



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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File Reference: 12/9/11/L73669/6

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LICENCE NUMBER : 12/9/11/L73669/6
SECTOR : DECOMMISSIONING
WASTE MANAGEMENT FACILITY : CAMDEN POWER STATION
LOCATION : CAMDEN POWER STATION 325 IT, UITKOMST 292 IT,
MOOPLATS 290 IT, GERT SIBANDE DISTRICT
MUNICIPALITY, MPUMALANGA PROVINCE.
LICENCE HOLDER : ESKOM HOLDINGS SOC LIMITED
ADDRESS : PRIVATE BAG X1002, NUCAM, 2250
CONTACT PERSON : CHRISTO SPAMMER
CONTACT DETAILS : TEL: 017 827 8150 , Email: SpammerC@eskom.co.za

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

In terms of National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) read with the Environmental Impact Assessment Regulations 2014, published in Government Notice No. 982 of 04 December 2014 (the Regulations), the Deputy Director General: Chemicals and Waste Management, hereby **grants Eskom Holdings SOC Limited** a Waste Management Licence for the following waste management activities as listed in Category A of Government Notice No 921 dated 29 November 2013:

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



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

In this Licence, "Director" means the Director: Licensing of the National Department of Environmental Affairs (DEA) who may be contacted at the address below:

Director: Licensing
Department of Environmental Affairs
Private Bag X447
PRETORIA
0001

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

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

1. SITE DETAILS

1.1 LOCATION

1.1.1 This Licence authorises the decommissioning of Camden Power Station asbestos disposal site located on Camden Power Station 329 IT (Portions 2 and RE) , Uitkomst 292 IT (Portion 18) and Mooiplats 290 IT (Portions 14 and 20), outside Ermelo within the jurisdiction of Gert Sibande District Municipality, Mpumalanga Province (hereafter referred to as the "Site).

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



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

NUMBER OF CORNERS	LATITUDE	LONGITUDE
A	26° 36' 55.43"	30° 4' 50.27"
B	26° 36' 49.72"	30° 4' 48.29"
C	26° 36' 49.12"	30° 4' 51.31"
D	26° 36' 54.02"	30° 4' 52.47"

1.2 DOCUMENTS CONSIDERED

- 1.2.1 The Waste Management Licence Application Form received by the Department on 13 June 2017;
- 1.2.2 The Final Basic Assessment Report for the proposed closure of the asbestos disposal facility at the Camden Power Station compiled by Jones and Wagener, dated 04 August 2017 and hereinafter referred to as "Report"; and
- 1.2.3 The Record of Decision (RoD) issued by the Department of Water and Sanitation, dated 09 November 2017 and received by the Department on 13 November 2017.

LICENCE CONDITIONS

1.3 SITE SECURITY AND ACCESS CONTROL

- 1.3.1 The Licence Holder must ensure effective access control during the decommissioning and closure of the asbestos disposal facility to prevent unauthorised entry.
- 1.3.2 Weatherproof durable and legible signs in at least three official languages applicable in the area must be displayed at each entrance to the site.
- 1.3.3 The signs must indicate the risks involved in entering the Site. It should include details of the responsible person, contact details, emergency number and indicate that the site is closed.

2. MANAGEMENT

2.1 GENERAL MANAGEMENT



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

2.1.1 The decommissioning and rehabilitation activities shall be managed and operated:

- a) In accordance with a documented Environmental Management Programme (EMPr), that, *inter alia*, identifies and minimises the risk of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformance as well as those drawn to the attention of the Licence Holder as a result of complaints;
- b) In accordance with conditions of this Licence and any other written instruction by the Director; and
- c) By an adequate, competent staff complement.

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

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

2.2 DESIGNATION OF WASTE MANAGEMENT CONTROL OFFICER

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

- a) Report any non-compliance with any licence conditions or requirements or provisions of NEM: WA to the Director.

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

2.3 EMERGENCY PREPAREDNESS PLAN

2.3.1 The Licence Holder must maintain and implement an emergency preparedness plan. The plan must,



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

amongst others, include measures to address:

- a) Power failure;
- b) Equipment malfunction;
- c) Site fires;
- d) Spillage (on Site); and
- e) Natural disasters such as floods.

2.3.2 The plan must include contact details of the nearest police station, ambulance services and the emergency centre as well as the contact details of the on-site emergency response person/s.

3. DECOMMISSIONING OF THE SITE

3.1 The closure of Camden Power Station Asbestos Disposal Facility site shall be in accordance with approved Designs and Closure Plan prepared by Jones & Wagener Engineering and Environmental Consultants dated February 2017.

3.2 Construction within the Site must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000 (Act 46 of 2000).

3.3 The Site, or any portion thereof must be covered and the site must be maintained in such a way that:-

- a) The formation of pools, and/or damming due to rain is prevented;
- b) Free surface runoff of rainwater is ensured;
- c) Contamination of storm water is prevented;
- d) Minimal or no erosion occurs.

