



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

Ref: 12/9/11/L193/6/V1

Enquiries: Mr MM Tshitangoni

Tel. 012 310 3380 Fax: 12 310 3753 Email Address: mtshitangoni@environment.gov.za
www.environment.gov.za

Ms M Mudzielwana
KUSILE POWER STATION
Suite 45 Postnet
HIGHVELD MALL
1035

Fax: 086 535 5428

Dear Licence Holder

Please find hereto attached a waste licence variation in terms of section 54 (1)(e) of the National Environmental Management: Waste Act, 2008, (Act 59 of 2008) "NEMWA".

This is to advise you that applications for authorisation of licence amendments, waste delisting, emergency and or once-off authorisations will be processed only if the Department of Environmental Affairs is in receipt of the latest external audit report, and any other reports required to be submitted to the department in terms of the attached licence. Please note section 54 of NEMWA.

Yours Sincerely

Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs
Letter signed by Mr Mpho Tshitangoni
Designation: Director: Authorisations and Waste Disposal Management
Date: 01/08/2011



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Private Bag X 447, PRETORIA, 0001 · Fedsure Building, 315 Pretorius Street, PRETORIA

Ref.: 12/9/11/L193/6/V1

Enquiries: Mr Mpho Tshitangoni

Tel: (012) 310- 3380 Fax: (012) 310-3753 Email: mtshitangoni@environment.gov.za
www.environment.gov.za

Eskom Holdings Limited
Kusile Power Station
Suite 45 Postnet
HIGHVELD MALL
1035

Fax: (086) 535 5428

Dear: Ms M Mudzielwana

WASTE MANAGEMENT LICENCE VARIATION IN TERMS OF SECTION 54 (1)(e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, ACT NO. 59 OF 2008

Your application for a licence variation dated 08 April 2011 refers,

Please note the reference number for this authorisation is 12/9/11/L193/6/V1. After careful consideration of your application, the Department has amended your Licence as follows:

1. The Geographical coordinates of the external corner points of the waste storage facility are as follows:

NUMBER OF CORNER	LATITUDE	LONGITUDE
P1	25°55'31"	28°55'48"
P2	25°55'26"	28°55'53"
P3	25°55'34"	28°55'52"
P4	25°55'30"	28°55'57"

All conditions in your Licence (12/9/11/L193/6) are still applicable and must be fully complied with.

Yours sincerely

Mr Ishaaq Abader
Deputy Director-General: Environmental Quality & Protection
Department of Environmental Affairs

Date:

27/07/2011



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Reference: 12/9/11/L193/6/V1

Enquiries: L Mahlangu

Telephone: X 3536

DEPUTY DIRECTOR-GENERAL: EQP

APPROVAL OF A WASTE MANAGEMENT LICENCE VARIATION TO ESKOM HOLDINGS LIMITED (KUSILE POWER STATION) FOR THEIR HAZARDOUS WASTE STORAGE FACILITY IN TERMS OF SECTION 54 (1)(e) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT WASTE ACT, 2008 (ACT 59 OF 2008).

1. **NAME OF APPLICANT**

Eskom Holdings Limited (Kusile Power Station)

2. **DATE OF APPLICATION**

08 April 2011

3. **FINDINGS AND DISCUSSION**

3.1 **Key factors considered in evaluating this application**

3.1.1 The proposed variation will not increase the environmental impacts regulated by the waste management licence issued and all mitigation measures that were identified are adequate to prevent environmental pollution.

3.2 **DISCUSSIONS**

3.2.1 Eskom Holdings Limited (Kusile Power Station) has a licenced (12/9/11/193/6) waste storage facility that has not yet been constructed on the Farm Hartebeestfontein 537 JR within the jurisdiction of Nkangala District Municipality in Mpumalanga Province.

3.2.2 After the past (2010) summer rains, the applicant realised that the area licenced for the storage of waste might be at risk of flooding. It is important to note that the Environmental Impact Assessment (EIA) Report conducted was for the entire Kusile Power Station Complex and the coordinates of the exact location of the storage facility were provided and were indicated in their Licence. The report indicated that the licenced storage area is not on a flood line. However, as a precautionary measure, the applicant intends to locate the storage facility at an area that has the least risk of flooding.

