

Mmakoena Mmola

From: Samkelisiwe Dlamini <SDlamini@environment.gov.za>
Sent: Tuesday, 19 October 2021 14:26
To: Mmakoena Mmola
Cc: Masina Litsoane; Jo-Anne Thomas
Subject: Approval of Public Participation (PP) Plan for the proposed development of a new waste disposal site at the Eskom Majuba power station, near Amersfoort

Dear Mmakoena

The Public Participation (PP) Plan for the proposed proposed development of a new waste disposal site at the Eskom Majuba power station, near Amersfoort, Dr Pixley ka Seme Local Municipality, Mpumalanga province, received by this Department on 14 October 2021, refers.

Based on the information provided this Department decided to **approve** the PP Plan for the proposed project. You may proceed with the PP process in accordance with tasks contemplated in the PP plan. Should you wish to deviate from the submitted PP Plan, the amended PP Plan must be submitted to the Department for approval prior commencement.

A copy of the PP Plan and this approval must be submitted as part of the application form when the application is lodged.

Also note that submission of a PP Plan and approval thereof do not negate your responsibility to comply with the requirements for public participation in terms of Regulations 39, 40, 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.

Regards

Ms Samkelisiwe Dlamini
National Infrastructure Projects
Department of Forestry, Fisheries and the Environment
473 Steve Biko Road
Arcadia
Tel: 012 399 9379
Cell: 0727667508

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forestry, fisheries & the environment

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Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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DFFE Reference: 14/12/16/3/3/3/403
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Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
PO Box 148
SUNNINGHILL
2157

Telephone Number: (011) 656 3237
Email Address: joanne@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Thomas

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED GENERAL WASTE DISPOSAL SITE AT THE ESKOM MAJUBA POWER STATION, DR PIXLEY KA SEME LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

The Application for Environmental Authorisation and Draft Scoping Report (SR) dated November 2021 and received by the Department on 12 November, refer.

This letter serves to inform you that the following information must be included to the Final Scoping Report:

(a) Listed Activities

- Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.
- If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

(b) Final Scoping Report

- The license holder must register for the storage of waste on site and comply with the National Norms and Standards for the Storage of Waste, GN926, dated 29 November 2013
- The license holder must register and comply with the national norms and standards for the sorting, shredding, grinding, crushing, screening, or bailing of general waste, GN1093, dated 11 October 2017.
- Page 20 of the report assessed the project alternatives. The activity must be investigated further as it is indicated that most of the general waste produced at Majuba power station is recyclable and only a small quantity is required for disposal. The alternatives for the proposed development must be assessed further in the final scoping report to include a detailed description of each alternative, disadvantages, and motivation for the preferred alternatives
- The applicant must ensure that information requirements in **Appendix 1** below is submitted for the RoD to be processed.

MEL

(c) Layout & Sensitivity Maps

- Please provide a layout map which indicates the following:
- The proposed waste disposal site with associated infrastructure, overlain by the sensitivity map;
- All supporting onsite infrastructure e.g. roads (existing and proposed);
- The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;
- Buffer areas; and
- All “no-go” areas.
- The above map must be overlain with a sensitivity map and a cumulative map which shows neighbouring renewable energy developments and existing grid infrastructure.
- Google maps will not be accepted.

(d) Public Participation Process

- Please ensure that all issues raised and comments received during the circulation of the SR from registered I&APs and organs of state which have jurisdiction (including this Department’s Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
- A comments and response trail report (C&R) must be submitted with the final SR. The C&R report must incorporate all historical comments for this development.
- The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development; particularly the South African Astronomical Observatory, the Eastern Cape Environmental Department, the District and Local Municipalities.

(e) Specialist Assessments

- Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of turbine positions, and all other associated infrastructures that they have assessed and are recommending for authorisations.
- The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.
- Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expertise advice.
- It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. **Please note that specialist assessments must be conducted in accordance with these protocols.**

(f) Cumulative Assessment

- Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:
 - Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.

- Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
- The cumulative impacts significance rating must also inform the need and desirability of the proposed development.
- A cumulative impact environmental statement on whether the proposed development must proceed.

