



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER FACSIMILE / MAIL

Dear Ms Oosthuizen

REJECTION OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED 30 YEAR ASH DISPOSAL FACILITY AT KENDAL POWER STATION, MPUMALANGA PROVINCE

The final Environmental Impact Assessment Report (EIR) dated October 2016 and received by the Department on 28 October 2016 has reference.

The Department herewith rejects the final EIR dated October 2016 in terms of sub-regulation 34 (2) (b) of the Environmental Impact Assessment Regulations, 2010 submitted for environmental authorisation for the abovementioned project. The reason for this decision is outlined below:

- This Department has consulted the Department of Water and Sanitation in order to obtain concurrence that is required in terms of Section 49(2) of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008) regarding the proposed development. The DWS has requested additional information in order to proceed with consideration of the application.

This letter serves to inform you that the following additional information must be submitted to this Department as a matter of urgency:

- The amended wetland offset strategy as the one submitted in the FEIR is not implementable due to an outstanding studies and risk to offsetting. Also functional targets are not met, only biodiversity target is made.
- The report on the investigation of the re-creation pan.
- The water losses and discharges back to the natural system must be investigated and reported upon. Clarity must be given on wetland offsetting regarding the investigation requested.
- The design drawings for the proposed ash disposal facility must be in accordance with containment barrier design as described in Regulation 636, National Norms and Standards for Disposal of Waste to landfill dated 23 August 2013. The design drawings must be approved in writing by the Responsible Authority before construction and disposal may commence. A meeting must be arranged with the DWS Engineer by contacting Malise Neo at neom@dws.gov.za.

In terms of regulation (56) (1), please note that registered I&APs are entitled to comment in writing on all written submissions and in terms of sub-regulation (2) of the mentioned regulation, before you submits a final report compiled in terms of these regulations to the competent authority, you must in terms of sub-regulation (3) (e) and (g), give I&APs access to and opportunity to comment on the reports. According to regulation 56, sub-regulation (1) (a) (i), the comments must be submitted in writing within 21 days.

In terms of regulation 24(2) you are entitled to resubmit the EIR after making the necessary amendments. The Department reserves the rights to revise or withdraw its comments or request further information from you based on any information received. 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 faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Letter signed by: Ms Pumeza Skepe-Mngciza
Designation: Deputy Director: CIPS & S24G

Date: 06/04/2017

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