



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA  
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**NEAS Reference:** DEA/EIA/0002116/2013

**DEA Reference:** 14/12/16/3/3/3/51

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Mr Abram Masango  
Eskom Holding SOC Limited – Kusile Power Station  
Suite 46  
Postnet  
**HIGHVELD**  
1035

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Tel No: 013-699-7164  
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### **PER FACSIMILE / MAIL**

Dear Mr Masango,

### **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 718: CONSTRUCTION OF ASH AND GYPSUM CO-DISPOSAL FACILITY AND ASSOCIATED INFRASTRUCTURE AT KUSILE 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

*M.S.*

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](mailto: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 sincerely



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date:** 18/06/2015

CC:	Mr D Esterhuizen	Seabata Institute Consulting	Tel: 011-206-5920	Fax: 011-206-5922
		<a href="mailto:deacon@iliso.com">deacon@iliso.com</a>		
	Ms Y Pulaneseqami	Delmas Local Municipality	Tel: 013-665-6065	Fax: 013-655-6041

**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)**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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 Water and 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 Water and 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: <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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.



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

**Construction of ash and gypsum co-disposal facility and associated infrastructure at  
Kusile Power Station**

**Nkangala District Municipality**

<b><i>Authorisation register number:</i></b>	<i>14/12/16/3/3/3/51</i>
<b><i>Last amended:</i></b>	<i>First Issue</i>
<b><i>Holder of integrated authorisation:</i></b>	<i>Eskom Holding SOC Limited</i>
<b><i>Location of activities:</i></b>	<i>MPUMALANGA PROVINCE: On portions 0, 3, 10, 26 and 30 of the Farm Klipfontein 566 JR, Remainder of Farm Klipfontein 566 JR and Remainder of Farm Hartbeestfontein 537 JR within Delmas Local Municipality</i>

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.

## 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 and Government Notice 921 of 29 November 2013 the Department hereby authorises –

### **ESKOM HOLDINGS SOC LIMITED**

with the following contact details –

Mr Abram Masango  
Eskom Holding SOC Limited – Kusile Power Station  
Suite 46  
Postnet  
Highveld  
1035

Tel: (013) 699 7164  
Fax: (086) 664 5078  
E-mail: [MasangA@eskom.co.za](mailto:MasangA@eskom.co.za)

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

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 11:</u></p> <p><i>The construction of:</i></p> <p><i>(iv) dams;</i></p> <p><i>- 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.</i></p>	<p>The construction of the ash dump dirty dam and settling dams within a wetland.</p>
<p><u>GN R. 544 Item 18:</u></p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</i></p> <p><i>(i) a watercourse;</i></p>	<p>The removal of soil located in a wetland for the construction of a waste management facility and depositing of ash/gypsum waste material exceeding 5m<sup>3</sup> into the wetland for storage purposes.</p>
<p><u>GN R. 921 Category B Item 7:</u></p> <p><i>The disposal of any quantity of hazardous waste to land</i></p>	<p>The co-disposal and storage of ash and gypsum which has been classified as a moderate hazardous waste to land.</p>
<p><u>GN R. 921 Category B Item 10</u></p> <p><i>The construction of facilities for activities listed in Category B of this schedule (not in isolation to associated activity).</i></p>	<p>Construction of hazardous waste facility and its associated dams</p>

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

<b>Waste Site</b>	<b>Size of facility</b>	<b>Location</b>	<b>Type of facility</b>	<b>Quantity of waste received</b>	<b>Classification in terms of water balance</b>
<b>Ash/Gypsum co-disposal facility</b>	200ha	25°56'13.05"S 28°55'11.49"E	H:h (LB+)	84 423 000m <sup>3</sup>	B+
<b>Ash/Gypsum co-disposal facility Dirty Water Dam</b>	7.01ha	25°55'54.17"S 28°53'50.35"E	Hazardous waste disposal facility	227 410m <sup>3</sup>	B+
<b>Station Dirty Water Dam</b>	5.615ha	25°55'12.82"S 28°53'50.48"E	Hazardous waste facility	181 890m <sup>3</sup>	B+
<b>Station Dirty Dam Settling Tank</b>	0.8ha	25°55'12.82"S 28°53'50.48"E	Hazardous waste facility	7 975m <sup>3</sup>	B+
<b>Spoil Areas:</b>	4.84ha	25°55'02.15"S 28°54'30.33"E (Concrete spoil stock pile). 25°55'43.46"S 28°55'04.32"E (K3 spoil area)	General waste	229 500m <sup>3</sup> (Concrete spoil stock pile). 750 000m <sup>3</sup> (K3 spoil area)	B-

for the construction of ash and gypsum co-disposal facility on portions 0, 3, 10, 26 and 30 of the Farm Klipfontein 566 JR and its associated infrastructure on the Remainder of Farm Klipfontein 566 JR and Remainder of Farm Hartbeestfontein 537 JR within Delmas Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

