated Environmental Impact Assessment conducted in 2014 followed a holistic approach. The current application is specific</p>

	Eskom's activities and not merely confine the assessment to a single component.					to the timeline attached to exempted ash disposal facility (ADF) area.
2.17.	<p><u>Comments to Draft Report:</u></p> <ul style="list-style-type: none"> • The Draft Report presents with the following key concerning admissions and request: <ul style="list-style-type: none"> – Firstly, Eskom has failed to comply with the EAs 14/12/16/3/3/3/63 and 14/12/16/3/3/3/63AMI. – Secondly, Eskom has failed to provide the required lining and appears to be of the opinion that simply as the exempted area has not been ashed to full capacity, the time period should be extended to permit this. – Thirdly, the report notes that the exemption applied for “may result in significant impacts to the environment.” – Fourthly, the use of the term “procurement issues” seems to be a frequent excuse offered by Eskom to explain non-compliance (refer to Kusile EMC minutes). Failure by Eskom to manage its finances appropriately has been acknowledged by Eskom publicly, but in no way does this justify the failure to implement conditions held in authorisations. 	Dr JA Meyer	Consultant for Top pigs SA/ Kendal poultry Farm.	2/12/2019	Email	<p>-Eskom has not failed to comply with EA 14/12/16/3/3/3/63, they applied for exemption, which was granted by DEFF.</p> <p>-EA 14/12/16/3/3/3/63AMI allows Eskom to dispose of in the exempted area until May 2020; they are still within exemption period.</p> <p>- The current application is not an indication of any failure on the part of Eskom to construct lining of the ADF. The application is restricted to the area under the exempted footprint.</p>

	<ul style="list-style-type: none"> • Specialist comments: – It is noteworthy that Table 6 does not include an air-dispersion pathway as a potential hazard or risk. – This is entirely inadequate given the admissions referred to in Point 2 above in which Eskom has noted failures in air quality and emissions pathway mitigation and management measures. It cannot reasonably be assumed in the exemption sought that continued ash disposal in any area, irrespective of the lining used or not used, will not be relevant in an assessment for an EA extension. 					<ul style="list-style-type: none"> - Air dispersion modelling was done and included in the Air Quality Report that was submitted to DEFF during the exemption application process. A copy of the report was provided to Dr. Meyer. - The Class C-performance liner required by DEFF will address impacts on water quality, not air quality.
	<ul style="list-style-type: none"> • Surface water: – It is unclear as to why it is only recommended that Kendal Power Station “may” need to collaborate with “upstream users”. – This is at odds with section 8 of the report which notes downstream users as potentially adversely impacted upon (refer to Disadvantages section). – It is held that downstream areas and water users are more at risk and should be the priority focus receptor. 					<p>Kendal PS needs to collaborate with all water-users within the catchment area, however, this cannot be legislated unless included in a water-use license. The statement will be changed in the report to remove the word ‘may’.</p>
	<ul style="list-style-type: none"> • Specialist reports: – The E1 (Groundwater report) and E2 (surface water report) appendices refer: 					<p>In respect of the water monitoring: The assessment was based on the current monitoring taking</p>

	<ul style="list-style-type: none"> – It is clear that the monitoring conducted fails to include the key priority pollutants linked to coal-fired power stations and their related activities. – Whilst a few analytical reports are provided in the appendix in which some of these are included, for example, cadmium, chromium, lead, mercury and strontium, but these are dated 2013 (E1 report). – Bromide, a key priority contaminant of emerging concern, is omitted from the data provided. – Failure to adequately monitor and describe the contaminants related to the source activities effectively precludes the specialist report from assessing the hazards and risks posed, and thus fails to address the potential impacts. – It is unclear as to why Golder Associates would omit these constituents from the assessment when it is part of Water Research Commission Projects which have highlighted the requirements for a full inorganic ICP-MS to be included in assessments for fitness for use for water uses due to the recognition of the potential EDC and other adverse effects. 					<p>place at Kendal by an external company (Kimopax), and included the following: Al, Mn, Cu, Dissolved Cadmium, Mercury and its compounds, Boron (as B), Lead (as Pb), Total Chromium (as Cr), Cyanides (as CN).</p> <p>As mentioned in the Surface water report, (4.1.1) all the metals measured were below the detection limit – as this were existing data, we cannot have a say in the laboratory method used.</p> <p>DWS determines in the WUL what constituents need to be tested for.</p>
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<ul style="list-style-type: none"> – It is again noted that no specialist report is provided which details the air-dispersion pathway which precludes an assessment from being made. – The reports are accordingly rejected as they fail to adequately assess the known potentially hazardous chemical constituents linked to the ash dump. 					
<p>The requirement for adequate lining and other Eskom requests for a declassification of the liner system (for the current co-disposal facility and the planned 60-year Ash Disposal Facility at Kusile Power Station) refer and are indicative of the failure of Eskom to adequately describe and manage the hazards and risks documented elsewhere.</p>					<p>Noted. This application is for Exemption amendment. Eskom has not sought declassification of liners.</p>
<p>The extension sought is objected to on the following grounds:</p> <ul style="list-style-type: none"> • Monitoring data: <ul style="list-style-type: none"> -The specialist assessments do not include the key potentially hazardous constituents related to the ADF and thus fail to assess potential source, pathway and receptor events. The “risk rating” thus arrived at is inherently superficial and thus fatally flawed. 					<p>Key constituents related to the ADF, which require monitoring, are determined by DWS in the WUL, these are included in the monitoring data, and were found to be below detection.</p>
<ul style="list-style-type: none"> • Composition: <ul style="list-style-type: none"> – Comprehensive analytical descriptions of the waste to be disposed of are not provided. Whilst it is recognized that 					<p>Baseline assessment was conducted in 2014 as part of Air Quality Impact study done for</p>