3.2.3 Given the fact that the EIA that conducted was for the entire complex, there are no additional negative environmental impacts that are associated with the change in the locality (coordinates) of the storage facility within the complex and as such all mitigation measures identified during the EIA process are adequate to prevent environmental pollution even at the new locality. The requested variation is acceptable and the Geographical coordinates of all the external corner points of the waste storage facility has been amended in the attached licence variation.

3.2.4 The waste licence variation application for Eskom Holdings Limited (Kusile Power Station) has been accompanied by the following sufficient supporting documentation:

3.2.4.1 The Application form dated 08 April 2011.

4. IMPLICATIONS

<u>Personnel</u>	None
<u>Financial</u>	None
<u>Legal</u>	None
<u>Communication</u>	None

5. OTHER BRANCHES /CHIEF DIRECTORATES CONSULTED

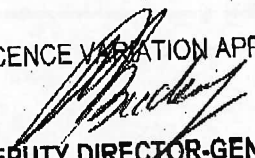
5.1 None



6. **RECOMMENDATION**

- 6.1 The approval of the attached waste management Licence variation 12/19/11/L193/6/V1 to Eskom Holdings Limited (Kusile Power Station) for their hazardous waste storage facility is recommended, should you concur.

LICENCE VARIATION APPROVED AND SIGNED/ ~~NOT~~ APPROVED


DEPUTY DIRECTOR-GENERAL: EQP

DATE: 27/07/2011



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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

Ref: 12/9/11/L193/6

Enquiries: Ms K. Ntoampe

Tel. 012 310 3920 Fax: 12 310 3753 Email Address: kntoampe@deat.gov.za

Kusile Power Station
Suite 45 Postnet
Highveld
1035

Fax: 086 535 5428

Dear licence holder

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

This is to advise you that applications for authorisation of licence amendments, waste delisting, emergency and or once-off authorisations will be processed only if the Department of Environmental Affairs is in receipt of the latest external audit report, and any other reports required to be submitted to the department in terms of the attached licence. Please note section 54 of NEMWA.

Yours Sincerely

Ms. Joanne Yawitch
Deputy Director-General : Environmental Quality and Protection
Department of Environmental Affairs
Letter signed by Ms K Ntoampe
Designation: Director: Authorisations and Waste Disposal Management
Date: 11 MAY 2010



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

In this Licence, "Director" means the Director: Authorisation and Waste Disposal Management of the National Department of Environmental Affairs, who may be contacted at the address below:

Director: Authorisation and Waste Disposal Management
Department of Environmental Affairs
Private Bag X447
PRETORIA
0001

In this Licence, "Chief Director: Water Use" means the Chief Director: Water Use of the National Department of Water Affairs (DWA) who may be contacted at the address below:

Chief Director: Water Use
Department of Water Affairs
Private Bag X 313
PRETORIA
0001

1. SITE DETAILS

1.1 LOCATION

This licence authorise the storage, sorting, shredding, grinding, recycling, reuse, and recovery, of general waste including temporary storage of hazardous waste as well as the treatment of effluent on a site situated at R545 Balmoral Road, Farm Hartebeestfontein 537 JR, situated in Emalahleni Local Municipality in Nkangal District Municipality in Mpumalanga Province (hereinafter referred to as "the Site") according to Licence Application prepared by ESKOM HOLDINGS LTD, dated 07 January 2010 (herein referred to as "Application"), submitted by the licence holder.

