

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

NEAS Reference: DEA/EIA/0001417/2012 DEA Reference: 14/12/16/3/3/3/53 Enquiries: Masina Litsoane

Telephone: 012-399-9375 E-mail: MLitsoane@environment.gov.za

Ms Deidre Herbst Eskom Holding SOC Limited P.O. Box 1091 JOHANNESBURG 2000

Fax No: 086-660-6092 Tel No: 011-800-3501

E-Mail: HerbstDL@eskom.co.za

PER FACSIMILE / MAIL

Dear Ms Herbst

APPLICATION FOR INTEGRATED ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543 AND NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 GOVERNMENT NOTICE 921: CONTINUOUS DISPOSAL OF ASH AT MAJUBA POWER STATION, 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 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By post:

Private Bag X447.

Pretoria, 0001; or

By hand:

Environment House

473 Steve Biko, Arcadia, Pretoria, 0083

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 or fax number. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, 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 may not commence with the activity until such time that the appeal is finalised.

Yours faithfully

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 19/08/201

CC: Mr D Brummer Lidwala Specialist Solutions dbrummer@lidwala.com Tel: 011-793-5486 Fax: 086-600-6757

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

	APPLICANT	Γ^{-}	INTERESTED AND AFFECTED PARTIES (IAPs)
1.	Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1.	Receive EA from Applicant/Consultant.
2.	Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2.	N/A.
3.	If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3.	If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4.	After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4.	After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5.	 The Applicant must also serve on each IAP: a notice indicating where and for what period the appeal submission will be available for inspection. 	5.	Appellant must also serve on the Applicant within 10 days of lodging the notice, a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6.	The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6.	The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7.	Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7.	An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal must be:-

- a) submitted in writing;
- b) accompanied by:
- · a statement setting out the grounds of appeal;
- supporting documentation which is referred to in the appeal; and
- a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



Integrated Environmental Authorisation Issued in terms of

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

And

The National Environmental Management: Waste Act, 2008 and Government Notice 921 of 2013

Continuous disposal of ash at Majuba Power Station, Mpumalanga Province

Gert Sibande District Municipality

Authorisation register number:	14/12/16/3/3/3/53		
Last amended:	First Issue		
Holder of integrated authorisation:	Eskom Holding SOC Limited		
Location of activities:	MPUMALANGA PROVINCE: On portions		
	5, 8, 9 and 12 of the farm Witkoppies HS		
	and portions 2,4 and 10 of the farm Mezig		
	79 HS, within Pixley ka Seme Local		
	Municipality		

This 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.

Department of Environmental Affairs Environmental Authorisation Reg. No. 14/12/16/3/3/3/53 & DEA/EIA/0001417/2012

1. **DECISIONS**

The Department is satisfied, on the basis of information available to it and subject to

compliance with the conditions of this integrated environmental authorisation ("the

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 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

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and Government Notice 921 of November 2013 the Department hereby authorises -

ESKOM HOLDING SOC LIMITED

with the following contact details -

Ms Deidre Herbst

Eskom Holding SOC Limited

P.O. Box 1091

JOHANNESBURG

2000

Fax No: 086-660-6092

Tel No: 011-800-3501

E-Mail: HerbstDL@eskom.co.za

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to undertake the following activities (hereafter referred to as "the activities"):

to undertake the following activities (hereafter referred	to as the activities):
Listed activities	Activity/Project description
<u>GN R. 544 Item 9</u> :	Water from the ash dam will be
The construction of facilities or infrastructure	transported to the Ash Return dams
exceeding 1000 meters in length for the bulk	around the facility
transportation of water, sewage or storm water –	
(i) with an internal diameter of 0,36 metres or more; or	
(ii) with a peak throughput of 120 litres per second or	
more,	
excluding where:	
a. such facilities or infrastructure are for bulk	
transportation of water, sewage or storm water or	
storm water drainage inside a road reserve; or	
b. where such construction will occur within urban	
areas but further than 32 metres from a	
watercourse, measured from the edge of the	
watercourse.	
<u>GN R. 544 Item 11</u> :	The ash disposal facility have a footprint
The construction of:	of 800ha and will span across several
(xi) infrastructure or structures covering 50 square	identified wetland areas
metres or more where such construction occurs within	
a watercourse or within 32 metres of a watercourse,	
measured from the edge of a watercourse, excluding	
where such construction will occur behind the	
development setback line.	
GN R. 544 Item 18:	Topsoil will be removed from the identified
The infilling or depositing of any material of more than 5	wetland areas and the ash will be
cubic metres into, or the dredging, excavation, removal or	disposed in these areas.
moving of soil from a watercourse	
GN R. 544 Item 22:	Access road with a reserve wider that is
The construction of a road, outside urban areas;	13.5m will be constructed for the new
(i) with a reserve wider than 13,5 meters	facility
GN R. 544 Item 24:	Agricultural land will be transformed to
The transformation of land bigger than 1000 square metres	ash disposal facility
in size, to residential, retail, commercial, industrial or	
institutional use, where, at the time of the coming into	

