

APPENDIX C6
COMMENTS RECEIVED

ENVIRONMENTAL IMPACT ASSESSMENT PHASE

Date: 25 July 2022
BTW Reference: 20438-let-045
Enquiries: JL Bouwer
Your Reference: Majuba Waste Disposal Site
Previous Correspondence:

Reg. No: 1998/007319/07
Val Reg. No: 4320173513

TSHWANE PRETORIA

PostNet Suite 337, P/Bag X20009
Garsfontein, 0042
Old Farm Office Park Block B
881 Old Farm Road, Faerie Glen
Tel: 012 991 0161

EMALAHLENI

P O Box 13614, Leraatsfontein, 1038
32 Lowe Street, Fransville
eMalahleni, 1035
Tel: 013 697-6050

JOHANNESBURG

PostNet Suite 150, P/Bag X10030
Randburg, 2125

Savannah Environmental
5 Woodlands Drive Office Park
Cnr Woodlands Drive & Western Services Road
Woodmead
2191

Email: publicprocess@savannahsa.com

E-mail: highveld@btw.co.za; gauteng@btw.co.za
Website: www.btw.co.za

ATTENTION: M MMOLA & J THOMAS

Dear Environmental Practitioners

RE: GENERAL WASTE DISPOSAL SITE AT ESKOM MAJUBA POWER STATION NEAR VOLKSRUST, MPUMALANGA PROVINCE: ENVIRONMENTAL IMPACT ASSESSMENT: DFFE REFERENCE NO.: 14/12/16/3/3/3/403

The draft report for public review dated July 2022 refers. Herewith our comments to date for inclusion in the public participation report.

1. Copyright and Popia Act (Protection of Personal Information Act, 2013)

Savannah Environmental has previously been notified by BTW & Associates (Pty) Ltd, following their appointment for the above environmental impact assessment, that BTW & Associates (Pty) Ltd was previously appointed for the EIA and that BTW & Associates was not reimbursed by Eskom for the work done up to the final scoping report and for the specialist studies required as indicated by the Department of Environmental Affairs. BTW & Associates (Pty) Ltd has reimbursed all the specialist sub-consultants for the specialist studies, and the documents up to the final scoping report and the reports from the specialist sub-consultants are therefore still the property of BTW & Associates (Pty) Ltd and not of Eskom.

You have referenced the BTW & Associates (Pty) Ltd report; "FINAL SCOPING REPORT for submission to Department of Environmental Affairs FOR A NEW GENERAL WASTE DISPOSAL SITE, ESKOM MAJUBA POWER STATION, IN TERMS OF NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT (ACT NO.58 OF 2008), REPORT NO: 20438-REP-002, DATE: 21 January 2019, without obtaining approval from BTW & Associates (Pty) Ltd, knowing that the document and information contained in the document is the property of BTW & Associates (Pty) Ltd..

Refer e.g. to figures 2.1, 5.4, 5.7 and 5.8 etc copied from the BTW report.

You have therefore breached the copyright of BTW & Associates and you are in contravention of the Popia Act (Protection of Personal Information Act, 2013).

Apart from the above you have included the report from Messrs Engeolab "Geotechnical Investigation – Majuba General Waste Landfill Site, Reference 18-LL3034 dated May 2018" compiled for BTW & Associates in your report for public review. BTW & Associates has not been reimbursed for the report and it is still the property of BTW & Associates. Also in this instance you have breached the copyright of BTW & Associates and you are in contravention of the Popia Act (Protection of Personal Information Act, 2013).

You have also clearly referenced the reports of Messrs Nepid Consultants "Wetland Delineation and Aquatic Biodiversity Impact Report" for which the field surveys were done for BTW & Associates on the 23rd March 2018 and 11th December 2018, prior to your appointment. In this instance you have also breached the copyright of BTW & Associates and you are in contravention of the Popia Act (Protection of Personal Information Act, 2013).

The report by Dr JA van Schalkwyk "Phase 1 Cultural Heritage Impact Assessment: Development of a General Waste Disposal Site at the Eskom Majuba Power Station, Dr Pixley Ka Isaka Seme Local Municipality, Mpumalanga Province" dated April 2022, states that the "the current report is an amendment of the original report to align it with the requirements of the EIA regulations. The current report should be read in conjunction with the original 2018 report".

BTW & Associates has not been reimbursed for the report and it is still the property of BTW & Associates. The report can therefore not be referred to and you are again in breach of the copyright of BTW & Associates and you are in contravention of the Popia Act (Protection of Personal Information Act, 2013).