1.1.2 The location of the site must be according to the co-ordinates indicated on the licence application form, submitted by the licence holder which is defined as follows:

NUMBER OF CORNER	LATITUDE X	LONGITUDE
P1	-25°58'38"	28°56'04"
P2	-25°55'24"	28°56'24"
P3	-25°55'29"	28°57'13"
P4	-25°52'49"	28°56'39"
P5	-25°52'41"	28°56'57"
P6	-25°52'18"	28°56'46"
P7	-25°53'19"	28°53'43"
P8	-25°53'37"	28°53'22"
P9	-25°58'42"	28°54'26"



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

1.2 DOCUMENT CONSIDERED

- 1.2.1 Final Environmental Impact Report (EIR), Proposed Coal Fired Power Station and Associated Infrastructure in the WITBANK Area, compiled by Ninham Shand Consulting Services, dated February 2007;
- 1.2.2 Application form, dated 07 January 2010;
- 1.2.3 ROD issued by the Department of Environmental Affairs, dated 17 March 2008 (Appeal granted);

LICENCE CONDITIONS

1.3 SITE SECURITY AND ACCESS CONTROL

- 1.3.1 The licence holder must ensure effective access control on the site by having it fenced to a minimum height of 1.8 metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown waste.
- 1.3.2 The licence holder must ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 1.3.3 The licence holder must prevent the acceptance of waste not authorised at the site as per condition 3.1 below.
- 1.3.4 Weatherproof, durable and legible notices in at least three official languages applicable in the area, must be displayed at each entrance to the site. These notices must prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the licence holder and the person responsible for the operation of the site, including acceptable sign indicating the risks involved in unauthorised entry.

2. GENERAL MANAGEMENT

- 2.1.1 The activities must be managed and operated:

(a) in accordance with a documented management system that inter alia identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the licence holder as a result of complaints;

(b) in accordance with conditions of this licence and any other written instruction by the Director; and



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

(c) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

2.1.2 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties are carried out. The copy of this licence shall be published on www.sawic.org.za website as it is a public document.

2.2 EMERGENCY PREPAREDNESS PLAN

2.2.1 The licence holder must maintain and implement an emergency preparedness plan and review it annually when conducting audit and after each emergency and or major accident. The plan must among others include:

- (a) Fire
- (b) Spillage
- (c) Natural disaster such as floods

3. PERMISSIBLE WASTE

3.1 Any portion of the site, which has been constructed or developed according to condition 4, may be used for the storage, reuse, recovery, shredding, grinding of general waste including the temporary storage of hazardous waste as well as the treatment of effluent, wastewater or sewerage .

3.2 The following special waste streams generated as part of day-to-day operations of the plant and may be stored on the site:

- a) Waste tyres;
- b) Office paper;
- c) Scrap metal;
- d) Printer cartridges
- e) Used oil
- f) PPE (contaminated with oil)
- g) Oil contaminated waste
- h) PCB
- l) Health care risk waste
- j) Fluorescent tubes

3.3 The classification, acceptance and disposal criteria as listed in the 1998 edition of the document "Minimum Requirements for Handling, Classification and Disposal of Hazardous Waste, Waste Management Series, by the Department of Water Affairs (DWA) or by the Department must be conformed to.



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

4 CONSTRUCTION

- 4.1 The site or any portion thereof may only be used for the storage, reuse, recovery, shredding and grinding of general waste including the storage of mentioned hazardous waste as well as the treatment of effluent, wastewater or sewerage if the site or any such portion has been constructed or developed according to condition 4.2 below.
- 4.2 Construction and development of the site shall be carried out under the supervision of a registered professional engineer appointed by the licence holder.
- 4.3 The licence holder shall make provision for sanitation facilities on site in line with the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

5. GENERAL IMPACT MANAGEMENT AND OPERATION

5.1 IMPACT MANAGEMENT

- 5.1.1 Waste which is not permissible under condition 3 must be dealt with according to relevant legislation or the Departmental policies and practices.
- 5.1.2 The licence holder must prevent spillages; where they happen nonetheless, condition 2.2.1 above should be improved and the licence holder must ensure the effective and safe cleaning of such spillages.
- 5.1.3 Licence Holder must ensure that the site is operated in such a manner that nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards are prevented.
- 5.1.4 Material Safety Data Sheets (MSDSs) must be available on site for all chemicals and hazardous substances to be used on-site, including information on their ecological impacts and how to minimize the impacts in case of leakage.
- 5.1.5 In order to prevent nuisance conditions the licence holder must ensure that all storage drums, skips and road tankers are not overfilled