### **3. SCOPE OF AUTHORISATION**

- 3.1 Authorisation is granted for the construction of ash and gypsum co-disposal facility within site co-ordinates as indicated above.
- 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 three (3) 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.
- 3.6 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 Chapter 7 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 10 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 Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.
- 5.2. 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.
- 5.3. 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.
- 5.4. Changes to the EMPr and the operational EMPr for the disposal facility which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
- 5.5. 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.
- 5.6. 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.
- 5.7. The effluent management system must be managed and operated:
  - 5.7.1. 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;
  - 5.7.2. By sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

## **6. ENVIRONMENTAL CONTROL OFFICER**

- 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.

- 6.3 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.
  - 6.4.7 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**

- 7.1 The applicant must designate a Waste Management Control Officer (WMCO), who will monitor and ensure compliance and correct implementation of all conditions and provisions as stipulated in the environmental authorisation and approved EMP related to the power plant.
- 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 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; 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), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
- 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.
- 10.4 The holder of this authorisation must obtain a Water Use Licence from the Department of Water and Sanitation (DWS) 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 *Director: Integrated Environmental Authorisations* at the Department.
- 10.5 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.

## **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.
- 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 and must also include the person responsible for the operation of the site.

### 17.2 Permissible waste

17.2.1 The classification, assessment and disposal criteria as prescribed in the latest edition of the Waste Classification and Management Regulations Government Notice 634 dated 23 August 2013 must be conformed with.

### 17.3 Construction and commissioning of activities

17.3.1 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).

17.3.2 The construction and further development within the site for the co-disposal of ash and gypsum, coal stockyard, station dirty dam, sump of the ash dump dirty water and crystalliser solids must be in accordance with designs approved from meetings held between Department of Water and Sanitation (DWS) and Eskom dated 29 April 2013 and the amended drawings approved on 16 May 2014 and amended on the letter dated 22 November 2014.

17.3.3 The EA holder must submit a certificate or alternatively a letter to the Director: Licencing that the construction of site is in accordance with recognised civil engineering practice prior commencement of disposal.

17.3.4 The EA holder must ensure that the storage areas have firm, water proof base and drainage system. It must be designed and managed such that there is no escape of contaminants in the environment. All runoff must be prevented from entering local water courses including wetlands.

17.3.5 The site plan must only be changed under the supervision of a registered professional engineer and upon approval by the Director.

17.3.6 The EA holder must take all reasonable steps to ensure that the integrity of the waterproof base and walls of the site are routinely monitored and corrective actions are taken before containment integrity is breached.

17.3.7 Any development which occurs within 1:100 year flood line and/or within 500m from the boundary of wetlands would require a water use licence in terms of section 21 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 below.

17.4.2 External Audits

- (a) The holder of the environmental authorisation and approved EMPr must appoint an independent external auditor to audit the power plant 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 holder of the environmental authorisation must carry out all tests required in terms of this environmental authorisation in accordance with published laboratory analysis methods or those prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 08 of 2008).
- (d) Each external audit report referred to in condition 17.4 must be submitted to the Department within 30 days from the date on which the external auditor finalised the audit report.



#### 17.4.3 Reporting

- (a) The holder of the environmental authorisation must, within 14 days inform the Department of the occurrence or detection of any incident referred to in condition 16.1, and must also within 14 days period or 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.
- (b) 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.
- (c) 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.
- (d) 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.

#### 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 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 years (50) (hereinafter referred to as the "estimated maximum precipitation"). Such works must maintain a freeboard of 800mm.
- 17.6.2 Works must be constructed and maintained on a continuous basis by the EA holder 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 of the General and Special Standards as published in Government Notice 991 of 18 May 1984, or with such quality requirements as may from time to time be determined by the Director and must 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 must:-
  - 17.6.4.1 be treated to comply with the aforementioned standard 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 the sewer.

