



**environment
& tourism**

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

348-10034780

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

FAX COVER SHEET

DATE : 27 October 2008

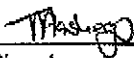
TO :	Mr. Diedre Herbst Ms K Jodas
ORGANISATION :	Eskom Holdings Limited
FAX :	(011) 800 2559 086 684 0547
FROM :	Portia Mashego
TEL :	(012) 310 3249
ROOM NO :	
FAX :	(012) 320 7539
NO. PAGES :	16 (including this page)
SUBJECT: Ref: 12/12/20/1139: PROPOSED CONSTRUCTION OF A RAW WATER RESERVOIR AND ASSOCIATED PIPELINES FOR THE MEDUPI POWER STATION, NEAR LEPHALALE, LIMPOPO PROVINCE	
MESSAGE :	

Dear Sir

Please receive herein the attached Environmental Authorisation for your attention.

Regards

P. Mashego


Signature



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 - Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Reference: 12/12/20/1139

Enquiries: Ms P Mashego

Telephone: (012) 310 3249 Fax: (012) 320 7539 E-mail: PMashego@deat.gov.za

Attention Ms. Deidre Herbst
Eskom Holdings Limited
P.O. Box 1091
JOHANNESBURG
2000

Tel no: (011) 800 3501

Fax no: (011) 800 2559

Dear Madam

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A RAW WATER RESERVOIR AND ASSOCIATED PIPELINES FOR THE MEDUPI POWER STATION, NEAR LEPHALALE, LIMPOPO PROVINCE

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

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the lodging of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulate the appeals procedure. Attached please find a simplified table of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

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: 012 320 3070, hgrove@deat.gov.za, at the Department.

Any party wishing to appeal any aspect of the decision must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 310 7561

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

By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Muhasho wa zwa Vhupo na Vhuendelamasheng • LITiko le Tesimondzawo nokuVakasha • Isaba lemiCimbi yokusiNgqongileyo noKhenketho
Ndzawulo ya Tinkhaka & Mbango • Department: Omgwingsake en Toerisme • Lefapha la Tikoloho le Bohanhlendi • Lefapha la Bojanala
Kgore ya Tikologo le Boeti • UmNyango wezeBhudutuko nokuVakasha • Umnyango Wezemvelo Nokuvakaha

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the minister may, on receipt of appeals against the authorisations or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Ms Nosipho Ngcaba

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Ms Liza McCourt

Designation: Chief-Director: Environmental Impact Management

Date: 27/10/2008

CC: Ms K Jodas
Mr PKM Relief

Savannah Environmental (Pty) Ltd
DEAT

086 684 0547

**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 AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation 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 if the decision was issued by the Director-General (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:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- 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.
 Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:
 By facsimile: 012 310 3688;
 By post: Private Bag X447, Pretoria, 0001; or
 By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1139

Last amended:

Holder of authorisation: Eskom Holdings Limited

Location of activity: Farm Kuipersbult 511 LQ, Farm Naauw
Ontkomen 509 LQ, Hanglip 508 LQ and
Grootestryd 465 LQ, Lephalale Local
Municipality, Limpopo Province

S 27/10/2008

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, the Department hereby authorises –

Eskom Holdings Limited

with the following contact details –

Mr. Deidre Herbst

Eskom Holdings Limited

P. O. Box 1091

JOHANNESBURG

2000

Tel: (011) 800 3501

Fax: (011) 800 2559

[Handwritten signature]
27/10/2008

to undertake the following activity-

- R. 386 (1) *"The construction of facilities or infrastructure, including associated structures or infrastructure, for –*
- (k) *the bulk transportation of sewage and water, including storm water, in pipelines with -*
 - (i) *an internal diameter of 0,36 metres or more; or*
 - (ii) *a peak throughput of 120 liters per second or more;*
 - (n) *the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No. R. 387 of 2006;*
 - (p) *the temporary storage of hazardous waste."*
- (7) *"The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site."*
- (15) *"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long."*


for the construction of a raw water reservoir and associated pipelines for Medupi Power Station, near Lephalale as described in the Basic Assessment Report (BAR) dated July 2008 page 9 which fall within the jurisdiction of Lephalale Local Municipality of the Limpopo Province; hereafter referred to as "the property".

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

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.

 27/10/2008

- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorised may only be carried out at the site as per map in Appendix A1 of the BAR dated July 2008.
- 1.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 This activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 1.6 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
 - 1.6.1 Relevant legislation that must be complied with by the holder of this authorisation includes but is not limited to:
 - Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.
 - National Water Act, 1998 (Act 36 of 1998).

- Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).

Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.8.1 must –
- 1.8.1 specify the date on which the authorisation was issued;
 - 1.8.2 inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.8.3 advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

- 1.9 The construction of the reservoir and its associated pipelines must be implemented according to a construction Environmental Management Plan (EMP) to adequately mitigate and manage the low to moderate impacts the construction activities will affect. Management measures and auditing procedures as detailed within Eskom's existing EMP for Medupi Power Station (as well as revisions to include the raw water reservoir and pipeline) must be implemented.
- 1.10 The construction activities and relevant rehabilitation of disturbed areas must be monitored against the approved EMP, Environmental Authorisation and all other relevant environmental legislation.

Recording and reporting to the Department

- 1.11 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –

[Handwritten signature]
27/10/2008

- Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the EMP.
- This report must include:
 - Detail of the rehabilitation measures which must be compiled with by an Independent Environmental Auditor.
 - Detail of all incidents and mitigation measures implemented to address such incidents.
 - All measures which require follow-up.