5.2 OPERATION

- 5.2.1 Licence holder must ensure that fugitive emissions of substances (excluding odour and noise) do not cause pollution.
- 5.2.2 The licence holder must ensure that waste tyres are stored in terms of section 16 of the Waste tyre regulations GN number 149 of 13 February 2009 or the latest revision



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- 5.2.3 Licence Holder must ensure that all HCRW prior to collection is stored under a roofed area or in sealed containers inside bunded walls lined with epoxy coated concrete. Unless refrigerated, the waste must not be stored for more than 72 hours.
- 5.2.4 The licence holder must ensure that any liquid wastes, whose emissions to water or land could cause pollution, shall be provided with secondary containment and or diverted to sewer only after approval in writing from the Municipality
- 5.2.5 The licence holder must ensure that emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised Officer of the Department and interested parties
- 5.2.6 The areas for the storage, sorting, grinding shredding, recovery and reclamation of waste must have a firm concrete, waterproof base and drainage system.
- 5.2.7 Storage containers must be located under roof that has an impermeable flooring to avoid any form of contact with the soil/natural environment, and within a proper bund wall, which has the capacity to hold 100% of the capacity of the total volume of the containers within the area, in case of spillage.
- 5.2.8 The integrity of the waterproof base and bund walls must be monitored quarterly and corrective action taken before containment integrity is breached.
- 5.2.9 Uncontaminated storm water must be prevented from coming into contact with the waste or contaminated water and must be diverted around the site.
- 5.2.10 The licence holder must ensure that the waste that cannot be recycled for technical and commercial reasons are disposed off at licensed waste disposal facility.

6. MONITORING

6.1 MONITORING METHODS AND PARAMETERS

- 6.1.1 The licence holder must carry out all tests required in terms of this licence in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act 8 of 2008).
- 6.1.2 The licence holder must put in place a monitoring and measurement plan that must amongst others include storm water quality monitoring;



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6.2 WATER MONITORING

6.2.1 SURFACE WATER

6.2.1.1 Surface water monitoring must be performed within the first hour of rain in all storm water drains outlets that discharge into the natural environment for the water quality variables given in the Water quality Guideline or standards published by the Department of Water Affairs.

6.2.1.2 Monitoring for treated effluent including contaminated runoff water, which is discharged into sewer must be conducted at the point where it enters sewer network.

7 INVESTIGATIONS

7.1 If, in the opinion of the Director, environmental pollution, nuisances or health risks may be or is occurring on the site, the licence holder must initiate an investigation into the cause of the problem or suspected problem.

7.2 Investigations carried out in terms of conditions 7.1 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Director.

7.3 Should the investigation carried out as per conditions 7.1 above reveal any unacceptable levels of pollution, the licence holder must submit mitigation measures to the satisfaction of the Director within 30 days.

8 AUDITING

8.1 INTERNAL AUDITS

8.1 Internal audits must be conducted quarterly 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 8.2.1.

8.2 EXTERNAL AUDITS

8.2.1 The licence holder must appoint an independent external auditor to audit the Site biennially and this auditor must compile an audit report documenting regarding the findings of his/her audit, which must be submitted by the licence holder according to condition 7.2.2, below.



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

- 8.2.2 The audit report must:
- (a) specifically state compliance with regard to each licence condition;
 - (b) include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
 - (c) specify target dates for the implementation of the recommendations by the licence holder to achieve compliance;
 - (d) 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
 - (e) show monitoring results graphically and conduct trend analysis.

8.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- 8.3.1 The Department reserves the right to audit and/or inspect the site at any time and at such frequency as the Director may decide, or to have the site audited or inspected.
- 8.3.2 The licence holder must make any records or documentation available to the HOD upon request, as well as any other information the HOD may require.
- 8.3.3 The findings of these audits or inspections must be made available to the Licence holder within 30 days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act 2 of 2000).