General

You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:

"If S&EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"

You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.

Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

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

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Letter signed by: Ms Masina Litsoane

Designation: Control Environmental Officer: National Infrastructure Projects

Date: 13/12/2021.

| | | | |
|-----|--------------|----------------------------|---|
| cc: | Faith Kagoda | Eskom Majuba Power Station | Email: KagodaNF@eskom.co.za |
|-----|--------------|----------------------------|---|

APPENDIX 1

| NO | DOCUMENT | YES | NO |
|--------|---|-----|----|
| | | | |
| 1 | Waste management license application form | | |
| 2 | Classification of waste | | |
| 3 | Hydro geological study | | |
| 3.1 | Hydrocensus | | |
| 3.2 | Geophysical investigation | | |
| 3.3 | Description of geology | | |
| 3.4 | Aquifer type and aquifer classification | | |
| 3.5 | Aquifer vulnerability assessment | | |
| 3.6 | Aquifer characterization | | |
| 3.7 | Groundwater quality | | |
| 3.8 | Groundwater flow | | |
| 3.9 | Groundwater monitoring | | |
| 4 | Storm water management plan | | |
| 5 | Wetland delineation report (if applicable) | | |
| 5.1 | Methodology | | |
| 5.1.1 | Wetland identification and mapping | | |
| 5.1.2 | Wetland delineation | | |
| 5.1.3 | Wetland functional assessment | | |
| 5.1.4 | Determining the ecological integrity of the wetlands | | |
| 5.1.5 | Determining the present ecological state of wetlands | | |
| 5.1.6 | Determining the ecological importance and sensitivity of wetlands | | |
| 5.1.7 | Ecological classification and description | | |
| 5.2 | Results | | |
| 5.2.1 | Wetland delineation | | |
| 5.2.2 | Wetland unit identification | | |
| 5.2.3 | Wetland unit setting | | |
| 5.2.4 | Wetlands soils | | |
| 5.2.5 | Description of wetland type | | |
| 5.2.6 | General functional description of wetland types | | |
| 5.2.7 | Wetland ecological functional assessment | | |
| 5.2.8 | The ecological health assessment of the opencast mining area | | |
| 5.2.9 | The PES assessment of the remaining wetland areas | | |
| 5.2.10 | The EIS assessment of the remaining wetland areas | | |
| 5.3 | Impact assessment discussions | | |
| 5.3.1 | Conclusions and recommendations | | |
| 5.3.2 | References | | |
| 6 | Design reports | | |
| 6.1 | Drawings signed by professional engineer | | |
| 6.2 | Liner layers specified | | |
| 6.3 | Construction quality assurance plan (CQA) | | |



forestry, fisheries & the environment

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DFFE Reference: 14/12/16/3/3/3/403

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Ms Jo-Anne Thomas
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PO Box 148
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2157

Telephone Number: (011) 656 3237
Email Address: joanne@savannahsa.com

PER E-MAIL / MAIL

Dear Ms Thomas

ACCEPTANCE OF THE SCOPING REPORT FOR THE PROPOSED GENERAL WASTE DISPOSAL SITE AT THE ESKOM MAJUBA POWER STATION, DR PIXLEY KA SEME LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

The final Scoping Report (SR) and the Plan of Study for Environmental Impact Assessment dated January 2022 and received by the Department on 11 January 2022, refer.

The Department has evaluated the submitted final SR and the Plan of Study for Environmental Impact Assessment dated September 2019 and is satisfied that the documents comply with the minimum requirements of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended. The FSR is hereby accepted by the Department in terms of Regulation 22(1)(a) of the EIA Regulations, 2014, as amended.

You may proceed with the environmental impact assessment process in accordance with the tasks contemplated in the Plan of Study for Environmental Impact Assessment as required in terms of the EIA Regulations, 2014, as amended.

In addition, the following amendments and additional information are required for the EIAr:

(a) Listed Activities

- (i) The EIAr must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.
- (ii) The listed activities represented in the EIAr and the application form must be the same and correct.
- (iii) The EIAr must assess the correct sub listed activity for each listed activity applied for.

