



**environment, forestry
& fisheries**

Department: Environment, Forestry
and Fisheries
REPUBLIC OF SOUTH AFRICA

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Ref No.: 12/9/11/L19080109052/6/N

Enquiries: Mr. Lucas Mahlangu

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Eskom Holdings SOC Limited
Private Bag X5009
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Gersh Bonga

APPLICATION FOR A WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (NO. 59 OF 2008): PROPOSED DECOMMISSIONING OF A WASTE MNGEMENT FACILITY

Please find hereto attached a waste management license issued in terms of S.49 of the National Environmental Management Waste Act, 2008 (Act 59 of 2008) "NEMWA".

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of license, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals are contained in the appeal Regulations, 2014.

Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014, which prescribes the administration and processing of appeals procedure to be followed. The appeal procedure is summarized in Annexure 1 of the license. 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 must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party (I&AP,s) and any organ of state with interest in the matter within 20 days from:

- (a) the date that the notification of the decision for a waste management licence was sent to the registered I&AP,s by the applicant; or
- (b) the date that the notification of the decision was sent to the applicant by the licensing authority, in the case of decisions other than those referred to in paragraph (a).



Batho pele- putting people first

APPLICATION FOR A WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (NO. 59 OF 2008): PROPOSED DECOMMISSIONING OF A WASTE MNGEMENT FACILITY

Please include the Department (Attention: Director: Licensing) in the list of the interested parties, for record purpose.

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the license. Furthermore, please note that should an appeal be lodged with the Minister, in terms of section 47 (7) of NEMA the appeal will automatically suspend a waste management license, pending the outcome of the appeal.

Yours sincerely



Mr. Lucas Mahlangu
Acting Director: Licensing
Department of Environmental Affairs

Date: 2020/06/15



**environment, forestry
& fisheries**

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and Fisheries
REPUBLIC OF SOUTH AFRICA

Ref. 12/9/11/L19080109052/6/N
Enquiries: Mr Lucas Mahlangu
Tel: 012 399-9791
Email: LMahlangu@environment.gov.za

LICENCE NUMBER : **12/9/11/L19080109052/6/N**
SECTOR : **DECOMMISSINING OF ASBESTOS WASTE
LANDFILL SITE**
WASTE MANAGEMENT FACILITY : **KRIEL POWER STATION ASBESTOS
LANDFILL SITE**
LOCATION : **BETHAL AND OGIES ROAD, KRIEL IN
MPUMALANGA PROVINCE**
LICENCE HOLDER : **ESKOM HOLDINGS SOC LIMITED**
ADDRESS : **PRIVATE BAG X 5009
KRIEL, 2271**
CONTACT PERSON : **GERSH BONGA**
CONTACT DETAILS : **TEL: 017 615 2300
FAX: 017 615 2326
EMAIL: BONGAMG@ESKOM.CO.ZA**

**WASTE MANAGEMENT LICENCE IN TERMS OF SECTION 49(1)(a) OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008(ACT NO. 59 OF 2008)**

In terms of National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) read with the Environmental Impact Assessment Regulations, 2014, published in Government Notice No. 982 of 04 December 2014 (the Regulations), the Chief Director: Hazardous Waste Management and Licensing, acting under delegation, hereby grants Kriel Power Station asbestos landfill site a Waste Management Licence for the following waste management activities as listed in Category A of Government Notice



Decommissioning Licence: Kriel Power Station asbestos landfill site, Mpumalanga Province

No 921 of 29 November 2013:

(14) "The decommissioning of a waste management facility for an activity listed in Category A or B of this schedule".

In this Licence, "Director" means the Director: Licensing of the National Department of Environment, Forestry and Fisheries who may be contacted at the address below:

Director: Licensing
Department of Environment, Forestry and Fisheries
Private Bag X447
PRETORIA
0001

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the National Department of Water and Sanitation (DWS) who may be contacted at the address below:

Director: Resource Protection and Waste
Department of Water and Sanitation
Private Bag X 313
PRETORIA
0001

1. SITE DETAILS

1.1 LOCATION

1.1.1 This Licence authorises the decommissioning of an asbestos landfill site located at Bethal and Ogies road, Kriel in Mpumalanga Province (hereafter referred to as" the Site").