There may be references to the BTW & Associates document and specialist studies which are not mentioned above and BTW & Associates retains the right to include such evidence in any further allegations against Savannah Environmental.

Should the breaching of the copyright of BTW & Associates and the contravention of the Popia Act (Protection of Personal Information Act, 2013) mentioned above not be resolved immediately and satisfactorily, BTW & Associates (Pty) Ltd reserves the right to take legal action and to report Savannah Environmental for acting unethically to their professional organisations.

2. Alternatives

Your paragraph 2.4.2.1 "Non-recyclable general waste to be removed by the Dr Pixley Ka Isaka Seme Local Municipality for disposal at a nearby landfill site" refers.

In the first paragraph the following is stated: "According to the Integrated Development Plan (IDP) (2017-2022) for the Dr Pixley Ka Isaka Seme Local Municipality, the municipality has four licenced waste disposal sites, each located in the towns of Volksrust, Amersfoort, Perdekop and Wakkerstroom".

In the following paragraph the following is stated: "However, the alternative is not deemed feasible as the Integrated Development Plan (IDP) (2017-2022 for the Dr Pixley Ka Isaka Seme Local Municipality, states that all four waste disposal sites in the municipality are experiencing operational problems in varying degrees as a result of insufficient funding, equipment and personnel shortage as well as interference by uncontrolled reclaiming activities on daily operations. Furthermore, **many of these sites are unlicensed**, and as such, the disposal of our waste at unlicensed or non-compliant facilities would not only be a duty of care issue but would place Eskom Majuba Power Station at risk from a cradle to grave management perspective.

- The two statements are contradictory regarding the licensed/unlicensed status of the landfill sites. To the knowledge of BTW & Associates, the Amersfoort landfill site is licensed and the Dr Pixley Ka Isaka Seme Local Municipality indicated that they are willing to come to an agreement with Majuba Power Station to accept their waste.
- Is the above information from a desktop study of the Dr Pixley Ka Isaka Seme Local Municipality IDP only, or was the Amersfoort landfill site assessed as an alternative?
- Was a cost analysis done for example to invest in the upgrading of the Amersfoort landfill site rather than to develop a new landfill at Majuba.
- What is meant by disposal of our waste?

The investigation previously done by BTW & Associates, indicated that the disposal of waste from Majuba at the Amersfoort landfill site is a **viable option**. It is therefore recommended that this alternative should be further investigated as the **preferred option**, and that the Amersfoort landfill site rather be upgraded than investing in another new landfill site at Majuba.

Please note that the IDP referred to in your document is not the latest version. There is a "DPKISLM-Adjusted IDP 2020/21" version available.

BTW & Associates (Pty) Ltd reserves the right to submit further comments within the review period.

Yours faithfully



JL Bouwer *Pr Eng Pr CPM*
for **BTW & Associates (Pty) Ltd**

cc: Adv Botromia Sithole <Botromias@pprotect.org>
Adv Vusumuzi Eric Ngamlana <Vusumuzin@pprotect.org>
Ms Samkelisiwe Dlamini <sdlamini@dffe.gov.za>
Ms Bathandwa Ncube <bncube@dffe.gov.za>



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 17545

Date: Wednesday March 16, 2022

Page No: 1

Final Comment

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Eskom Majuba Power Station

Eskom Majuba Power Station is proposing the development of a new general waste disposal site adjacent to their existing, closed landfill site within the Majuba Power Station property boundary, located approximately 13km southwest of Amersfoort and 40km north-northwest of Volksrust, within jurisdiction of the Dr Pixley Ka Isaka Seme Local Municipality, which forms part of the Gert Sibande District Municipality in the Mpumalanga Province. Access to the site is possible via the N11, onto existing secondary loads that lead to the site.

Eskom Holdings (SOC) Ltd's Majuba Power Station have appointed BTW Consulting cc to undertake a Scoping and Environmental Impact Assessment application process in support for an Environmental Authorisation (EA) in terms of the National Environmental Management Act, Act no 107 of 1998 (NEMA) as amended.

Eskom Majuba Power Station is proposing to establish a new disposal facility and its associated infrastructure that is total 6 ha. The new disposal facility and its alternative is located on Portion 6 for alternative A and Portion 1 and 2 for the alternative A of the farm Witkoppies 81 HS in the Seme Local Municipality of the Mpumalanga Province.

A Heritage Impact Assessment (HIA) report and a Palaeontological Desktop Study has been submitted to SAHRA for commenting in terms of section 38 of the National Heritage Resources Act, no. 25 of 1999 (NHRA).