(b) Public Participation

- (i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAr.

- (ii) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIA from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIA. Proof of correspondence with the various stakeholders must be included in the final EIA. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.
- (iii) A Comments and Response trail report (C&R) must be submitted with the final EIA. The C&R report must incorporate all comments for this development. The C&R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&AP’s comments.
- (iv) Comments from I&APs must not be split and arranged into categories. Comments from each submission must be responded to individually.
- (v) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 & 44 of the EIA Regulations, 2014, as amended.
- (vi) The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIA.

(c) Alternatives

- (i) The proposed project must be investigated further as it is indicated that most of the general waste produced at Majuba power station is recyclable and only a small quantity is required for disposal. The alternatives for the proposed development must be assessed further in the final EIA process report to include a detailed description of each alternative, disadvantages, and motivation for the preferred alternatives on why it is preferred.
- (ii) The applicant must ensure that information requirements in appendix 1 below is included in the environmental impact report.

(d) Layout & Sensitivity Maps

- (i) The EIA must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.
- (ii) A copy of the final preferred layout map. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible e.g. roads. The layout map must indicate the following:
 - The laydown area footprint;
 - Internal roads indicating width (construction period width and operation period width) and with numbered sections between the other site elements which they serve (to make commenting on sections possible);
 - Wetlands, drainage lines, rivers, stream and water crossing of roads and cables indicating the type of bridging structures that will be used;
 - The location of sensitive environmental features on site e.g. CBAs, heritage sites, wetlands, drainage lines etc. that will be affected by the proposed project and its associated infrastructure; and
 - All “no-go” areas.
- (iii) An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.

(e) Specialist assessments

- (i) The EAP must ensure that the terms of reference for all the identified specialist studies must include the following:
 - A detailed description of the study’s methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisations.
 - Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.
 - Please note that the Department considers a ‘no-go’ area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the ‘no-go’ areas.
 - Should the specialist definition of ‘no-go’ area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the ‘no-go’ area’s buffer if applicable.
 - **All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.**
 - Should a specialist recommend specific mitigation measures, these must be clearly indicated.
 - Regarding cumulative impacts:
 - Clearly defined cumulative impacts and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.
 - A detailed process flow to indicate how the specialist’s recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.
 - Identified cumulative impacts associated with the proposed development must be rated with the significance rating methodology used in the process.
 - The significance rating must also inform the need and desirability of the proposed development.
 - A cumulative impact environmental statement on whether the proposed development must proceed.
- (ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defendable reasons; and were necessary, include further expertise advice.

(iii) The following Specialist Assessments will form part of the EIAR:

| Specialist Study |
|--|
| Wetland Delineation and Biodiversity Assessment |
| Heritage Impact Assessment |
| Palaeontological Impact Assessment |
| Geotechnical and Geohydrological Impact Assessment |
| Air Quality Impact Assessment |
| Detailed Civil Engineering Design Report |

(f) General

- (i) The EIAR must provide the technical details for the proposed development in a table format as well as their description and/or dimensions. A sample for the minimum information required is listed under Annexure 2 below.
- (ii) Details of the future plans for the site and infrastructure after decommissioning in 20-30 years and the possibility of upgrading the proposed infrastructure to more advanced technologies must be indicated.

- (iii) Should a Water Use License be required, proof of application for a license needs to be submitted.
- (iv) The EAP must provide landowner consent for all farm portions affected by the proposed project, whether the project component is linear or not, i.e. all farm portions where the access road, solar panels and associated infrastructure is to be located.
- (v) A construction and operational phase EMP that includes mitigation and monitoring measures must be submitted with the final EIAR.

The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, with regard to the time period allowed for complying with the requirements of the Regulations.

You are requested to submit one (1) full colour hard copy of the Environmental Impact Assessment Report (EIAR) to the Department and at least one electronic copy (USB) of the complete final report with the hard copy documents.