3.4 The Construction Quality Assurance must demonstrate that thickness and strength of the ash cement layer is achieved.

3.5 The capping closure of the ash dump as a whole must include demarcation of the identified asbestos disposal interim capped area with a restriction preventing mining or other excavation of ash in the future.



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

4 MONITORING

4.1 WATER MONITORING

4.1.1 Groundwater monitoring boreholes must continue to be monitored as per existing monitoring programme for Camden Power Station.

4.1.2 The Responsible Authority reserves the right to take water samples at any time and to analyse these samples or have them analysed.

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

4.2 DETECTION MONITORING

4.2.1 Monitoring for groundwater quality must be conducted for variables listed in Annexure II at bi-annual or such frequency as may be determined by the Responsible Authority.

4.3 INVESTIGATIVE MONITORING

4.3.1 If, in the opinion of the Responsible Authority, a water quality variable listed under the detection monitoring programme, as referred to in condition 4.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that the variable is within acceptable limits.

5 METHODS OF ANALYSIS

5.1 The Licence Holder must carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standard (SABS), referred to in the Standard Act, 2008 (Act 08 of 2008), to analyse the samples taken under the monitoring programmes specified in condition 4.

5.2 The Licence Holder shall only use another method of analysis if written proof that the method is at least equivalent to the SABS method and is confirmed by the Director.



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

6 INVESTIGATIONS

- 6.1 If, in the opinion of the Director, environmental pollution, nuisances or health risk may be occurring or are occurring on the Site, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.
- 6.2 If, in the opinion of the Director and/ or Director: RPW, water pollution may be occurring or is occurring, the Licence Holder must initiate an investigation into the cause of the problem or suspected problem. Such investigation must include the monitoring of the water quality variables at those monitoring points and at such frequency as may be specified by the Director: RPW

7 MONITORING COMMITTEE

- 7.1 The Licence Holder must maintain and ensure continued functioning of a Monitoring Committee for the normal operative lifetime of the Site and for a period of at least two years after the closure of the Site, or at such longer period may be determined by the Director.
- 7.2 The Monitoring Committee must formulate terms of reference and code of conduct, according to the Minimum Requirements, Second Edition 1998 by Department of Water and Sanitation.
- 7.3 The Monitoring Committee must be comprised of relevant interested and affected persons.
- 7.4 The Monitoring Committee must meet at least twice a year, of which one of the meetings should be no later than 90 days after the external audit report has been submitted.
- 7.5 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 30 days after the meeting.

8 RECORDS

- 8.1 The Licence Holder must keep records and update all the information referred to in this licence and submit this information to the Director on an annual basis.
- 8.2 All records required or resulting from activities required by this Licence must:
 - a) Be legible;
 - b) If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

- c) Be made available on request to the Licensing Authorities; and
- d) Be retained in accordance with documented procedures.

8.3 Records demonstrating compliance with this Licence must be maintained for at least five (05) years.

9 REPORTING

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

9.2 The Licence Holder must, within 14 days, or a shorter period of time, if specified by the Responsible Authority, from the occurrence or detection of any incident referred to in condition 9.1 submit an action plan, which shall include a detailed time schedule, to the satisfaction of the Responsible Authority of measures taken to –

- a) correct the impact resulting from the incident;
- b) prevent the incident from causing any further impacts; and
- c) prevent a recurrence of a similar incident.

9.3 In the event that measures have not been implemented within 21 days to address impacts caused by the incident referred to in condition 9.1, or measures which have been implemented are inadequate, the Responsible Authority may implement the necessary measures at the cost and risk of the Licence Holder.

9.4 The Licence Holder must keep an incident and complaints register, which must be attached to the external audit report, as well as the Department and DWS for audit purposes.

9.5 The Department must be notified without delay in the case of the following:

- (a) Any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- (b) The breach of this Licence; and
- (c) Any significant adverse environmental and health effects.

9.6 The Department must be notified within 14 days of the following changes:



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

- (a) The Licence Holder's trading name, registered name or registered office address;
- (b) Particulars of the Licence Holder has become a subsidiary; and
- (c) Steps taken with a view to the Licence Holder, or any one of them, going into bankruptcy, entering into agreement with creditors, or, in the case of them being in a partnership dissolving the partnership.

9.7 Each external audit report must be submitted to the Director within 30 days from the date on which the external auditor finalised the audit report.

10 AUDITING

10.1 INTERNAL AUDITS

- a) Internal audits must be conducted biannually during the duration of decommissioning activities by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor.