Van Schalkwyk, J. September 2021. Phase 1 Cultural Heritage Impact Assessment: GENERAL WASTE DISPOSAL SITE AT THE ESKOM MAJUBA POWER STATION, GERT SIBANDE DISTRICT MUNICIPALITY, MPUMALANGA PROVINCE.

The author undertook a field assessment of the proposed waste disposal site and did not identify any heritage resources as such there will be a low potential impact on heritage. The author recommends chance finds procedures in the event that any heritage resources, artefacts like pottery, ostrich egg shells, faunal remains or



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 17545

Date: Wednesday March 16, 2022

Page No: 2

human remains are uncovered during construction of the associated facilities.

Fourie, H. January 2019. Construction and Operation of the New General Waste Disposal Site at Eskom Majuba Power Station.

Dr Pixley Ka Seme Local Municipality, Gert Sibande District Municipality, Mpumalanga Province. Farm: Portion 1, 2 and 6 Witkoppies 81-HS. Palaeontological Impact Assessment: Phase 1 Field Study.

The study area is underlain by Permian aged sandstone and shale of the Volkrust Formation with the moderate potential of fossilised fish scales and wood occurring within the formation. Its also underlain by shales and sandstones of the Vryheid Formation with a Very High potential of fossilised Glossopteris Flora occurring. The author undertook a field assessment and identified some surface outcrops of shale and sandstone, they assess that Alternative A has the least surface rock exposure and potentially less impacts to fossiliferous rocks. The author also notes there will be no excavations below 1.3m. The author recommends the chance finds procedures included as Appendix 2.

Final Comment

The South African Heritage Resources Agency (SAHRA) Archaeology, Palaeontology and Meteorites (APM) Unit accepts the HIA and the PIA reports submitted to the case for commenting, and has no objection to the development going ahead on the following conditions.

The Chance Finds Fossil Procedures found in the PIA report under appendix 4 must be included in the EMPr.

In the event that fossils are uncovered during construction then construction must cease within the immediate vicinity, a buffer of 30 m must be established, and a palaeontologist called in to inspect the finds. The palaeontologist must obtain a section 35(4) permit in terms of NHRA and Chapter IV NHRA Regulations, before any fossils are collected.

If there are any new heritages resources are discovered during construction and operation phases of the proposed development, then a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings at the expense of the developer.

If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required at the expense of the developer. Mitigation will only be carried out after the archaeologist or palaeontologist obtains a permit in terms of section 35 of the NHRA (Act 25 of 1999).

Our Ref: 17545



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo

Tel: 021 462 4502

Email: nkhumalo@sahra.org.za

CaseID: 17545

Date: Wednesday March 16, 2022

Page No: 3

You may contact SAHRA APM Unit for further details: (Nokukhanya Khumalo/Phillip Hine 021 202 8654).

If any unmarked human burials are uncovered and the archaeologist called in to inspect the finds and/or the police find them to be heritage graves, then mitigation may be necessary and the SAHRA Burial Grounds and Graves (BGG) Unit must be contacted for processes to follow (Thingahangwi Tshivhase/Ngqalabutho Madida 012 320 8490).

The Final EIAR and its appendices must be submitted to the case and once a Record of Decision from the competent authority is issued, it must also be submitted to the case.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/588992>

Our Ref: 17545



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Nokukhanya Khumalo
Tel: 021 462 4502
Email: nkhumalo@sahra.org.za
CaseID: 17545

Date: Wednesday March 16, 2022
Page No: 4

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia,· PRETORIA

DFFE Reference: 14/12/16/3/3/3/403
Enquiries: Ms Samkelisiwe Dlamini
Telephone: (012) 399 9379 **E-mail:** SDLamini@dfpe.gov.za

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 ENVIRONMENTAL IMPACT ASSESSMENT 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 Environmental Impact Assessment Report (EIAR) received by the Department on 04 July 2022, respectively, refer.

This letter serves to inform you that the following information must be included in the final EIAR:

(a) Specific comments

- Recommendations provided by specialist reports must be considered and used to inform the preferred layout alternative.
- Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.
- The final EIAR must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions.

(b) 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. Only activities applicable to the development must be applied for and assessed.
- If the activities applied for in the application form differ from those mentioned in the final EIAR, 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>.
- It is imperative that the relevant authorities are continuously involved throughout the environmental impact assessment process as the development property possibly falls within geographically designated areas in terms of numerous GN R. 985 Activities. Written comments must be obtained from the relevant authorities and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided.