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- 1.1.2 The location of the Site must be according to the co-ordinates indicated on the licence application form, which are as follows:

Comers	Latitude	Longitude
1	26°16' 4.19"	29°11' 3.52"
2	26°11' 4.71"	29°11' 4.71"
3	26°16' 5.14"	29° 11' 12.75"
4	26° 16' 11.90"	29° 11' 11.90"

1.2 DOCUMENTS CONSIDERED

- 1.2.1 The Final Basic Assessment Report for the proposed decommissioning of Kriel Power Station asbestos landfill site , compiled by Savannah Environmental, hereafter referred to as the "Report" dated August 2019;
- 1.2.2 The Record of Decision from Department of Water and Sanitation dated 12 March 2020; and
- 1.2.3 The Waste Management Licence Application Form dated 22 July 2019.

LICENCE CONDITIONS

1.3 SITE SECURITY AND ACCESS CONTROL

- 1.3.1 The Licence Holder must ensure effective access control during decommissioning of the asbestos landfill site to prevent unauthorised entry.
- 1.3.2 Weatherproof, durable and legible signs must be clearly displayed in at least three official languages applicable in the area must be displayed at each entrance to the site.



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2. MANAGEMENT

2.1 GENERAL MANAGEMENT

2.1.1 The activities shall be managed and operated:

- a) In accordance with a documented Environmental Management Programme (EMPr), that, *inter alia*, identifies and minimises the risk of pollution, including but not limited to those arising from operations, maintenance, accidents, incidents and non-conformance as well as those drawn to the attention of the Licence Holder as a result of complaints, this EMPr must be submitted within six (06) months for approval by the Director;
- b) In accordance with conditions of this Licence and any other written instruction by the Director; and
- c) By an adequate, competent staff complement.

2.1.2 Any persons having duties that are or may be affected by this Licence must have convenient access to a copy thereof, which copy must be kept at or near the place where those duties are carried out.

2.1.3 A copy of this Licence may be published by the Department, in its discretion, on any website or other media as it deems applicable.

2.2 DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER

2.2.1 A Waste Management Control Officer (WMCO) must be designated to monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the licence and standard operation procedures. The WMCO must:

- (a) Report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the licensing authority.



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2.2.2 The duties and responsibility of the WMCO should not be seen as exempting the Licence Holder from any other legal obligations in terms of the NEM:WA

2.3 EMERGENCY PREPAREDNESS PLAN

2.3.1 The Licence Holder must maintain and implement an emergency preparedness plan and review it annually when conducting audit, after each emergency incident and major accident. The plan must include measures to address:

- a) Power failure;
- b) Equipment malfunction;
- c) Site fires;
- d) Spillage (on Site);
- e) Industrial Action
- f) Natural disasters such as floods; and
- g) The plan must include contact details of the nearest police station, ambulance services and the emergency centre.

3. CONSTRUCTION OF THE SITE

3.1 The Licence Holder must provide the authorities with a letter by the registered professional engineer confirming the stability of the ash disposal facility Dam 1 northern walls to have a Factor of Safety (FoS) greater than 1, 5; the capping layer of ash to have a post pozzilanic action strength of 350kPa or higher and place on record the dimensions and elevations of the asbestos disposal area including thickness of capping. The letter must be submitted within six months of the issuance of this licence for approval by the competent authority.

3.2 The Licence Holder must within six months of the issuance of this licence, place appropriate fencing and sign boards to caution persons of the hazardous waste disposal area within the unlined ash disposal facility of Dam 1.