Listed activities	Activity/Project description
effect of this Schedule or thereafter such land was zoned	
open space, conservation or had an equivalent zoning.	
GN R. 544 Item 28:	The nature of the facility is such that there
The expansion of or changes to existing facilities for any	will be dust emissions from the ash
process or activity where such expansion or changes to	
will result in the need for a permit or license in terms of	
national or provincial legislation governing the release of	
emissions or pollution, excluding 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 that Act will apply.	
GN R. 544 Item 37:	The existing infrastructure transporting the
The expansion of facilities or infrastructure for the bulk	leachate to the AWRD will be expanded in
transportation of water, sewage or storm water where:	order to cater for the new increased
(a) the facility or infrastructure is expanded by more than	capacity
1000 metres in length;	
excluding where such expansion:	
(i) relates to transportation of water, sewage or storm water	
within a road reserve; or	
(ii) where such expansion will occur within urban areas but	
further than 32 metres from a watercourse, measured from	
the edge of the watercourse.	
GN R. 544 Item 39:	The expansion of the existing
The expansion of	infrastructure will take place within the
(i) Canals	identified wetland areas
(ii) Channels;	
(v) Bulk storm water outlet structures;	
within a watercourse or within 32 metres of a watercourse,	
measured from the edge of a watercourse, where such	
expansion will result in an increased development footprint	
but excluding where such expansion will occur behind the	
development setback line	
GN R. 544 Item 40:	The expansion of the ash disposal facility
The expansion of:	will span across several identified wetland
(iv) infrastructure by more than 50 square metres	areas.
within a watercourse or within 32 metres of a watercourse.	

Listed activities	Activity/Project description
measured from the edge of a watercourse, but excluding	
where such expansion will occur behind the development	
setback line.	
GN R. 544 Item 47:	Roads that form part of thr service
The widening of a road by more than 6 metres, or the	infrastructure around the facility will be
lengthening of a road by more	expanded to accommodate the expanded
than 1 kilometre -	facility
(i) where the existing reserve is wider than 13,5 meters; or	
(ii) where no reserve exists, where the existing road is	
wider than 8 metres –	
excluding widening or lengthening occurring inside urban	
areas.	
GN R. 544 Item 49:	
The expansion of facilities or infrastructure for the bulk	
transportation of dangerous goods:	
(iii) in solid form, outside an industrial complex or zone, by	
an increased throughput capacity of 50 tons or more per	
day.	## I
GN R. 545 Item 6:	The ash disposal facility will be expanded
The construction of facilities or infrastructure for the bulk	and ash will be transported by conveyer.
transportation of dangerous goods –	
(iii) in solid form, outside an industrial complex, using	
funiculars or conveyors with a throughput capacity of more	
than 50 tons day.	
GN R. 545 Item 15;	Vacant land larger than 20ha will be
Physical alteration of undeveloped, vacant or derelict land	transformed for the ash disposal facility
for residential, retail, commercial, recreational, industrial or	
institutional use, where the total area to be transformed is	
20 hectares or more	
GN R. 545 Item 26:	Licence will required for the dust
Commencing of an activity, which requires an atmospheric	emissions
emission license in terms of section 21 of the National	
Environmental Management: Air Quality Act, 2004 (Act No.	
39 of 2004), except where such commencement requires	
basic assessment in terms of Notice of No. R544 of 2010.	
GN R. 546 Item 4:	
The construction of a road wider than 4 (four) meters with	<u> </u>

Listed activities	Activity/Project description
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reserve less than 13.5 meters:	
a) In Mpumalanga Province:	
ii. Outside urban areas, in:	
aa) A protected area identified in terms of NEMPAA,	
excluding	
conservancies;	
(bb) National Protected Area Expansion Strategy Focus	
areas;	
(dd) Sensitive areas as identified in an environmental	
management framework as contemplated in chapter 5 of	
the Act and as adopted by the competent authority;	
(ff) Critical biodiversity areas or ecosystem service areas	
as identified in systematic biodiversity plans adopted by	
the competent authority or in bioregional plans;	
(hh) Areas within 10 kilometers from national parks or	
world heritage Sites or 5 kilometers from any other	
protected area identified in terms of NEMPAA or from the	
core area of a biosphere reserve.	
GN R. 546 Item 16:	The ADF will transcend a couple of areas
The construction of:	identified as wetlands
(iv) infrastructure covering 10 square	
metres or more	
where such construction occurs within a watercourse or	
within 32 metres of a watercourse, measured from the	
edge of a watercourse, excluding where such construction	
will occur behind the development setback line.	
a) In Mpumalanga Province:	
ii. Outside urban areas, in:	
(aa) A protected area identified in terms of NEMPAA,	
excluding conservancies;	
(bb) National Protected Area Expansion Strategy Focus	
areas;	
(dd) Sensitive areas as identified in an environmental	
management framework as contemplated in chapter 5 of	
the Act and as adopted by the competent authority;	
(ff) Critical biodiversity areas or ecosystem service areas	