	<p>the waste is to consist of fly ash and coarse ash from coal burning operations, literature on the composition thereof notes potential pollutants to be present with coal quality and coal-burning processes to be varied requiring analytical determination to be conducted. Consequently, this raises concerns that the report not only fails to inform the I&APs of the hazardous pollutants relevant for the consideration of impacts and proposed amendment sought, but fails to note that the basic baseline description will be conducted. It is reasonable to expect that internationally published Hazardous Air Pollutants and environmental hazardous chemicals associated with fly ash and coarse ash to be included and described as part of the report and specifically noted as a specialist study to be conducted</p>					<p>exemption application. DEFF is in possession of the report, and the report was subjected to public review. A copy was provided to Dr. Meyer.</p> <p>The report further assessed potential health impacts.</p>
	<ul style="list-style-type: none"> • Failure to adequately comply with the applicable legislation: 					<p>This application is to extend validity of the Exemption approval, and no non-compliance is triggered.</p>
	<p>The waste classification must be conducted comprehensively in accordance with the GN 635 of 23 August 2013 wherein it is noted that:</p>					<p>Waste classification was done, which classified the ash as Type 3 waste – hence the Class C-</p>

	<ul style="list-style-type: none"> • TC of all the elements...that are known to occur, likely to occur, or can reasonably be expected to occur in the waste must be determined; 					<p>performance liner was required. The exemption was a transitional period for until the liner is ready at a footprint beyond the area under Exemption.</p>
	<ul style="list-style-type: none"> • Methods that will provide reliable, accurate and repeatable results for the Total Concentration. • This must be used for multiple ash and leachate samples that adequately describe the variation of the waste applicable and re-assess the lining system and waste handling methods required. 					
	<ul style="list-style-type: none"> • This must be used for multiple ash and leachate samples that adequately describe the variation of the waste applicable and re-assess the lining system and waste handling methods required. 					
	<p>The extension sought is objected to for the following reasons:</p> <ul style="list-style-type: none"> • Eskom cannot simply fail to comply with existing authorization conditions and then seek extensions on an on-going basis. • The precedent appears to have been set with the persistence of Eskom to not comply with other environmental legislation, including the Minimum Emission Standards. 					<ul style="list-style-type: none"> • Eskom has not failed to comply, they are still ashing within the area under the Exemption, which was a transitional area allowing them to construct the required C-lining ADF. • At the end of the exemption period, there will still be space available (about 35 hectares) for disposal in the area under

						the Exemption, this resulted from lower General Load.
	As a summary statement, the reasons sought for the extension are unacceptable and the specialist studies fail to adequately describe the hazards and risks posed both currently and, in the future, and should include an air-quality specialist report detailing the required source, pathway and receptor hazards including the appropriate analytical compositional data.					Pre-application engagements were done with DEFF and they only requested water and soil specialists' opinion. Air quality report was submitted with the exemption application. The report was sent to Dr. Meyer.
	General	Dr JA Meyer	Consultant for Top pigs SA/ Kendal poultry Farm.	2/12/2019	Email	
	The Draft Report fails to provide meaningful information and required analytical data on the waste to be disposed of and in the environmental media applicable.					The waste to be disposed of will cover the remaining 35ha of the exempted area, to a maximum height of 70m. It is estimated that Kendal produces 300,000 tons of ash a month, 50,000 tons of it is recycled.
	The impression is gained that the extension sought is entirely in the interests of Eskom cutting costs as opposed to fulfilling their duty of care and requirement to not adversely impact the environment.					This is incorrect, as the trigger for the extension was a reduction of the Generation Load Factor,

						which resulted in less production of ash.
	It is requested that the outstanding information sought be provided to Kendal Poultry Farm and other I&APs before the application is submitted to the authorities.					It is not clear what information is still outstanding. Dr. A Meyer was requested to specify information being referred to. All relevant information for this application was made available to Dr. Meyer.
	Outcomes of the PPM to which Kendal Poultry Farm could not attend due to the unreasonably short notice period are requested to be forwarded to Kendal Poultry Farm.					Minutes of the public meeting will form part of the final report which was made available to all I&APs, including Kendal Poultry Farm.