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- 3.3 The decommissioning plan must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000. (Act No. 46 of 2000).
- 3.4 The site, or any portion thereof must be covered and the site must be maintained in such a way that:
- 3.4.1 the formation of pools, and or creation of dams due to rain is prevented;
 - 3.4.2 free surface runoff of rain-water is ensured;
 - 3.4.3 contamination of stormwater is prevented and
 - 3.4.4 minimal or no erosion occurs.
- 3.5 Any development which occurs within the 1: 100 year flood line and/or 500m from the boundary of a wetland would require a water use licence in terms of section 40 of the National Water Act 1998 (Act No. 36 of 1998).

3 WATER QUALITY MANAGEMENT

4.1 STORMWATER MANAGEMENT

- 4.1.1 All runoff water (stormwater) arising as a result of precipitation on land adjacent to the Site must be prevented from entering the Site, diverted and drained from the Site.

4.2 METHODS OF ANALYSIS

- 4.2.1 The Licence Holder 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), to analyse the samples taken under the monitoring programmes specified in condition 4.



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4.2.2 The Licence Holder 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.

4.3 LEACHATE MANAGEMENT

4.3.1 Leachate from the site shall be contained by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder and be lined as approved by the competent authority, to prevent pollution to groundwater:

4.3.1.1 with the written approval of the competent authority be evaporated in lined dams as approved by the competent authority; and/ or,

4.3.1.2 be discharged into any convenient sewer if accepted by the authority in control of that sewer.

4.4 WATER MONITORING

4.4.1 The Licence Holder must implement the existing groundwater monitoring programme for Ash Dam 1 as the asbestos site is located within the Ash Dam 1 in order to quantify impacts on groundwater resources as mentioned in the Final Basic Assessment Report dated August 2019.

4.4.2 In the event that the groundwater and downstream users are affected by migration of the pollution from the landfill site, the Licence Holder must compensate them with potable water.

4.4.3 All monitoring boreholes must be locked or secured so as to prevent pollution and any other interference to ensure that the integrity of water sampling is maintained.



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- 4.4.4 The groundwater monitoring must be continued post decommissioning of the site until the water quality is within acceptable standards and the competent authority approves that the monitoring can cease.
- 4.4.5 Should the surface soil, surface water and groundwater be contaminated, remediation measures should be implemented to reduce the potential for migration of any contaminants.
- 4.4.6 No reclamation of ash or the disposal asbestos waste must be conducted on this site.
- 4.4.7 In case of pollution at a later stage, the cause of the pollution must be determined and remediation measures must be implemented to reduce the potential for migration of any contaminants from the site.
- 4.5 **DETECTION MONITORING**
- 4.5.1 Monitoring of groundwater and surface water quality must be conducted for variables listed in Annexure II on a quarterly basis or such a frequency as may be determined by the competent authority.
- 4.6 **INVESTIGATIVE MONITORING**
- 4.6.1 If, in the opinion of the Responsible Authority, a water quality variable listed under the detection monitoring programme, as referred to in condition 4.5, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that variables of concern are within the acceptable limits.



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4.7 POST-CLOSURE WATER MONITORING

4.7.1 Groundwater monitoring must continue after closure of the Site and must be maintained for a period of 30 years, or for such period and/or frequency as may be determined by the competent authority for variables listed in Annexure II quarterly.

5 RECORDS

5.1 The Licence Holder must keep records and update all the information referred to in Annexure II and submit this information to the Director on an annual basis.

5.2 All records required or resulting from activities required by this Licence must:

- (a) Be legible;
- (b) Be compiled as soon as reasonably practicable and should form part of the external audit report;
- (c) If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable; and
- (d) Be retained in accordance with documented procedures.

5.3 Records demonstrating compliance with condition 3 must be maintained for five years.

6 REPORTING

6.1 The Licence Holder must, within 24 hours, notify the Director of the occurrence or detection of any incident on the Site, or incident on the site, which has the potential to cause, or has caused water pollution.

6.2 The Licence Holder must, within 14 days, or a shorter period of time, if specified by the Director in writing, from the occurrence or detection of any incident referred to in condition 6.1, submit



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an action plan, which must include a detailed time schedule, and resource allocation, signed off by top management, to the satisfaction of the Director and/or the Director: RPW of measures taken to –

- (a) Correct the impact resulting from the incident;
- (b) Prevent the incident from causing any further impact; and
- (c) Prevent a recurrence of a similar incident.