Listed activities	Activity/Project description
as identified in systematic biodiversity plans adopted by	
the competent authority or in bioregional plans;	
(hh) Areas within 10 kilometres from national parks or	
world heritage Sites or 5 kilometres from any other	
protected area identified in terms of NEMPAA or from the	
core area of a biosphere reserve.	
GN R. 546 Item 19:	
The widening of a road by more than 4 metres, or the	
lengthening of a road by more than 1 kilometre.	
(a) In Mpumalanga Province:	
ii. Outside urban areas, in:	
aa) A protected area identified in terms of NEMPAA,	
excluding conservancies;	
(bb) National Protected Area Expansion Strategy Focus	
areas;	
(dd) Sensitive areas as identified in an environmental	
management framework as contemplated in chapter 5 of	
the Act and as adopted by the competent authority;	
(ff) Critical biodiversity areas or ecosystem service areas	
as identified in systematic biodiversity plans adopted by	
the competent authority or in bioregional plans;	
(hh) Areas within 10 kilometres from national parks or	
world heritage Sites or 5 kilometres from any other	
protected area identified in terms of NEMPAA or from the	
core area of a biosphere reserve.	
GN R. 546 Item 24:	
Commencing of an activity, which requires an atmospheric	
emission license in terms of section 21 of the National	
Environmental Management: Air Quality Act, 2004 (Act No.	
39 of 2004), except where such commencement requires	
basic assessment in terms of Notice of No. R544 of 2010.	
GN R. 921 Category A Item 13	
The expansion of a waste management activity listed in	
Category A or B of this Schedule which does not trigger an	
additional waste management activity in terms of this	
schedule.	
GN R. 921 Category B Item 7	The dry ash generated by the combustion

Listed activities	Activity/Project description		
The disposal of any quantity of hazardous waste to land.	of coal in the electricity generation process will be disposed of at the Continuous Ash Disposal Facility. Owing to the nature and composition of the ast that is generated by the combustion of coal, it is considered to be hazardout waste.		
GN R. 921 Category B Item 10 The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to associated waste management activity).	1110		

as described in the Environmental Impact Assessment Report (EIR) dated November 2014 at:

Alternative S1	Coordinates	Coordinates			
	SOUTH	EAST			
	27° 7' 44.14"	29° 45' 38.99"			
	27° 7' 44.62"	29° 45' 29.65"			
	27° 8′ 16.25"	29° 44' 55.27"			
	27° 7' 55.24"	29° 44' 49.32"			
	27° 7' 53.83"	29° 44' 34.09"			
	27° 7' 44.99"	29° 44' 24.72"			
	27° 6′ 50.75"	29° 43' 36.13"			
	27° 6' 27.67"	29° 43′ 47.87"			
	27° 6' 46.08"	29° 44' 17.32"			
	27° 6' 57.96"	29° 44' 18.78"			
	27° 6' 49.31"	29° 45' 27.33"			
	27° 6' 53.45"	29° 45' 29.67"			
-	27° 8' 25.56"	29° 45' 47.02"			
	27° 8' 41.94"	29° 45' 30.68"			
-	27° 8' 47.09"	29° 44' 44.87"			

for the continuous disposal of ash at the Majuba Power Station ash disposal facility on portions 5, 8, 9 and 12 of the farm Witkoppies HS and portions 2,4 and 10 of the farm Mezig 79 HS within Pixley ka Seme Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The project will include the following components:

- Ash pollution control dams
- Sumps
- Conveyor belts and stackers
- Storm water trenches and drainage channels
- Access roads on the ash disposal facility and haul roads
- Dust suppression pipelines and plinths
- Clean and dirty water channels and berms
- Upgraded fence at 1.8m

The proposed development has the following specifications:

- Capacity of airspace of 190 million m³
- Ground footprint of 800 ha;

3. SCOPE OF AUTHORISATION

- 3.1 Authorisation is granted for the continuous disposal of ash disposal facility for Majuba Coal Power station ash disposal facility within site co-ordinates as indicated above. Site Alternative 1 for ash disposal is hereby approved.
- 3.2 Authorisation of the activities is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the environmental authorisation.
- 3.3 The Department shall by written notice to the holder of an environmental authorisation suspend with immediate effect an environmental authorisation if suspension of the authorisation is necessary to prevent harm or further harm to the environment.
- 3.4 The activities must commence within a period of five (5) years from the date of issue. If commencement of the activity does not occur within that period, the environmental

- authorisation lapses and a new application for an environmental authorisation must be made for the activities to be undertaken. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
- 3.5 The holder of the environmental authorisation shall be 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.
- Any changes to, or deviations from, the project description set out in this authorisation must follow the amendment processes as prescribed in Chapter 4 (Parts 1-3) of the NEMA EIA Regulations, 2010 and 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.

