



## 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:** 14/12/16/3/3/1/1588

**Enquiries:** Ms Constance Musemburi

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Deidre Herbst  
Eskom Holdings SOC Limited  
P.O. Box 1091  
**JOHANNESBURG**  
2000

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### **PER EMAIL / MAIL**

Dear Sir/Madam

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/985: RETROFITTING OF THE EXISTING ELECTROSTATIC PRECIPITATORS WITH FABRIC FILTER PLANTS AND UPGRADING OF DUST HANDLING PLANT AT KRIEL POWER STATION, EMALAHLENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.**

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

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

By post: Private Bag X447,  
Pretoria,  
0001; or

By hand: Environment House  
473 Steve Biko Road,  
Arcadia,  
Pretoria

*MS*

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you can not commence with the activity until such time that the appeal is finalised.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:

[https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

**Date:** 17/10/2016

CC:	Manqoba Dhlamini	Wandima Environmental Services	Tel: 013 752 5452	Email: manqoba@wandima.co.za
	Dineo Tswai	Department of Agriculture, Rural Development, Land and Environmental Affairs	Tel: 013 690 259543	Email: dtswai@wit.mpu.gov.za
	John Nkabinde	Emalahleni Local Municipality	Tel: 013 690 6350	Email: nkbindeej@emalahleni.gov.za





## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014

**RETROFITTING OF THE EXISTING ELECTROSTATIC PRECIPITATORS WITH FABRIC FILTER PLANTS  
AND UPGRADING OF DUST HANDLING PLANT AT KRIEL POWER STATION, EMALAHLENI LOCAL  
MUNICIPALITY, MPUMALANGA PROVINCE.**

**Nkangala District Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/1588</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Eskom Holdings SOC Limited</i>
<b>Location of activity:</b>	<i>MPUMALANGA PROVINCE: Within the Emalahleni Local Municipality Kriel Power Station 65-IS.</i>

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

*MS*

## Decision

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

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2014.

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

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

### **ESKOM HOLDINGS SOC LIMITED**

with the following contact details –

Ms Deidre Herbst

Eskom Holdings SOC Limited

P.O. Box 1091

**JOHANNESBURG**

2000

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Fax: (086) 660 6092

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E-mail: Deidre.herbst@eskom.co.za

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 and Listing Notice 3 (GN R. 983 and GN. R. 985):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 34:</u> <i>The expansion or changes to existing facilities for any process or activity where such expansion or changes will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions or pollution, excluding-</i></p> <p><i>(i) where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; or</i></p> <p><i>(ii) the expansion of or changes to existing facilities for the treatment of effluent, wastewater or sewage where the capacity will be increased by less than 15 000 cubic metres per day.</i></p>	<p>Retrofitting of the existing Electrostatic Precipitators with more effective particulate emission abatement Technology, Fabric Filter Plants and upgrade of Dust Handling Plant at Kriel Power Stations unit 1, 2, 3, 4, 5, and 6. This will allow Kriel Power Station to meet the new particulate emission limits, and such changes will result in the need to change/amend the existing air quality permit.</p>

as described in the Basic Assessment Report (BAR) dated July 2016 at:

SG 21 Digit Code

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Kriel Power Station	Latitude	Longitude
	26°15' 04.979"S	29° 10' 47.725"E

- for the proposed retrofitting of the existing electrostatic precipitators with fabric filter plants and upgrading of dust handling plant at Kriel Power Station at units 1, 2, 3, 4, 5, and 6, in the Emalahleni Local Municipality, Mpumalanga Province, hereafter referred to as “the property”.



The proposed development entails retrofitting of the existing electrostatic precipitators with fabric filter plants and upgrading of dust handling plant at Kriel Power Station in the Emalahleni Local Municipality, Mpumalanga Province. The components of the proposed development include the following:

- Addition of a Pipe Rack for Ash Conveying Air pipes;
- The Conveying pipe layout will be changed on top of the Silo;
- The DHP will be upgraded to accommodate new and larger pressure vessels to be installed beneath each of the FFP hoppers. The vessels will be installed on the existing concrete slab under the footprint of the FFP casing;
- New FFP that will be within the footprint of the currently installed ESPs. The FFP casing will be slightly higher than the existing ESP, increasing from 22.8 to 26.7m;
- New Conveying Air Compression House and Substation will be built between the Silo and the precipitators; and
- A new cleaning air equipment building will be constructed next to boiler 6. It will be 61m x17m x 13.7m (h) and will be a steel frame concrete building with corrugated iron roof.

The construction site or workshop and laydown yards will be located between cooling tower 3 and boiler 6. This will consist of temporary site offices, ablution facilities and an open laydown area.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The preferred Technology Alternative 1, the Fabric Filter Plant (FFP), for the proposed retrofitting of the existing electrostatic precipitators with fabric filter plants and upgrading of dust handling plant at Kriel Power Station at units 1, 2, 3, 4, 5, and 6, in the Emalahleni Local Municipality, Mpumalanga Province, with the above-mentioned co-ordinates as indicated in the final BAR dated July 2016 is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this 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.

4. The activities authorised must only be carried out at the property as described above.
5. Any changes to, or deviations from the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (5) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
  10. The notification referred to must –
    - 10.1. specify the date on which the authorisation was issued;
    - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
    - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
    - 10.4. give the reasons of the competent authority for the decision.
  11. The holder of the authorisation must publish a notice –
    - 11.1. informing interested and affected parties of the decision;
    - 11.2. informing interested and affected parties where the decision can be accessed; and
    - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.
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### **Commencement of the activity**

12. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
13. In terms of Section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

14. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

### **Frequency and process of updating the EMPr**

15. The EMPr must be updated where the findings of the environmental audit reports, contemplated in environmental audit reports, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
16. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
17. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
18. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
19. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend

the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

### **Monitoring**

20. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 20.1. The ECO must be appointed before commencement of any authorised activities.
  - 20.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 20.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 20.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

21. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
22. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
23. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
24. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

25. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
26. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Notification to authorities**

27. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

#### **Operation of the activity**

28. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

#### **Site closure and decommissioning**

29. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

30. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options.

**General**

31. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 31.1. at the site of the authorised activity;
  - 31.2. to anyone on request; and
  - 31.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
32. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 17/09/2012



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

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

- a) The information contained in the BAR dated July 2016.
- b) The comments received from interested and affected parties as included in the BAR dated July 2016;
- c) Mitigation measures as proposed in the BAR dated July 2016 and the EMPr.
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- 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).

### 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 findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project was well explained and the Department considered the need of the project.
- c) The BAR dated July 2016 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated July 2016 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

### 3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated July 2016 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated July 2016 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

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