- 6.3 In the event that measures have not been implemented within 21 days of the incident to address impacts caused by the incident referred to in condition 6.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 6.4 The Licence Holder must keep an incident and complaints register, which must be attached to the external audit report, as well as the Department and DWS for audit purposes.
- 6.5 The Department must be notified without delay in the case of the following:
- (a) Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - (b) The breach of this Licence; and
 - (c) Any significant adverse environmental and health effects.
- 6.6 The Department must be notified within 14 days of the following changes :
- a) The Licence Holder's trading name, registered name or registered office address;
 - b) The particulars of the licence Holder's ultimate holding company (including details of an ultimate holding where a licence holder has become a subsidiary; and
 - c) Steps taken with a view to the Licence Holder, or any one of them, going into bankruptcy, entering into arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
- 6.7 Each external audit report referred to in condition 7.2 below must be submitted to the Director



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within 30 days from the date on which the external auditor finalised the audit report.

7 AUDITING

7.1 INTERNAL AUDITS

7.1.1 Internal audits must be conducted quarterly during the duration of decommissioning activities by the Licence Holder 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 7.2.

7.2 EXTERNAL AUDITS

7.2.1 The Licence Holder must appoint an independent external auditor to audit the site annually till such time decommission and rehabilitation of the site is complete. The auditor must compile an audit report documenting the findings of the audit, which must be submitted by the licence holder according to condition 7.2.2 below.

7.2.2 The audit report must:

Specifically state whether conditions of this licence are adhered to;

- (a) Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
- (b) Specify target dates for the implementation of the recommendations by the Licence Holder to achieve compliance;
- (c) Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations by the Licence Holder and whether corrective action taken for the previous audit non conformities was adequate; and
- (d) Show monitoring results graphically and conduct trend analysis.



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7.2.3 The audit report must be finalized within sixty (60) days of the finalization of the external audit. Each external audit report referred to in condition 7.2 above must be submitted to the Director within thirty (30) days from the date on which the external auditor finalized the audit. The information required in terms of condition 4 must be reported and also be included into a trend report, which must contain a 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.

7.3 DEPARTMENTAL AUDITS AND INSPECTIONS

7.3.1 The Department reserves the right to audit and/or inspect the Site without prior notification at any time and at such frequency as may be determined by the Director.

7.3.2 The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information he/she may require.

8 GENERAL

8.1 The licenced activity may not commence within twenty (20) days of the date of signature of this Licence.

8.2 Should the Licence Holder be notified by the Minister in writing of a suspension of the Licence pending any appeals decision, the licence holder may not commence with the activities licenced by the Minister.

8.3 After the appeal period has lapsed and no good cause to extend the appeal period has been shown and submitted, the activity may commence provided a notice has been submitted to the Department. The notice must include a date on which it is anticipated that the activity will commence.



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- 8.4 The activity must commence within a period of two (2) years from the date of Licence issue. If commencement of the activity does not occur within that period, the Licence lapses and a new application for a Licence must be made in order for the activity to be undertaken.
- 8.5 If the Licence Holder anticipates that commencement of the activity would not occur within two (2) years period, he/she **must** apply and **show good cause** for an extension of the licence six (6) months prior to its expiry date.
- 8.6 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of National and Provincial Legislation and any relevant Ordinance, Regulation, By-law or relevant National Norms and Standards.
- 8.7 Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
- 8.8 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the NEM: WA.
- 8.9 In terms of section 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and section 19 and 20 of the National Water Act No.36 of 1998, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about the environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 8.10 The Licence Holder must submit a written report to the Responsible Authority regarding any deviations from plans described in this Licence and must obtain written permission from the Responsible Authority before such deviations may be implemented.