4. NOTIFICATION OF AUTHORISATION AND RIGHT TO APPEAL

- 4.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
- 4.2 The notification referred to must
 - 4.2.1 specify the date on which the authorisation was issued:
 - 4.2.2 inform the interested and affected party of the appeal procedure provided for in Chapter7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 4.2.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 4.2.4 give the reasons for the decision.
- 4.3 The holder of the authorisation must publish a notice
 - 4.3.1 informing interested and affected parties of the decision;
 - 4.3.2 informing interested and affected parties where the decision can be accessed; and
 - 4.3.3 drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) 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.



- 4.4 The holder of the environmental authorisation must, in writing, within 12 days of the date of the decision on the application-
 - (a) notify all registered interested and affected parties of-
 - (i) the outcome of the application; and
 - (ii) the reasons for the decision:
 - (b) draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA EIA Regulations, 2010 if such appeal is available in the circumstances of the decision;
 - (c) draw the attention of all interested and affected parties to the manner in which they can access the decision; and
 - (d) publish a notice-
 - (i) informing interested and affected parties of the decision:
 - (ii) informing interested and affected parties where the decision can be accessed; and
 - (iii) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA EIA Regulations, 2010, if such appeal is available under the circumstances of the decision; in the newspapers contemplated in regulation 54(2)(c) and (d) of the NEMA EIA Regulations, 2010 and which newspaper was used for the placing of advertisements as part of the public participation process.

5. MANAGEMENT OF THE ACTIVITY

- 5.1. The detailed final development layout map must be submitted to the Department for written approval prior to commencement of the activities. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The site layout plan must indicate the following:
- 5.1.1. Position of the continuous ash disposal facility and associated infrastructure;
- 5.1.2. Foundation footprint;
- 5.1.3. Internal roads indicating width;
- 5.1.4. Wetlands, drainage lines, rivers, stream and water crossing of the facility's associated infrastructure:
- 5.1.5. All sensitive features e.g. heritage sites, wetlands, pans and drainage channels that will be affected by the facility and associated infrastructure;
- 5.1.6. All existing infrastructure on the site, especially roads;
- 5.1.7. Soil heaps (temporary for topsoil and subsoil and permanently for excess material);



- 5.1.8. Temporary construction laydown areas;
- 5.1.9. Buildings, including accommodation; and,
- 5.1.10. All "no-go" and buffer areas.; and
- 5.1.11. A map combining the final layout plan superimposed (overlain) on the environmental sensitivity map with the co-ordinates of all associated infrastructure.
- 5.2. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.
- 5.3. Should there be changes in the operation and management of the authorised activities; the EMPr must be amended to accommodate those changes and be submitted to this Department for written approval before implementation incorporated as part of the EMPr. Once approved, the EMPr must be implemented and adhered to.
- 5.4. The approved EMPr and operational EMPr for the disposal facility must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development.
- 5.5. Changes to the EMPr and the operational EMPr for the disposal facility which are environmentally defendable, shall be submitted to this Department for acceptance before such changes could be effected.
- 5.6. The Department reserves the right to request amendments to the EMPr and the operational EMPr for the disposal facility should any impacts that were not anticipated or covered in the EIR be discovered.
- 5.7. The provisions of the approved EMPr and the operational EMPr for the disposal facility including the mitigation measures identified in the EIR and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute non-compliance with the EA.
- 5.8. The ash management system must be managed and operated:
- 5.8.1. In accordance with an 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 holder of the environmental authorisation as a result of complaints;
- 5.8.2. By sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.
- 5.9. The holder of authorisation must maintain and ensure continued functioning of a Monitoring Committee for the normal operative lifetime of the site operational process and for a period of at least two years after the closure of the site, or at such longer period as may be determined by the Department.



- 5.10. The Monitoring Committee must formulate terms of reference and code of conduct, according to the Minimum Requirements, Second Edition 1998 by Department of Water Affairs and Forestry or its successor.
- 5.11. The Monitoring Committee must be comprised of relevant interested and affected parties.
- 5.12. The Monitoring Committee must meet at least twice a year and not later than 30 days after the external audit report specified in Condition 17.4.2 has been submitted according to Condition 17.4.2. (c).
- 5.13. The holder of authorisation must keep minutes of all the meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 14 days after the meeting.