9 RECORDING

- 9.1 The licence holder must keep records of the amount of waste, reclaimed and dispatched from the site, recyclable waste dispatched from the site for recycling and waste dispatched for disposal including safe disposal certificates of such waste. This must be reported annually as per Annexure II below.
- 9.2 Where the Licence holder is a registered on the national or provincial Waste Information System (WIS), condition 9.1 does not apply.
- 9.3 Records of waste sent off site must be kept and this shall include waste documentation with information of quantity, source, recipient and safe disposal certificates and must be reported accordingly as per condition 8.4



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- 9.4 All records required or resulting from the site required by this licence must:
- (a) be legible;
 - (b) be made 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 which are approved by the Department.
- 9.5 Records demonstrating compliance with condition 2.1.1 must be maintained.
- 10 REPORTING**
- 10.1 The licence holder must, within 24 hours notify the Director and the Chief Director of the occurrence or detection of any incident on the site, or incidental to the operation of the site, which has the potential to cause, or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- 10.2 The licence holder must, within 14 days, or a shorter period of time, if specified by the Director and/or the Chief Director, from the occurrence or detection of any incident referred to in condition 9.1, submit 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 Chief Director 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.
- 10.3 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 9.1, or measures which have been implemented are inadequate, the Director and/or the Chief Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 10.4 The licence holder must keep an incident report and complaints register, which must be made available to external auditor, Departmental and DWA auditors for the purpose of audit.



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- 10.5 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
 - (b) emission which has caused, is causing or may cause significant pollution; the breach of this licence; and
 - (c) any significant adverse environmental and health effects.
- 10.6 Prior written notification must be given to the Director of the following events and in the specified timescales.
- (a) as soon as practicable prior to the permanent cessation of any operational activities
 - (b) full or partial cessation of the operational activities for a period likely to exceed 3 months
 - (c) full or partial resumption of the operation of all or part of the activities after a cessation notified under (b) above
 - (d) the professional engineer appointed by the licence holder in line with condition 4.2 must make a signed declaration that condition 4.2, above have been adhered to.
- 10.7 The Department must be notified within 7 days of any changes to the management of the site including the name of the incoming person together with evidence that such person has the required technical competence.
- 10.8 The Department must be notified within 14 days of the following changes:
- (a) Licence holder's trading name, registered name or registered office address;
 - (b) Particulars of the licence holder's ultimate holding company (including details of an ultimate holding where a licence holder has become a subsidiary;
 - (c) steps taken with a view to the licence holder, or any one of them, going into bankruptcy, entering into composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
- 10.9 Records in terms of volume, source and the nature of all wastes received and transferred are maintained and reported as per Annexure III and as per condition 9.2 above.



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- 10.10 Records including names of receiving companies and safe disposal certificates of the amount of waste received and dispatched for disposal at a permitted waste disposal site must be kept.
- 10.11 Each external audit report referred to in condition 7.2 must be submitted to the Director within 30 days from the date on which the external auditor finalised the audit.
- 11 REHABILITATION AND CLOSURE OF THE SITE**
- 11.1 REHABILITATION PLAN**
- 11.1.2 The licence holder must rehabilitate the site or any portion thereof, in accordance with a closure report and rehabilitation plan, which must be submitted to the Director for approval at least one year prior to the intended closure of the site, or any portion thereof.
- 11.1.2 The licence holder shall remain responsible for the site, or any of its impacts on the environment, after operations on the site have ceased.
- 12. LEASING AND ALIENATION OF THE SITE**
- 12.1 Should the licence holder want to alienate or lease the site, he/she must notify the Director in writing of such an intention at least 120 days prior to the said transaction. Should the approval be granted, the subsequent licence holder shall remain liable to compliance with all licence conditions.
- 13. TRANSFER OF WASTE MANAGEMENT LICENCE**
- 13.1 Should the licence holder want to transfer holder-ship of this, he/she must apply in terms of Section 52 of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- 14. GENERAL**
- 14.1 Should you be notified by the Minister of a suspension of the licence pending any appeals decision, you may not commence with the activities licensed by the Minister in writing.
- 14.2 After an appeal period has expired and no good cause to extend the appeal period has been submitted, the Site may commence provided a notice has been submitted to the Department. The notice must include a date on which it is anticipated that the site will commence.
- 14.3 If the Licence Holder anticipates that commencement of the site would not occur within two (2) year period, he / she **must** apply and **show good cause** for an extension of the license six (6) months prior to its expiry date.