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9 APPEAL OF LICENCE

- 9.1 The licence holder must notify every registered interested and affected party, in writing and within twelve (12) days, of receiving the Department's decision.
- 9.2 The notification referred to in 13.1 must –
- 9.2.1 Specify the date on which the licence was issued;
- 9.2.2 Inform the registered interested and affected party of the appeal procedure provided for in the National Appeal Regulations, GN 993 of 08 December 2014 (see Annexure1);
- 9.3 Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable;
- 9.4 Advise the interested and affected party that a copy of a Licence will be furnished on request; and
- 9.5 An appeal against the decision must be lodged in terms of chapter 2 of GN No. R 993 of 08 December 2014 in terms of NEMA 1998, as amended, from the date of this licence, with:

The Minister: Department of Environment, Forestry and Fisheries

Private Bag X 447

PRETORIA

0001

Tel No. 012 399 9356

Email: appealsdirector@environment.gov.za



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- 9.6 Please note that in terms of section 43 (7) of the National Environmental Act, 107 of 1998, as amended, the lodging of an appeal will suspend the waste management licence or any provision or condition attached thereto. In the instance where the appeal is lodged, the licence holder may not commence with the activity until such time that the appeal is finalised.
- 9.7 To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at:
https://www.environment.gov.za/documents/forms/legal_authorisations or request a copy of the documents at appeals@environment.gov.za

MS MISHELLE GOVENDER

CHIEF DIRECTOR: HAZARDOUS WASTE MANAGEMENT AND LICENSING

DATE 12/05/2020



ANNEXURE I

APPEALS PROCEDURE IN TERMS OF THE NATIONAL APPEAL REGULATIONS GN 993 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT LICENCE

1. LODGING OF AN APPEAL

- 1.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, and a copy to the applicant, and registered interested and affected parties within twenty (20) days from:
- the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to above.
- 1.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as "Appendix A" and accompanied by:
- a completed Appeal and Response Form setting out the grounds of the appeal,
 - supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made, and



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Appendix A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Telephone: 012 399 9356 or e-mail:

AppealsDirectorate@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environment, Forestry and Fisheries, 473 Steve Biko Road,
Environment House, Arcadia, Pretoria, 0002

Appellant's contact information:

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____



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Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

Authorisation date as on environmental authorisation:

IMPORTANT! Please note:

The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.

The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.

- The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.
- To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:

1. Are you lodging this appeal as an individual or on behalf of a community/organisation?

Individual	Community/ organisation
------------	----------------------------

If on behalf of a community or organisation, please provide proof of mandate to do so.



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2. Is your appeal based on factors associated with the process that was followed by the applicant in obtaining authorisation?

Yes	No
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Please provide reasons:

3. Is your appeal based on factors associated with environmental impacts not taken into account by the department in refusing or authorising the application?

Yes	No
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Please provide reasons:

4. Would you agree to the activity proceeding if your concerns can be addressed by rectifying the process or mitigating or eliminating the impacts of the activity?

Yes	No
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Please provide reasons:



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5. Are you fundamentally opposed to any development activity on the site?

Yes	No
-----	----

Please provide reasons:

6. Do you have an objection in principle against the development?

Yes	No
-----	----

Please provide reasons:

7. Does your appeal contain any new information that was not submitted to the environmental consultant or department prior to the department's consideration of the application?

Yes	No
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If the answer above is yes, please explain why it should be considered by the Minister and why it was not made available to the environmental consultant or department during the application process.



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8. DECLARATION:

I declare that the contents of this submission are to the best of my knowledge the truth and I regard this declaration as binding on my conscience.

APPELLANT

DATE:



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ANNEXURE II

**WATER QUALITY VARIABLES REQUIRED FOR WATER, DETECTION AND INVESTIGATIVE
MONITORING CONDITION 4.4, 4.5 AND 4.6:**

Monitor at quarterly intervals for:

Alkalinity (P.AIk)
Ammonia (NH₃-N)
Chemical Oxygen Demand (COD)
Chlorides (Cl)
Electrical Conductivity (EC)
Nitrate (NO₃-N)
pH
Potassium (K)
Total Dissolved Solids (TDS)
Calcium (Ca)
Flouride (F)
Magnesium (Mg)
Sulphate (SO₄)
Sodium (Na)