6. ENVIRONMENTAL CONTROL OFFICER (ECO)

- 6.1 The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 6.2 The ECO must be appointed before commencement of any authorised activity.
- Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
- 6.4 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.
 - 6.4.1 The ECO must:
 - 6.4.2 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 6.4.3 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
 - 6.4.4 Keep and maintain a daily site diary.
 - 6.4.5 Keep copies of all reports submitted to the Department.
 - 6.4.6 Keep and maintain a schedule of current site activities including the monitoring of such activities.

- Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
- 6.4.8 Compile a monthly monitoring report.

7. WASTE MANAGEMENT CONTROL OFFICER (WMCO)

- 7.1 The applicant must designate a Waste Management Control Officer (WMCO) in writing, who will monitor and ensure compliance and correct implementation of all conditions and provisions as stipulated in the environmental authorisation and approved EMPr related to the ash disposal facility.
- 7.2 The WMCO must report any non-compliance with any environmental authorisation conditions or requirements or provisions of NEMWA to the Department through the means reasonably available.
- 7.3 The duties and responsibility of the WMCO should not be seen as exempting the holder of the environmental authorisation from the legal obligations in terms of the NEMWA.

8. RECORDING AND REPORTING TO THE DEPARTMENT

- 8.1 The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
- 8.2 All records and/or reports required or resulting from activities relating to this environmental authorisation must:
 - 8.2.1 be legible;
 - 8.2.2 be submitted as required and must form part of the external audit report:
 - 8.2.3 if amended, the record and/or report must be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable; and
 - 8.2.4 be retained in accordance with documented procedures which are approved by the Department.
- 8.3 All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.
- 8.4 Records demonstrating compliance with conditions of this EA must be maintained for five years.

8.5 The holder of the environmental authorisation must keep records and update all the information referred to in Annexure II and submit this information to the Department on an annual basis.

9. ENVIRONMENTAL AUDIT REPORT FOR CONSTRUCTION

- 9.1 The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
- 9.2 The environmental audit report must:
 - 9.2.1 Be compiled by an independent environmental auditor:
 - 9.2.2 Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 9.2.3 Evaluate compliance with the requirements of the approved EMPr and this environmental authorisation;
 - 9.2.4 Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 9.2.5 Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
 - 9.2.6 Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed;
 - 9.2.7 Include a copy of this authorisation and the approved EMPr;
 - 9.2.8 Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation for waste streams that will be generated during construction; and
 - 9.2.9 Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records and attendance records.

10. COMMENCEMENT OF ACTIVITIES

- 10.1 The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
- 10.2 An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto.

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- 10.3 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.
- The holder of this authorisation must obtain a Water Use Licence from the Department of Water Affairs (DWA) prior to the commencement of the project should the holder impact on any wetland or water resource. A copy of the license must be submitted to the Chief Director: Integrated Environmental Authorisations at the Department.
- The holder of this authorisation must obtain Atmospheric Emission Licence from relevant authority prior to commencement of the project should the project trigger listed activities in terms of the National Environmental Management: Air Quality Act 39 of 2004. The copy of the licence obtained must be included in the first audit submitted to the Department.

11. NOTIFICATION TO AUTHORITIES

- 11.1 Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the Notice of Intent to Appeal period, within which construction may not commence.
- 11.2 After construction of the site or further development within the site, the EA holder shall notify the Chief Director: Integrated Environmental Authorisations thereof and the Registered Professional Engineer shall submit a certificate or alternatively a letter to the Chief Director: Integrated Environmental Authorisations that the construction of the site or further development within the site, as proposed by the EA holder and approved by the Chief Director: Integrated Environmental Authorisations is in accordance with recognised civil engineering practice and the requirements in this EA before disposal may commence on the site. If the Chief Director: Integrated Environmental Authorisations is satisfied with the construction of the site or any further development within the site and has given written permission, the EA holder may use the site or any further development within the site for the disposal of waste.

12. OPERATION OF THE ACTIVITY

12.1 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

12.2 The holder of this authorisation must compile an operational EMPr for the operational phase of the activity or alternatively, if the holder has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

13. SITE CLOSURE AND DECOMMISSIONING

13.1 Should the activity ever cease or become redundant, the applicant shall 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.

14. LEASING AND ALIENATION OF THE SITE

14.1 Should the holder of the environmental authorisation want to alienate or lease the site, he/she shall 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 holder of the environmental authorisation shall remain liable to compliance with all licence conditions.

15. TRANSFER OF ENVIRONMENTAL AUTHORISATION

- 15.1 Should the holder of the environmental authorisation transfer holdership of this environmental authorisation due to a change of ownership [as provided for in terms of S24E(c) of NEMA], he/she must apply in terms of Section 52 of NEMWA.
- 15.2 Should the transfer of holder ship of this environmental authorisation mentioned above be for any reason other than the change of ownership in the property, the holder of this environmental authorisation must inform the Department of any change in ownership in the property and must request an amendment to this environmental authorisation to reflect such change in ownership.
- 15.3 Any subsequent holder of an environmental authorisation shall be bound by conditions of this environmental authorisation.