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 Forestry, Fisheries and the Environment
Signed by: Dr Danie Smit
Designation: Acting Director: National Infrastructure Development
Date: 17/02/2022

Annexure 1

Format for Comments and Response Trail Report:

| Date of comment, format of comment name of organisation/I&AP | Comment | Response from EAP/Applicant/Specialist |
|---|--|---|
| 27/01/2016 Email Department of Environment, Forestry and Fisheries: Priority Infrastructure Projects (John Doe) | Please record C&R trail report in this format Please update the contact details of the provincial environmental authority | EAP: (Noted) The C&R trail report has been updated into the desired format, see Appendix K EAP: Details of provincial authority have been updated, see page 16 of the Application form |

APPENDIX 1

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DFFE Reference: 14/12/16/3/3/403

Enquiries: Ms Samkelisiwe Dlamini

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Ms Jo-Anne Thomas
Savannah Environmental (Pty) Ltd
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Telephone Number: (011) 656 3237
Email Address: joanne@savannahsa.com

PER MAIL / E-MAIL

Dear Ms Thomas

APPROVAL OF THE REQUEST IN TERMS OF REGULATION 3(7) OF THE EIA REGULATIONS, 2014, AS AMENDED FOR THE PROPOSED GENERAL WASTE DISPOSAL SITE AT THE ESKOM MAJUBA POWER STATION, DR PIXLEY KA SEME LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

The application for Environmental Authorisation and draft SR received by this Department on 16 November 2021, the comments on the draft SR dated 13 December 2021, Final SR received on 10 January 2022, the acceptance of the SR on 17 February 2022 and your request for extension in terms of Regulation 3(7) of the EIA Regulations, 2014, as amended dated 10 March 2022, refer.

This Department accepted the SR on 17 February 2022 and is awaiting the final Environmental Impact Assessment Report (EIAr) which must be submitted to this Department by 08 June 2022 in terms of Regulation 23(1)(a) of the EIA Regulations, 2014, as amended.

This Department received correspondence in the form of a letter from Savannah Environmental (Pty) Ltd dated 10 March 2022 requesting an extension of the prescribed one hundred and six (106) day timeframe within which the final EIAr is to be submitted to the Department.

The motivation provided is that, subsequent to the comments and information requirements of other commenting authorities, and Interested and Affected Parties (I&APs) received as part of the EIA process to date, the independent specialists appointed as part of the EIA project team are required to undertake additional and more detailed investigations and assessments for the project than that which was originally anticipated.

Due to these requirements, the project schedule has been affected which will influence the release date of the EIA Report for public review, as well as the submission of the Final EIA Report to DFFE for decision-making. The applicant and specialist consulting team are therefore not able to provide the Competent Authority with all the information requested within the prescribed timeframes.

Regulation 3(7) of the EIA Regulations, 2014, as amended states that *"In the event where the scope of work must be expanded based on the outcome of an assessment done in accordance with these Regulations, which*

outcome could not be anticipated prior to the undertaking of the assessment, or in the event where exceptional circumstances can be demonstrated, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension."

The EAP requested an extension in the timeframe to submit the final EIAr on or before the 08 August 2022 instead of 08 June 2022, which the EAP deems to be sufficient time to enable specialists to accurately assess the impacts and update their studies as well as conduct a Public Participation process on the draft EIAr before submitting the final BAR to the Department.

Based on the motivation provided by the EAP, this Department has decided to grant the extension of the timeframes to submit the final EIAr on or before 08 August 2022.

Failure to submit the final EIAr on or before 08 August 2022 will result in the applications lapsing in terms of Regulation 45.

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.

Should you have any queries or wish to discuss the points raised above, please do not hesitate to contact our offices.

Yours faithfully



Mr Sabelo Maiza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Letter signed by: Mr Vusi Skosana
Designation: Director: National Infrastructure Development
Date: 23 March 2022

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|-----|--------------|----------------------------|---|
| cc: | Faith Kagoda | Eskom Majuba Power Station | Email: KagodaNF@eskom.co.za |
|-----|--------------|----------------------------|---|