MEM

(c) Public Participation Process

- Please ensure that comments from all relevant stakeholders are submitted to the Department with the final EIAr.
- A Comments and Response trail report (C&R) must be submitted with the final EIAr. The C&R report must incorporate all comments for this application. 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.
- Please ensure that all issues raised and comments received during the circulation of the draft report from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final report. Proof of correspondence with the various stakeholders must be included in the final report. 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.
- The final report must also indicate that this draft report has been subjected to a public participation process.

(d) 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.

(e) Environmental Management Programme

- The EMPr must also include the following:
 - All recommendations and mitigation measures recorded in the EIAr and the specialist studies conducted.
 - An environmental sensitivity map indicating environmental sensitive areas and features identified during the assessment process.
 - Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
- In addition to the above, the EMPr must comply with Appendix 4 of the EIA Regulations, 2014, as amended.

(f) Waste Licensing

- Clean of GLB reference as this refers to the old classification in terms of Minimum Requirements.
- Alternatives assessed should at least be three.
- Waste minimization strategy should be discussed and included in the report.
- Landfill gas mitigation should be discussed as the facility will also accept organic waste as the methane gas tend to be generated over long period and does not decrease over time as said in the report
- You are required three (3) hard copies of the Final Environmental Impact Assessment Report as the hard copies are needed to submit for further engagement with the Department of Water and Sanitation for the issuance of Record of Decision (RoD).

General

The EIA must provide the technical details for the proposed facility in a table format as well as their description and/or dimensions. A sample of the minimum information required is listed under point 2 of the EIA information required for solar energy facility as requested in the acceptance of the SR.

Please also ensure that the final EIA includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per Appendix 3 of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 23(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority -*

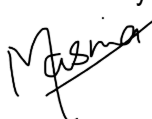
(a) an environmental impact assessment report inclusive of any specialist reports, an EMP, a closure plan in the case of a closure activity and where the application is a mining application, the plans, report and calculations contemplated in the Financial Provisioning Regulations, which must have been 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.”

Should there be significant changes or new information that has been added to the EIA or EMP which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are required to comply with Regulation 23(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states: *“The applicant must within 106 days of the acceptance of the scoping report submit to the competent authority – (b) a notification in writing that the documents contemplated in subregulation 1(a) will be submitted within 156 days of acceptance of the scoping report by the competent authority or where regulation 21(2) applies, within 156 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the documents, which changes or information was not contained in the original documents consulted on during the initial public participation process contemplated in subregulation (1)(a), and that the revised documents contemplated in subregulation 1(a) will be subjected to another public participation process of at least 30 days”.*

Should you fail to meet any of the timeframes stipulated in Regulation 23 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

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



Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Signed by: Ms Masina Morudu

Designation: Control Environmental Officer: National Infrastructure Authorisation

Date: 01/08/2022.

cc:	Yangaphe Solly Ngcashi	Eskom Majuba Power Station	Email: KagodaNF@eskom.co.za
-----	------------------------	----------------------------	---

SCOPING PHASE



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, Tel: +27 12 399 9000, Fax: +27 86 625 1042

Reference: General Waste Disposal Site
Enquiries: Ms. Aulicia Maifo/Mrs. Portia Makitla
Telephone: 012 399 9411/9627 **E-mail:** pmakitla@environment.gov.za

Mr. Tumelo Mathulwe
Savannah Environmental
PO Box 148
SUNNINGHILL
2157

Telephone Number: +27(11) 656 3237
Email Address: publicprocess@savannahsa.com

PER E-MAIL

Dear Mr., Mathulwe.

COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED GENERAL WASTE DISPOSAL SITE AT THE ESKOM MAJUBA POWER STATION NEAR VOLKSRUST MPUMALANGA PROVINCE

The Directorate: Biodiversity Conservation has reviewed and evaluated the report.

According to the information provided in the Draft Scoping Report (DSR), the proposed development located in an area zoned Industrial use and adjacent to the existing closed landfill site at the Majuba Power Station.

The proposed study area is in a heavily or moderately modified but within a highly sensitivity according to EIA Screening Report. Kindly take note that highly sensitive area must be kept as no-go area.

The Directorate does not have any objections to the Draft Scoping Report & Plan of Study.

NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for attention of Mr. Seoka Lekota.

Yours faithfully

Mr Seoka Lekota
Control Biodiversity Officer Grade B: Biodiversity Conservation
Department of Forestry, Fisheries & the Environment
Date: 07/12/2021





forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia, · PRETORIA

DFFE Reference: 14/12/16/3/3/3/403
Enquiries: Ms Samkelisiwe Dlamini
Telephone: (012) 399 9379 **E-mail:** SDlamini@dfpe.gov.za

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)		