10.2 EXTERNAL AUDITS

10.2.1 The Licence Holder must appoint an independent external auditor to audit the site biennially till such time decommissioning and rehabilitation of the site is complete. The auditor must compile an audit report documenting the findings of the audit, which must be submitted to the Department by the Licence Holder.

10.2.2 The external audit report must:

- a) Specifically state whether conditions of this Licence were adhered to;
- b) Include and interpretation of all available data and test results regarding the operation of the site and all its impact on the environment;
- c) Specify targets dates for the implementation of the recommendations by the Licence Holder to achieve compliance;



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

- 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.

10.2.3 Audit report must be finalized within sixty (60) days of the finalization of the external audit. Each external audit report referred to in condition 10.2.1 above must be submitted to the Director within thirty (30) days from the date on which the external auditor finalised the audit.

10.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- a) The Department reserves the right to audit and/or inspect the Site without prior notification at any time and at such frequency as may be determined by the Director.
- b) The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information he/she may require.

11 GENERAL

- 11.1 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of national and provincial legislation and any relevant ordinance, regulation, by-law or relevant National Norms and Standards.
- 11.2 Transgression of any condition of this Licence could result in the Licence being withdrawn by the Department.
- 11.3 Non – compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in Section 67 (1) of the NEM: WA.
- 11.4 In terms of section 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and section 19 and 20 of the National Water Act No. 36 of 1998, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

informing and educating contractors and employees about the environmental risks of their work and training them to operate in an environmentally acceptable manner.

12 APPEAL OF THE LICENCE

12.1 The Licence Holder must notify every registered interested and affected party, in writing and within twelve (12) days, of receiving the Department's decision.

12.2 The notification referred to in 12.1. must –

12.2.1 Specify the date on which the licence was issued;

12.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 2 GN No. R993 of 08 December 2014 in terms of National Environmental Management Act, 1998, as amended (see Annexure 1);

12.2.3 Advise the interested and affected party that a copy of the Licence and reasons for the decision will be furnished on request; and

12.2.4 An appeal against the decision must be lodged in terms of chapter 2 of GN No. R993 of 08 December 2014 in terms of NEMA, as amended, from the date of this license, with: The Minister, Department of Environmental Affairs, Private Bag X 447, PRETORIA, 0001, Tel No.: (012) 399 9356, Email: appeals@environment.gov.za.

MR MARK GORDON

DEPUTY DIRECTOR GENERAL: CHEMICALS AND WASTE MANAGEMENT

DATE: 28/11/2017



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

ANNEXURE I

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

1. LODGING OF AN APPEAL

1.1 An appellant must submit the appeal submission (the Appeal Questionnaire and Appeal and Response Form) to the appeal administrator, and a copy to the applicant, and registered interested and affected parties within twenty (20) days from:

- the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
- the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licencing authority, in the case of decisions other than those referred to above.

1.2 An appeal submission must be submitted in writing in the form of the appeal questionnaire annexed to this guideline as "Appendix A" and accompanied by:

- a completed Appeal and Response Form setting out the grounds of the appeal,
- supporting documentation that is referred to in the appeal which did not form part of the documentation considered when the original decision was made.



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

Appendix A

APPEAL QUESTIONNAIRE

An electronic copy of this questionnaire may be obtained from:

Mr Z Hassam at telephone: 012 399 9356 or e-mail:

Appeals@environment.gov.za

Once completed, this document must be forwarded to:

E-mail: AppealsDirectorate@environment.gov.za

Physical Address: Department of Environmental Affairs, 473 Steve Biko Road,
Environment House, Arcadia, Pretoria, 0002

Appellant's contact information:

Name:

Address:

Phone:

Cell:

Email:



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

Project information:

Project name: _____

Authorisation register number as on environmental authorisation:

Authorisation date as on environmental authorisation:

IMPORTANT! Please note:

- *The decision of the department is reflected in the letter of authorisation or rejection. The conditions of approval are contained in the environmental authorisation document, attached to the authorisation letter.*
- *The appeal must be accompanied by all relevant supporting documents or copies of these that are certified as true by a commissioner of oaths.*
- *The grounds of your appeal and the facts upon which they rest must be set out. You should formulate your objections or concerns as averments and not as questions about the project. Please therefore refrain from material or remarks that do not contribute to the merits of your appeal.*
- *To assist in this regard, the following questions are listed as a guideline only – more space may be used if necessary:*



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

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

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

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

Yes	No
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Please provide reasons:

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

Yes	No
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Please provide reasons:



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

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

Yes	No
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Please provide reasons:

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

Yes	No
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Please provide reasons:

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

Yes	No
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Please provide reasons:

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





Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

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

8. DECLARATION:

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

**APPELLANT
DATE:**



Decommissioning Licence – Camden Power Station Asbestos Disposal Facility

ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at bi-annual intervals for:

Alkalinity (P. Alk)

Ammonia (NH₃-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO₄)