Commencement

- 1.12 The construction of the authorised activities may not commence within thirty (30) days of date of signature of this authorisation.
- 1.13 Should you be notified by the minister of a suspension of the authorisation pending any appeals decision on the authorised activities, you may not commence with the activities unless authorised by the minister in writing.
- 1.14 Thirty (30) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence

Site closure and decommissioning

- 1.15 Should the use of the facility ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

[Handwritten signature]
27/10/2008

Specific conditions

- 1.16 The applicant must place barriers and warning signs around excavations on sites and wherever there is a hazard to workers, the public and animals.
- 1.17 The applicant must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the NEMA Regulations, Government Notice 386 and 387 of 2006.
- 1.18 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.
- 1.19 An integrated waste management approach that is based on waste minimisation must be used and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 1.20 Chemical ablution facilities must be available for the use of construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste site.
- 1.21 The activities and movement of construction vehicles and personnel during the construction phase must be restricted to help prevent the wanton destruction of natural vegetation that could play an important role in the long term mitigation of visual impacts.
- 1.22 The applicant must train safety representatives, managers and workers in workplace safety. Enforce all applicable safety standards and regulations, including for subcontractors.
- 1.23 The removal of natural vegetation must be limited to the minimum and must not be undertaken without proper planning and delineation.
- 1.24 The stockpiled material must be located away from potentially sensitive areas (such as the Afguns road and / or the rocky outcrop, watercourse and dam area).
- 1.25 The applicant must identify and mark all protected tree species during the final walkthrough.

[Handwritten signature]
27/10/2008

- 1.26 The applicant must obtain relevant permits for removal or cutting of protected tree species.
- 1.27 The applicant must implement rescue operations in areas where Red Data species / protected trees are present.
- 1.28 The applicant must transplant selected trees to adjacent areas where possible.
- 1.29 The soil must be exposed for the minimum time possible once cleared of vegetation to avoid prolonged exposure to wind and water erosion and to minimise dust generation.
- 1.30 The dust may be generated from stockpile material must be minimised through the implementation of appropriate dust suppression techniques, until such time that this material has been used during the rehabilitation process.
- 1.31 After the construction, affected areas must be re-vegetated with indigenous vegetation. This must be undertaken in terms of Eskom's standard practices in this regard.
- 1.32 No construction activities must take place in the vicinity of the non-perennial stream and dam.

General

- 1.33 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 1.34 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details; the applicant must notify the Department as soon as the applicant knows the new details.
- 1.35 The holder of the authorisation must notify the Department, in writing and within 24 (twenty four) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in

[Handwritten signature]
27/10/2008

criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

- 1.36 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 27 October 2008



Ms Nosipho Ngcaba

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Ms Lize McCourt

Designation: Chief Director: Environmental Impact Management

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited, applied for authorisation to carry out the following activity –

R. 386 (1) *"The construction of facilities or infrastructure, including associated structures or infrastructure, for –*

(k) *the bulk transportation of sewage and water, including storm water, in pipelines with-*

(i) *an internal diameter of 0,36 metres or more; or*

(ii) *a peak throughput of 120 liters per second or more;*

(n) *the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No. R. 387 of 2006;*

(p) *the temporary storage of hazardous waste."*

(7) *"The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site."*

(15) *"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long."*

for the construction of a raw water reservoir and associated pipelines for Medupi Power Station, Near Lephalale as described in the Basic Assessment Report (BAR) dated July 2008.

The applicant appointed Savanna Environmental (Pty) Ltd to undertake a Basic Assessment process and to compile a Basic Assessment Report (BAR) as required by regulation R. 385.

K. 27/10/2008

2. Information considered in making the decision

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

- a) The information contained in the BAR dated July 2008.
- b) Additional information received on the 25th of August 2008.
- c) Comments were received from Department of Water Affairs and Forestry and Lephalale Local Municipality.
- d) The consent given by the landowners.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. Key factors considered in making the decision

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

- a) The applicant, Eskom Holdings Limited proposes the construction of a raw water reservoir and associated pipelines for Medupi Power Station, near Lephalale, Limpopo Province.
- b) Four site alternatives were investigated and Alternative 1 was selected as the preferred alternative.
- c) Alternative 1 (preferred site and pipeline alternative): The raw water reservoir and pipeline preferred site alternative (with a footprint area within the perimeter fence of $\pm 124\,200\text{m}^2$) is situated on the farm Kuipersbult 511-LQ (1 081 ha in extent), approximately 1 600m south west of the Medupi Power Station that is currently under construction. The entire farm is currently being purchased by Eskom.
- d) A sufficient public participation process was undertaken and the consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.
- e) As part of the EIA process, Savannah Environmental (Pty) Ltd, being the principal consultancy, identified potential environmental impacts associated with the

[Handwritten signature]
27/10/2008


proposed construction works and proposed feasible mitigation measures to mitigate the identified impacts.

4. Findings

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

- The BAR includes the identification and assessment of impacts.
- The procedure followed for the impact assessment seems to be adequate for the decision-making process based on the size of the project and affected area. The assessing officer is of the opinion that the assessment is adequate and comprehensive enough and that possible impacts have been assessed correctly.
- All legal and procedural requirements have been met.
- There has been sufficient consultation with I&AP's apart from the landowner.
- Comments were received from the provincial authority or local authority.
- The proposed development is compatible with the proposed site for the development.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The authorisation for the activity is accordingly granted.

 27/10/2008