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- 14.4 This licence shall not be transferable unless such transfer is subject to condition 13.1 above.
- 14.5 This licence shall not be construed as exempting the licence holder from compliance with the provisions of the National and Provincial Legislation and any relevant Ordinance, Regulation, By-laws and relevant National Standards and norms.
- 14.6 Transgression of any condition of this licence could result in the validity of the licence being terminated by the Department.
- 14.7 Non-compliance with a condition of this license may result in criminal prosecution or other actions provided for in Section 67(1) of the National Environmental Management: Waste Act, 2008.
- 14.7 Any committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the Licence Holder or his/her successor in title in any instance where construction or operation are to be temporarily or permanently stopped for reasons of non-compliance
- 14.8 In terms of section 28 and 30 of the National Environmental Management, 1998 (Act No. 107 of 1998), and section 19 and 20 of the National Water Act, 1998 (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 understand 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 environmental risks of their work and training them to operate in an environmental acceptable manner.
- 14.9 This licence is valid for five (5) years from the date on this licence and will be renewed upon application by the licence holder and before the expiry date on condition that there would be proof of full (100%) compliance with all conditions of the licence throughout the 5 years.

15 APPEAL OF LICENCE

- 15.1 The licence holder must notify every registered interested and affected party, in writing and within five (10) days, of receiving the Department's decision.
- 15.2 The notification referred to in 15.1. must –
- 15.2.1 Specify the date on which the licence was issued;



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- 15.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 7 of the GN No. R 385 of 21 April 2006 in terms of National Environmental Management Act, 1998, as amended (see Annexure 1).
- 15.2.3 Advise the interested and affected party that a copy of a licence and reasons for the decision will be furnished on request.
- 15.2.4 An appeal against the decision must be lodged in terms of chapter 7 of the GN No. R 385 of 21 April 2006 in terms of NEMA 1998, as amended, from the date of this license, with:

The Minister
Department of Environmental Affairs
Private Bag X 447
PRETORIA
0001
Tel No.: (012) 310 3705
Fax No.: (012) 320 7561

Ms Joanne Yawitch
DEPUTY DIRECTOR-GENERAL
DATE: 06.05.2010



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

ANNEXURE I

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF A WASTE MANAGEMENT LICENCE

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive a notification of a Waste Management Licence from the relevant Competent Authority	1. Receive a notification of a Waste Management Licence from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority;
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

- a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs by means of one of the following methods:

By facsimile: (012) 320 7561

By post: Private Bag X447, Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. Pretorius and van der Walt Streets, Pretoria.

- b) the MEC must be submitted to the provincial department responsible for environmental affairs;
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state.

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department;
- b) accompanied by:
- a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority;
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62;
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.



General & Hazardous Waste Storage Facility Licence: Kusile Power Station

ANNEXURE II

INFORMATION WHICH SHALL BE SUBMITTED ON AN ANNUAL BASIS: CONDITION 9.1

NAME OF SITE: _____	DATE OF REPORT: _____ (y/m/d)
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1. Registered owner(s) of property on which disposal site is situated:

Name	Telephone	
Postal Address	Fax	
	Postal Code	

2. Operator in control of storage site:

Name	Telephone	
Identity number	Tel. After hours	
Educational Qualifications		
Other Relevant competencies:		

3. Indicate the amount of waste stored, reused, recycled, recovered, treated, or disposed of during the year.:

Type of waste	Quantity or amount	reused	recovered	recycled
TOTAL				

I, the undersigned, declare that the information stated above is to my knowledge a true reflection of the status at the _____ Facility.

Signature: _____
 Name: _____
 Capacity: _____
 Place: _____ Date: _____