16. INVESTIGATIONS

16.1 If, in the opinion of the Department, pollution, nuisances or health risks may be or are occurring on the site, the holder of the environmental authorisation must initiate an investigation into the cause of the problem or suspected problem, including such investigations as identified by the Department related to the risks posed. Such investigation must include the monitoring of water



- quality variables at those monitoring points and at such frequency as may be specified by Director: Department of Water and Sanitation.
- 16.2 Should the investigation carried out as per conditions 16.1 above reveal any unacceptable levels of pollution, the holder of the environmental authorisation must submit mitigation measures to the satisfaction of the relevant Department.

17. SPECIFIC CONDITIONS RELATED TO THE DISPOSAL FACILITY

17.1 Site Security and Access Control

17.1.1 The holder of the environmental authorisation must ensure effective access control to the effluent management system to 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 as well as the person responsible for the operation of the site.

17.2 Permissible waste

- 17.2.1 Any portion of the site which has been constructed or developed according to condition 17.3, may be used for the disposal of Type 3 waste as indicated in the Majuba Ash Classification Report contained in the Environmental Impact Assessment Report for the proposed continuous ash disposal facility at Majuba Power Station, Mpumalanga Province with DEA reference number 14/12/16/3/3/3/53.
- 17.2.2 The holder of the environmental authorisation must ensure that the classification, acceptance and disposal of Ash at Majuba are in accordance with Regulation 634, Waste Classification and Management Regulations, dated 23 August 2013.

17.3 Construction and commissioning of activities

- 17.3.1 Construction on site including further development within the Site must be in accordance with the designs approved by the Chief Director: Integrated Environmental Authorisations which must be in compliance with Regulation 636, National Norms and Standards for Disposal of Waste to Landfill. The amended detailed design drawings must be approved in writing by the Chief Director: Integrated Environmental Authorisations before construction and disposal may commence.
- 17.3.2 Construction and further development within the site must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000 (Act 46 of 2000).

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- 17.3.3 After construction of the Site or further development within the Site, the holder of environmental authorisation must notify the competent authority thereof and the person referred to in condition 17.3.2 must submit a certificate or alternatively a letter to the competent authority that the construction of the Site or further development within the Site, as proposed by the holder of environmental authorisation and approved by the Chief Director: Integrated Environmental Authorisations, is in accordance with recognised civil engineering practice and the requirements in this EA, before disposal may commence on the Site. If the Chief Director: Integrated Environmental Authorisations is satisfied with the construction of the Site or any further development within the Site and has given written permission, the holder of authorisation may use the Site or any further development within the Site for the disposal of waste.
- 17.3.4 The holder of environmental authorisation must comply with the Norms and Standards GN 926 of November 2913 for the Storage of Waste.
- 17.3.5 The holder of environmental authorisation take all reasonable steps to ensure that the integrity of the waterproof base and walls are routinely monitored and corrective action/s taken before containment integrity is breached.
- 17.3.6 Any development which occurs within 1: 100 year flood line and/or within 500m from the boundary of a wetland would require a water use licence in terms of section 40 of the National Water Act, 1998.

17.4 Environmental auditing and reporting

17.4.1 Internal Audits

(a) Internal audits must be conducted quarterly by the holder of the environmental authorisation in order to audit compliance with conditions related to this environmental authorisation and the approved EMPr, 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 17.4.2.

17.4.2 External Audits

- (a) The holder of the environmental authorisation and approved EMPr must appoint an independent external auditor to audit the site bi-annually subject to the environmental authorisation and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the holder of the environmental authorisation.
- (b) The audit report must-

- (i) Specifically state whether conditions and requirements related to this environmental authorisation are adhered to:
- (ii) Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
- (iii) Specify target dates for the implementation of the recommendations by the holder of the environmental authorisation to achieve compliance;
- (iv) Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by the holder of the environmental authorisation and whether corrective action taken for the previous audit non conformities was adequate;
- (v) Show results graphically and conduct trend analysis; and
- (vi) Include the information required in Annexure II.
- (c) The audit report must be finalised within 60 days of the finalisation of the external audit. Each external audit report must be submitted to the Director within 30 days from the date on which the external auditor finalised the audit report

