



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA

DEA Reference: 14/12/16/3/31/2053

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Ms Tanya Speyers
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PER E-MAIL / MAIL

Dear Ms Speyers

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED MELKHOUT SUBSTATION BATTERY ENERGY STORAGE FACILITY, EASTERN CAPE PROVINCE

The draft Basic Assessment Report (BAR) dated June 2019 and received by this Department on 16 July 2019 refer.

On 08 December 2014 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), viz, the NEMA Environmental Impact Assessment (EIA) Regulations 2014 (GN R982, R983, R984 and R985 of 04 December 2014). The NEMA EIA Regulations, 2014 and listing notices, were subsequently amended on 07 April 2017 (refer to GN R324, R325, R326, R327 of 07 April 2017) and is being referred to as NEMA EIA Regulations, 2014, as amended. The same referencing would apply to the listing notices containing the listed activities that would require Environmental Authorisation.

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

(a) Listed Activities

- i. Please ensure that all relevant listed activities are applied for, are specific and that it can be linked to the development activity or infrastructure as described in the project description.
- ii. If the activities applied for in the application form differ from those mentioned in the final BAR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
- iii. It is requested that the EAP provide detailed information regarding the specifications of the dangerous goods, i.e. quantities, type etc. In addition, the impacts associated with the relevant activity must be identified, described and assessed in the BAR.

(b) Alternatives

- i. Please provide a description of any identified alternatives for the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have

on the environment and on the community that may be affected by the activity as per Appendix 1 (2) (e) and 3 (1) (h) (i) of GN R.982 of 2014, as amended. Alternatively, you should submit written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 1.

(c) Specialist Declaration of Interest

- i. Specialist Declaration of Interest forms must be attached to the final BAR. You are therefore requested to submit original signed Specialist Declaration of Interest forms for each specialist study conducted. The forms are available on Department's website (please use the Department's template).
- ii. A risk assessment for each of the proposed technology alternatives proposed must be conducted and included in the final BAR.

(d) Undertaking of an Oath

- i. The Department has noted that the submitted application form has an undertaking under oath or affirmation by the EAP. However, the aforementioned oath was not included in the draft BAR, but rather an appendix of the application form attached to the BAR. Please note that the final BAR must also have an undertaking under oath/affirmation by the EAP.
- ii. Based on the above, you are therefore required to include an undertaking under oath or affirmation by the EAP (administered by a Commissioner of Oaths) as per Appendix 1(3)(r) of the NEMA EIA Regulations, 2014, as amended, which states that the BAR must include:
"an undertaking under oath or affirmation by the EAP in relation to:
(i) the correctness of the information provided in the reports;
(ii) the inclusion of comments and inputs from stakeholders and I&APs;
(iii) the inclusion of inputs and recommendations from the specialist reports where relevant; and
(iv) any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties".

(e) Details and Expertise of the EAP

- i. You are required to include the details and expertise of the EAP in the BAR, including a curriculum vitae, in order to comply with the requirements of Appendix 1(3)(1)(a) of the NEMA EIA Regulations, 2014, as amended.

(f) Public Participation Process

- i. The following information must be submitted with the final BAR:
 - A list of registered interested and affected parties as per Regulation 42 of the NEMA EIA Regulations, 2014, as amended;
 - Copies of all comments received during the draft BAR comment period; and
 - A comment and response report which contains all comments received and responses provided to all comments and issues raised during the public participation process for the draft BAR. Please note that comments received from this Department must also form part of the comment and response report.
- ii. Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the final BAR.
- iii. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

(g) Environmental Management Programme

- i. The EMP must also include the following:
 - All recommendations and mitigation measures recorded in the BAR and the specialist studies conducted.

- An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
 - Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
 - The EMPr must include a detailed fire management and protection plan.
- ii. In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.

General

Please also ensure that the final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority - (a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.”*

Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 19(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days”.*

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Signed by: Mr Coenrad Agenbach
Designation: Deputy Director: Priority Infrastructure Projects
Date: 07/08/2019

cc:	Ms Angelina Shalang	Eskom Holdings SOC Limited	E-mail: shalanar@eskom.co.za
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PER E-MAIL

Dear Tanya

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT (BAR) FOR THE PROPOSED MELKHOUT SUBSTATION BATTERY ENERGY STORAGE FACILITY, EASTERN CAPE PROVINCE

The Directorate: Biodiversity Conservation reviewed and evaluated the above-mentioned report. It was noted that the proposed development falls within the Critical Biodiversity Area category 1 and rocky outcrops which are of biodiversity importance. Therefore, the Directorate is **not in-support** of the proposed development because it will pose a threat to the above mentioned biodiversity sensitive areas.

We request that a site visit is conducted together with the biodiversity specialist who conducted the assessment for the proposed development after submission of the final basic assessment report, in order for the directorate to issue a final informative decision.

The overall biodiversity conservation objective is to minimise loss to biodiversity as much possible, within high sensitive areas.

Yours faithfully

Mr Seoka Lekota
Biodiversity Officer Control Gr B: Biodiversity Conservation
Department of Environmental affairs
Date: 12/09/2019



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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SRK Consulting
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6000

Attention: Ms. W. Marais

DRAFT BASIC ASSESSMENT REPORT: PROPOSED MELKHOUT SUBSTATION BATTERY ENERGY STORAGE FACILITY

After the evaluation of the draft Basic Assessment Report (hereafter referred to as a 'dBAR'), in principle, this department has no objections to the proposed development, provided that the following requirements will be complied with:

In terms of Chapter 4 of the National Water Act, 1998 (Act No. 36 of 1998) (the Act), a water use authorisation is required for any activity taking place within the regulated area. The regulated area of watercourse for Section 21 (c) and (i) means:

- The outer edge of the 1 in 100 year floodline and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of the river, spring, natural channel, lake or dam;
- In the absence of a determined 1 in 100 year floodline or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench or
- A 500m radius from the delineated boundary (extent) of any wetland or pan.
- Appendix D1 of the dBAR states that according to the NFEPa data, there are no wetland or river features identified within 500m radius from the site. However, Appendix D1 of the dBAR also states that six (6) potential wetlands were identified during the site visit. These wetlands occur within 500m of the proposed site and could potentially be affected by construction related activities.
- Due to the location of wetlands 5 and 6, they could be affected by contaminated runoff from the construction activities.

It is therefore recommended that a buffer of 50m be maintained around all the wetlands as mentioned in Appendix D1 of the dBAR and the Risk Matrix must be done for the Wetlands

5 and 6 to determine the extent of impacts before and after the mitigation measures have been implemented.

Please note that any use of water without an authorization is a contravention as in accordance with Section 151 of the National Water Act, 1998 (Act 36 of 1998).

Yours Faithfully



ACTING DIRECTOR – INSTITUTIONAL ESTABLISHMENT

Date: 23 AUGUST 2019