

MPUMALANGA PROVINCIAL GOVERNMENT

Building No. 4
No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200
South Africa



Private Bag X 11215
Nelspruit, 1200
Tel: 013 766 4004
Fax: 013 766 4014
Int: +27 13 766 4004
Int: +27 13 766 4014

Department of Economic Development, Environment and Tourism

Umkhonto Lasekuthu Inkoswa
Kwintombi, Simondawo nozama Vakasha

Umgungo WezokuThuthuswa
KoMntsho iKhosuthiako nozama Vakalaho

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Enquiries : Okwethu-kuhle Fakude
Telephone : 013 692 5806
Reference no. : 17/2/3N-227
NEAS ref no. : MPP/EIA/0000594/2013

AG Zimbwa
Nkangala District Municipality
P.O. Box 437
Middelburg,
1050

Fax : 013 249 2145
Email : ntekelefr@nkangaladm.gov.za

Dear Sir/Madam.

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED CONSTRUCTION OF HLALANIKAHLE SEWER NETWORK, EMALAHLENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

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

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of this letter, of the Department's decision in respect of your application. Such notification must comply with the requirements of Regulations 10(2)(a)-(d) and must draw the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of the date of this letter, by means of one of the following methods:

By facsimile: (013) 766 4614

By post: Private Bag x 11215
Nelspruit
1200

By hand: Building 4, No. 7 Government Boulevard,
Riverside Park Extension
Nelspruit
1200



17/2/3N-227



Should you decide to appeal, you must serve a copy of your 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.

Yours sincerely,


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 18.09.2013

cc: Mr. Shaun MacGregor
Ecoleges Environmental Consultants
Fax no: 086 697 9316
Email: shaun@ecoleges.co.za



1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2006, the Department hereby authorises:

Nkangala District Municipality
P.O Box 437
Middelburg, 1050

Attention: AG. Zimbwa
Fax no: 013 249 2145
Tel no: 013 249 2025
Email: nkekelefr@nkangaladm.gov.za

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

The proposed construction of the Hlalanikahle Sewer Network, Emalahleni Local Municipality, Mpumalanga Province at the following co-ordinates:

Sewer Collector Line 1

Starting Point: 25° 50.966"S and 29° 07.579"E
Middle Point : 25° 50.952"S and 29° 07.637"E
End Point : 25° 50.938"S and 29° 07.703"E

Sewer Collector Line 2

Starting Point: 25° 50.834"S and 29° 07.510"E
Middle Point : 25° 50.827"S and 29° 07.566"E
End Point : 25° 50.817"S and 29° 07.643"E

Sewer Collector Line 3

Starting Point: 25° 50.110"S and 29° 07.364"E
Middle Point : Vegetation too thick to get a GPS reading
End Point : 25° 50.090"S and 29° 07.398"E

Sewer Collector Line 4

Starting Point: 25° 50.275"S and 29° 06.309"E
Middle Point : 25° 50.251"S and 29° 06.455"E
End Point : 25° 50.229"S and 29° 06.633"E

Listed as activity 11 and 18, of GNR 544 and Activity 16 of GNR 546 of 18 June 2010.

The activity will entail the construction of four new sewer collector lines or the expansion of the existing sewer network and they will be constructed as follows:

- 1) A new 200mm (OD) sewer collector line, approximately 250m long, will be constructed from an existing manhole to an existing 500mm OD outfall sewer line. The design throughput is 10Ls¹.



- 2) A new 200mm (OD) sewer collector line, approximately 200m long, will be constructed from an existing manhole to an existing 500mm OD outfall sewer line. The design throughput is 10Ls⁻¹.
- 3) A new 200mm (OD) sewer collector line, approximately 40m long, will be constructed from an existing manhole to an existing 800mm OD outfall sewer line. The design throughput is 10Ls⁻¹.
- 4) A new 355mm (OD) sewer collector line, approximately 550m long, will be constructed from Hlalanikahle extensions 10 and 11 to an existing 800mm OD outfall sewer line. The design throughput is 99,2Ls⁻¹.

The granting of this environmental authorisation is subject to the conditions set out below.

3. Conditions of Authorisation

Scope of authorisation

- 3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with these conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 3.3 The activity which is authorised may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 3.5 In the event that the impacts exceed the significance as predicted in the environmental impact report, authorisation may be suspended after proper procedures have been followed.
- 3.6 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7 The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.8 This activity 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 authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.9 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.10 This authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Appeal of authorisation

- 3.11 The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) days of the date of this decision, of the outcome of the application.
- 3.12 The notification referred to above, must –
 - a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations; and



- c) Advise the interested and affected party to the manner in which the decision can be accessed;
- d) Be published in the newspaper contemplated in Regulation 54(2) (c) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management and monitoring of the activity

- 3.13 The Environmental Management Programme (EMPr) dated 08th July 2013 and submitted as part of the Basic Assessment Report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14 The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr.
- 3.15 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
 - 3.17.1 The ECO must oversee and monitor the success of all rehabilitation activities.
 - 3.17.2 During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
 - 3.17.3 The ECO must maintain the following on site:
 - A site diary
 - Copies of all reports submitted to the Department
 - A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints
 - 3.17.4 The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.16 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.17 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

Commissioning and operation of the activity

- 3.18 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, and must include the name and contact details of the appointed ECO.
- 3.19 All contractors and their labourers must be inducted before commencing work and there must be proper use of PPE.
- 3.20 Removal of vegetation must be restricted to within the work footprint, and no vegetation must be removed unnecessarily.