17.4.3 Reporting

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- (a) The holder of the environmental authorisation must, within 24 hours, notify the Director 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.
- (b) The holder of the environmental authorisation must, within 14 days inform the Department from the occurrence or detection of any incident referred to in condition 16.1, must within 14 days period of time specified by the Department submit an action plan, which must –
 - (i) Correct the impact resulting from the incident;
 - (ii) Prevent the incident from causing any further impact; and
 - (iii) Prevent a recurrence of a similar incident to the satisfaction of the Department.
- (c) In the event that measures have not been implemented within 21 days of the incident, or within the time period identified by the Department, or the measures which have been implemented are inadequate, the Department may implement the necessary measures at the cost and risk of the holder of the environmental authorisation.
- (d) The holder of the environmental authorisation must keep an incident report and complaints register, which must be made available to the external auditor, representatives of this Department and Department of Water and Sanitation for the purpose of audit.
- (e) The Department must be notified as soon as the holder of this environmental authorisation becomes aware of the following incidents:



- (i) Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- (ii) The breach of this environmental authorisation; and
- (iii) Any significant adverse environmental and health effects.
- (f) The information required in terms of condition 17.6 must be reported to the Department in a yearly report. The information must also be included into a trend report, which must contain a graphical presentation of all results obtained graphical presentation of all results obtained previously at any specific point, as well as an interpretation and discussion of the results of each monitoring occasion.

17.5 General operation and impact management of waste management activities

- 17.5.1 Waste, which is not sewage from the authorised development, must be dealt with according to relevant legislation or the Department's policies and practices.
- 17.5.2 The holder of environmental authorisation must prevent spillages. Where the spillages occur, the holder of authorisation must ensure the effective and safe cleaning of such spillages.
- 17.5.3 The holder of environmental authorisation must prevent the occurrence of nuisance conditions or health hazards.
- 17.5.4 The holder of environmental authorisation 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 Authorisation Holder.
- 17.5.5 No effluent must be discharged into any storm water drain or furrow, whether by commission or by omission.

17.6 Water quality management

- 17.6.1 Works must be constructed and maintained on a continuous basis by the holder of environmental authorisation to divert and drain from the Site in a legal manner, all runoff water arising on land adjacent to the Site, which could be expected as a result of the estimated maximum precipitation during a period of 24 hours with an average frequency of once in fifty (50) years (hereinafter referred to as the "estimated maximum precipitation"). Such works must, under the said rainfall event, maintain a freeboard of 800mm.
- 17.6.2 Works must be constructed and maintained on a continuous basis by the holder of environmental authorisation to divert and drain from the working face of the Site, all runoff water arising on the Site, which could be expected as a result of the estimated maximum

- precipitation and to prevent such runoff water from coming into contact with leachate from the Site. Such works must, under the said rainfall event, maintain a freeboard of 800mm.
- 17.6.3 Runoff water referred to in condition 17.6.2 must comply with the quality requirements prescribed by Department of Water and Sanitation which may be determined from time to time and shall be drained from the site in a legal manner.
- 17.6.4 Runoff water referred to in condition 17.6.2 which does not comply with the quality requirements applicable in terms of condition 17.6.3 shall, by means of works, lined to the satisfaction of the Director, which shall be constructed and maintained on the continuous basis by the holder of environmental authorisation —
- 17.6.4.1be treated to comply with the quality requirement referred to in condition 17.6.4 and discharged in a legal manner; and/or
- 17.6.4.2 be discharged into any convenient sewer if accepted by the authority in control of that sewer.

17.7 Water quality monitoring

- 17.7.1 Monitoring of groundwater and surface water must be conducted at the locations specified in conditions 17.7.2 and 17.7.3 and at any other location or locations that may from time to time be specified by the Director.
- 17.7.2 The unlined scenario predicts that the pollution plume may spread to the south-eastern comer of the newly proposed ash stack along the western tributary of the Palmiet Spruit. The return water dam must be lined and the groundwater flow simulation stresses that proper interception of surface water and runoff be implemented.
- 17.7.3 Several auger holes (varying from 0.6 to 2 metres) were drilled in the proposed area of the new ash stack. Three of the auger holes encountered water in this region that represents the unsaturated zone close to the stream. Due to the Aquifer vulnerability method of classification mainly based on the depth of the groundwater table (DWAF Groundwater protocol version 2. 2003), the vulnerability of the area is classified as extremely high. The Licence holder must ensure that the current monitoring programme is implemented and adhered to.

17.8 Groundwater quality monitoring network

17.8.1 A monitoring borehole network for the site must be maintained by the holder of environmental authorisation according to Majuba Power Station (Pty) Ltd Groundwater Assessment Report compiled by GHT Consulting Scientist Pty (Ltd) dated 23 April 2015 to the satisfaction of the Director so that unobstructed sampling, as required in terms of the Licence, can be undertaken.

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- 17.8.2 Monitoring boreholes must be equipped with lockable caps. The Department and DWS reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 17.8.3 Groundwater monitoring for Majuba Ash Disposal facility must be conducted at Palmietspruit east ash dump and at Mezig Spruit drainage system old ash dump as indicated on page 16 to 22 of the Geohydrological Investigation Report with Reference number: RVN 726.3/1571 as prepared by GHT Consulting Scientist Pty (Ltd) to capture impacts to the east, north and north-west of the dumps.