17.7 Water quality monitoring

- 17.7.1 Location of points and specifications for water quality monitoring network
  - 17.7.1.1 General Requirements
  - 17.7.1.2 Monitoring of groundwater and surface water must be conducted at the locations specified in conditions 17.7.1.4 and 17.7.1.7 and at any other location or locations that may from time to time be specified by the DWS.
  - 17.7.1.3 Groundwater quality monitoring network
  - 17.7.1.4 A monitoring borehole network for the site must be maintained by the EA holder according to the Kusile Power Station (Pty) Ltd as indicated in the Environmental Management Programme dated October 2014, or as indicated in the latest approved by the DWS, water quality monitoring protocol and to the satisfaction of the DWS so that unobstructed sampling as required in terms of the EA can be undertaken.

- 17.7.1.5 Monitoring boreholes must be equipped with lockable caps. The DWS and DEA reserve the right to take water samples at any time and to analyse these samples or to have them taken and analysed.
- 17.7.1.6 Surface water quality monitoring
- 17.7.1.7 Monitoring for surface water must be conducted monthly at the spruit upstream of the ash facility, the spruit (tributary) upstream of the ash facility, the spruit downstream, the spruit north of the ash facility before the Wilge River confluence, the pan, offset wetland upstream, offset wetland downstream, Wilge River A, Wilge River B as indicated in the Report number 13615231-12222-3 compiled by Golder Associates dated July 2013 or as in the latest water quality monitoring protocol approved by the DEA.
- 17.7.2 Background monitoring
  - 17.7.2.1 Samples 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 the site must be considered as background monitoring.
  - 17.7.2.2 Background groundwater monitoring must be conducted during each monitoring occasion in terms of conditions 17.7.3 and 17.7.4. for the water quality variables listed in Annexure III.
- 17.7.3 Detection monitoring
  - 17.7.3.1 Frequency of water quality monitoring and variables for analysis
  - 17.7.3.2 Monitoring for surface and groundwater quality must be conducted for variables listed in Annexure III on a quarterly basis or as indicated in the latest water quality monitoring protocol approved by the DEA.
- 17.7.4 Investigative monitoring
  - 17.7.4.1 If in the opinion of the DEA a water quality variable at any monitoring point listed under the detection monitoring programme in condition 17.7.3 above shows an increasing trend, the EA holder must initiate a monthly monitoring programme for the water quality variables listed in Annexure III.

Date of environmental authorisation: 18/06/2018

  
Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations  
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 October 2014;
- b) The mitigation measures included in the EIR dated October 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 October 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 construction of the disposal facility will take place within the already authorised power station.
- b) The identification and assessment of impacts are detailed in the EIR dated October 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 application is accordingly granted.

**ANNEXURE II**

**INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS CONDITION 8.4**

\* = Indicate with an X. Please print legibly.

NAME OF SITE: _____ DATE OF REPORT: _____ (y/m/d)
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**1. Registered owner(s) of property on which the disposal facility is situated:**

Name	Telephone	
Postal Address	Fax	
	Postal Code	

**2. Operator in control of the disposal facility:**

Name	Telephone	
Identity number	Tel. After hours	
Educational Qualifications		
Other Relevant competencies:		

**3. Indicate the type of waste and approximate quantities of ash produced during the year:**

Type of waste (Specify)	Quantity (m <sup>3</sup> annum <sup>-1</sup> )
TOTAL	

**4. Indicate the type of waste and approximate quantities of ash reused, recycled, or disposed of during the year:**

Type of waste	Quantity (m <sup>3</sup> annum <sup>-1</sup> )	reused, treated or disposed
TOTAL		

I,  
the  
und

ersigned, declare that the information stated above is to my knowledge a true reflection of the status at the \_\_\_\_\_ effluent treatment facility.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Capacity: \_\_\_\_\_

Place: \_\_\_\_\_

Date \_\_\_\_\_

**ANNEXURE III**

**WATER QUALITY VARIABLES REQUIRED FOR DETECTION AND INVESTIGATIVE MONITORING:**

**CONDITION 17.1.3 AND 17.1.4**

Alkalinity (P.Alk)  
Chemical Oxygen Demand (COD)  
Chlorides (Cl)  
Nitrate (NO<sub>3</sub>-N)  
pH  
Potassium (K)  
Total Dissolved Solids (TDS)  
Electrical Conductivity (EC)  
Sodium (Na)  
Calcium (Ca)  
Fluoride (F)  
Magnesium (Mg)  
Sulphate (SO<sub>4</sub>)  
Chromium (hexavalent) (Cr<sup>6+</sup>)  
Suspended Solids SS  
Dissolved Oxygen  
Iron (Fe)  
Manganese  
Aluminium (Al)  
Boron (B)  
Arsenic (As)  
Mercury (Hg)  
Ammonia (NH<sub>3</sub>) as N  
Selenium (Se)  
Zinc (Zn)