- 3.21 The Contractor must locate the construction camp on existing disturbed or the least sensitive sites above the 1:100 year flood line or further than 32m from the edge of a watercourse.
- 3.22 Sufficient chemical toilets must be provided on site. The toilets must be located in the shade and outside the demarcated disturbed wetland system, kept hygienic, cleaned daily and emptied when the tanks are full.
- 3.23 Waste receptacles must be put in place before construction starts and litter must be removed daily to a registered landfill site for the duration of the project.
- 3.24 No dry wood, living plant or part thereof must be harvested from any plant community.
- 3.25 Access to the site must be through the existing access roads.
- 3.26 No concrete mixing must take place on open grounds.
- 3.27 The contractor must contact Eskom before commencing with any excavations to determine the presence and location of any underground electrical cables and also in the case of illegal connections.
- 3.28 Planning must take into account the natural surroundings and sense of place.
- 3.29 Road damage caused by sub-project activities must be promptly attended to with proper road repair and maintenance work.
- 3.30 Points of ingress and egress onto the site must be regularly cleaned for dust and mud.
- 3.31 The Contractor must make sure that any damage to a resident's property, including *inter alia*, fences must be repaired and/or replaced.
- 3.32 The construction site must be kept in a clean and orderly state at all times.
- 3.33 Littering on site and the surrounding areas is prohibited.
- 3.34 No dumping or storage of the construction waste within the drainage line.
- 3.35 All traffic management must be done in accordance with the National Road Traffic Act No.93 of 1996.
- 3.36 Proper storage facilities must be provided for the storage of oils, grease, fuels, chemicals and hazardous materials.
- 3.37 Unnecessary loud noise is prohibited. Work to be conducted during official working hours and no work must be allowed on weekends or at nights.
- 3.38 All areas susceptible to erosion must be protected by installing all necessary, temporary and/or permanent mechanisms for controlling/diverting storm water run-off, dissipating water energy and encouraging infiltration as soon as possible.
- 3.39 The area to be affected by construction activities, topsoil must be stored and used for rehabilitation.
- 3.40 Stockpiles of soil and other construction materials that may be wind-eroded must be properly covered.
- 3.41 Dust production must be controlled by the regular spraying of water as required, and the water used for this purpose must be used in quantities that will not result in the generation of run-off.
- 3.42 Construction vehicles and equipment are prohibited from entering the disturbed wetland system, with the exception of temporary passing lanes approved by the ECO and/or Engineer.
- 3.43 Drivers must adhere to the relevant speed limit(s) at all times and restrict their movements to the roadway or servitudes.
- 3.44 Construction plant and equipment must be kept in good working conditions in order to reduce hydrocarbon leakages and excessive emissions.
- 3.45 Emergency repairs or maintenance must include procedures to minimize contamination of the ground.
- 3.46 All formal and informal cemeteries and burial sites must be left in situ and not be disturbed.



General

- 3.47 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.48 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.49 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 3.50 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 18.09.2013



Annexure 1: Reasons for the Decision

1. Background

1.1 The applicant, Nkangala District Municipality, applied for authorization to carry out the following activity (hereafter referred to as "the activity"):

The proposed Construction Hlalanikahle Sewer Network, Emalahleni Local Municipality, Mpumalanga Province at the following co-ordinates:

Sewer Collector Line 1

Starting Point : 25° 50.966"S and 29° 07.579"E
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Middle Point : 25° 50.827"S and 29° 07.566"E
End Point : 25° 50.817"S and 29° 07.643"E

Sewer Collector Line 3

Starting Point : 25° 50.110"S and 29° 07.364"E
Middle Point : Vegetation too thick to get a GPS reading
End Point : 25° 50.090"S and 29° 07.398"E

Sewer Collector Line 4

Starting Point : 25° 50.275"S and 29° 06.309"E
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- 4) A new 355mm (OD) sewer collector line, approximately 550m long, will be constructed from Hlalanikahle extensions 10 and 11 to an existing 800mm OD outfall sewer line. The design throughput is 99.2Ls⁻¹.



- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

Ecoleges Environmental Consultants
Private Bag 9005
Nelspruit
1200

Contact person: Shaun MacGregor
Tel: 083 981 1031
Fax: 086 697 9316
Email: shaun@ecoleges.co.za

2. Information considered in making the decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the Basic Assessment Report and the EMPr.
- b) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- c) The findings of the site visit undertaken by Okwethu-kuhle Fakude on 04th March 2013.

3. Key factors considered in making the decision.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) The existing network is failing to cope with the current volume of sewerage and as a result, manholes regularly overflow, spilling raw human sewerage into the streets which is a safety concern to the community.
- b) The community needs a sewerage network that performs effectively without compromising the health or safety of residents.
- c) The proposed collector lines will be added to the existing Hlalanikahle Sewer Network, Emalahleni Local Municipality.

4. Findings

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

- a) The proposed mitigation measures as outlined in the compiled and approved EMP will assist in the minimization of identified negative environmental impacts associated with the proposed development.
- b) The project will offer job opportunities to a substantive number of unskilled, semi skilled and skilled community members.
- c) There were no signs of culturally or historically significant elements including archaeological or paleontological sites observed during the site visit.
- d) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Basic Assessment report and conditions of this environmental authorisation be implemented and adhered to.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted.