

Annexure D



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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The Registrar
Water Tribunal
Private Bag X316
PRETORIA
0001

Attention: Mr Robert Mabe

APPEAL AGAINST THE WATER LICENCE (WUL NO. 06/B11F/CGIHE/6684) ISSUED FOR KHANYISA COAL BASELOAD INDEPENDENT PRODUCER PROJECT (KHANYISA PROJECT)

Reference is made to the Centre of Environmental Rights (CER) letter dated 25 September 2018 and 13 December 2018 respectively in relation to the above-mentioned subject.

1. CER has mentioned in the letter dated 13 December 2018 that there were apparently three (3) WUL applications submitted to DWS with different sets of experts reports attached to each application.

1.1 DWS response in relation three Applications:

- Acwa Power Khanyisa Thermal Power Station (RF) (Pty) Ltd initially applied for a Water Use Licence on November 2016. Subsequent to that the letter dated 17 January 2017 was sent to Acwa Power Khanyisa Thermal Power Station (RF) (Pty) Ltd, the issues that were raised in the letter are on page 29 of the Record of Recommendation. The letter is attached as Annexure 1.

Acwa Power Khanyisa Thermal Power Station (RF) (Pty) Ltd responded to the letter dated 17 January 2017 by submitting the documents “*Integrated Water Use Licence Application (IWULA) and Integrated Water and Waste Management Plan (IWWMP)*”, volume 1 to 3, and engineering designs dated February 2017. The documents are included as annexure 2.

The Department assessed Acwa Power Khanyisa Thermal Power Station and the letter dated 12 June 2017 was sent to the applicant to request more information from the applicant, issues raised are on page 30 of the Record of Recommendation. Acwa Power Khanyisa Thermal Power Station (RF) (Pty) Ltd responded to the Department by submitting the documents “*Integrated Water Use Licence Application (IWULA) and Integrated Water and Waste Management Plan (IWWMP)*”, volumes 1 to 6 dated June 2017.

Legal Services to confirm if “*Integrated Water Use Licence Application (IWULA) and Integrated Water and Waste Management Plan (IWWMP)*” volumes 1 to 6 were submitted to the Tribunal as Centre of Environmental Rights has mentioned in the letter dated 25 September 2018 that partial June 2017 application was made available.

1.2 DWS response in relation different sets of experts’ reports attached to each application:

The geohydrology report “Geohydrological Evaluation for the Environmental Impact Assessment dated August 2011, attached to two applications (November 2016 and June 2017, Appendix E) is the same. The Report and; IWULA and IWWMP for ACWA Power Kanyisa IPP Project: November 2016 was assessed and recommended by the Department’s groundwater specialist.

1.2.1 The civil designs information was not included in the initial application dated November 2016. Hence the applicant was requested in the letter dated 17 January 2017, No. 7 and No. 9 to submit the required information. Furthermore a meeting was held on 3 May 2018 in this regard. The following documents were assessed:

- WULA and IWWMP File volume 1 – February 2017;
- Engineering Designs File (Appendix 3) – February 2017;
- IWWMP Volume 1 – June 2017;
- IWWMP Volume 3 – June 2017;
- IWWMP Volume 4 – June 2017; and
- IWWMP Volume 5 – June 2017.

1.2.2 The section 21 (c) and (i) information was not included in the initial application dated November 2016. Hence the applicant was requested in the letter dated 17 January 2017, No. 8 to submit the required information. Furthermore a meeting was held on 3 May 2018 in this regard. The following documents were assessed:

- General Authorisation (GA) application dated 2 November 2016 for 400kV substation and transmission lines. The GA was not issued, the application was considered with November 2016 Water Use Licence Application for proposed Power Station as the projects are linked;
- Risk Assessment Matrix; attached as appendix
- Project maps for proposed bulk water supply pipeline attached to February 2017 WULA, Appendix 4;
- Project Maps attached to 8 June 2017 WULA, Appendix B;
- Khanyisa water pipeline: wetland delineation; attached to 8 June 2017 WULA, Appendix E;
- Wetland Specialist Report: ACWA Power Khanyisa IPP Project; attached to 8 June 2017 WULA, appendix E;

- Khanyisa Coal Fired Power Station: Draft Framework Environmental Management Programme dated October 2011, attached to February 2017 (Appendix 5) and June 2017 (Appendix E) WULAs is the same;
- EMP for water pipeline, attached to February 2017 WULA, Appendix 5 and June 2017 WULA, Appendix E is the same;
- Impact assessment on the characteristics of the water course and mitigation measures, refer to section 5.5.3 of the June 2017 WULA;
- Layout Plans, attached to 8 June 2017 WULA, appendix H;
- Monitoring Programme, Appendix F and refer to section 5.4 of the report (WULA);
- Surface water, refer to section 4.6, volume 1 of June 2017 WULA;
- Wetlands, refer to section 4.7, volume 1 of June 2017 WULA;
- Specialist Surface Water Quality Impact Assessment Report for the proposed Khanyisa Power Station Part 1, 2 and 3 attached to February 2017 WULA, Appendix 7 and June 2017 WULA, appendix E is the same. N.B Kindly note the statement below:

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2. In the CER letter dated 13 December 2018 it is mentioned that the record provided so far does not include all relevant documents; and that the DWS has not confirmed which documents it considered in reaching its decision to grant the WUL.

DWS response:

- The following documents were considered in addition to the above-mentioned documents which were assessed by Department's groundwater specialist, civil engineer and Instream Water Use specialists.
 - Water Use Application forms and DW775 and DW781 Supplementary Water Use Information form attached to February 2017 WULA, Appendix 1 and June 2017 WULA, Appendix I;
 - Proof of licence administration fee of R114.00;
 - Title deeds attached to June 2017 WULA, Appendix C;
 - Copy of ID attached to February 2017 WULA, Appendix 7;
 - Section 27 (1) motivation, refer to section 7.3, volume 1 of June 2017 WULA;
 - Public participation report attached to June 2017 WULA, Appendix G; and
 - Environmental Authorisations attached to June 2017 WULA, Appendix A;
- Potential impacts and mitigation measures, refer to section 5.5.3, volume 1 of June 2017 WULA;
- Water Balance attached to June 2017 WULA, Appendix H; and
- Service agreement for water supply, attached to June 2017 WULA, Appendix D.