17.9 Surface water quality monitoring network

17.9.1 Monitoring for surface water must be conducted monthly at as indicated in the Majuba Power Station, Report number RVN 665.9/1554 compiled by GHT Consulting Scientist Pty (Ltd) dated December 2014, or as indicated in the latest monitoring protocol approved by the Director.

17.9.2 Background monitoring

- 17.9.2.1Samples from the borehole where the groundwater in the borehole is at an expected higher hydraulic pressure level than the hydraulic pressure level of the groundwater under the Site shall be considered as background monitoring.
- 17.9.3 Background groundwater monitoring shall be conducted during each monitoring occasion in terms of conditions 17.9.4, 17.9.5 and or 16 for the water quality variables listed in Annexure III.
- 17.9.4 Detection Monitoring
- 17.9.4.1 Monitoring for groundwater quality, surface water quality must be conducted for variables listed in Annexure III on a quarterly basis.
- 17.9.5 Investigative Monitoring
- 17.9.5.1lf, in the opinion of the Director or Director: RPW, a water quality variable at any monitoring point referred to in condition 17.9.4 above shows an increasing trend, the holder of the environmental authorisation shall initiate a monthly monitoring programme for the water quality variables listed inn Annexure I.
- 17.9.5.2Additional investigative monitoring boreholes need to be drilled in order to map the physical abnormalities detected during the magnetic geophysical survey.

- 17.9.5.3Additional borehole must be drilled for future monitoring purposes (even if integrity verification of the liner is installed) to determine a baseline groundwater quality prior to ashing.
- 17.9.5.4The holder of environmental authorisation shall carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008), analyse the samples taken under the monitoring programmes specified in condition 17.7.
- 17.9.5.5The holder of environmental authorisation shall only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to the competent authority.

Date of environmental authorisation: 19/68/2075

Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

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Department of Environmental Affairs

Annexure I: Reasons for Decision

1. Key factors considered in making the decision

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

- a) The information contained in the EIR dated November 2014;
- b) The mitigation measures included in the EIR dated November 2014; and the EMPr;
- c) The comments received from the Directorate: Authorisations & Waste Disposal Management and comments from interested and affected parties as included in the EIR dated November 2014; and
- d) 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. Conclusions

After consideration of the information and factors listed above the Department reached the following conclusions:

- a) The extension of the disposal facility will take place next to the already existing ash disposal facility.
- b) The identification and assessment of impacts are detailed in the EIR dated November 2014; and sufficient assessment of the key identified issues and impacts have been completed.
- c) The procedure followed for impact assessment is adequate for the decision-making process.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2010, for public involvement.

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

ANNEXURE II

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS CONDITION 8.5

= Indicate with	an X. Please print ————	legibly. —————			
NAME OF SITE:		DATE OF REPORT:(y/m/d)			
1. Regist	ered owner(s) of	property on w	hich the disposal	facility is situated:	
Name				Telephone	
Postal Address				Fax	
				Postal Code	
2. Operat	tor in control of th	e disposal fa	cility:		
Name				Telephone	<u> </u>
Identity number				Tel. After hours	
Educational Qualifi	cations			<u> </u>	
Other Relevant cor	mpetencies:				
3. Indicat	te the type of was	te and approx	imate quantities o	f ash disposed du	ring the year:
Type of waste (Spec		Quantity (m ³		- 11 (11)	
TOTAL					
4. Indicat	te the type of was	te and approx	imate quantities o	f ash reused, recy	cled during the
year:					
Type of waste	Quantity (m	³ annum ⁻¹)	reused, treated or dis	posed	
		· · · · · · · · · · · · · · · · · · ·			
		<u>-</u>			
TOTAL		<u>-</u>			· · · · · · · · · · · · · · · · · · ·
I, the undersigne	d, declare that the	information s	tated above is to m	y knowledge a true	reflection of the
Signature:			,		
Name:					
Capacity:					
Place:					
. 1000.			Dat	.e	

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR QUATERLY DETECTION MONITORING

Monitor at quarterly intervals for:		
Alkalinity (P.Alk)		
Mercury (Hg)		
Calcium (Ca)		
Dissolved Oxygen		
Chloride (CI)		
Electrical Conductivity (EC)		
Iron (Fe)		
Fluoride (F)		
Magnesium (Mg)		
Manganese (Mn)		
Nitrate (NO ₂)		
Nitrate (NO ₃ -N)		
pH		
Potassium (K)		
Silicon (Si)		
Sodium (Na)		
Sulphate (SO ₄)		
Total Dissolved Solids (TDS)		

100