

12 November 2019

Dear Stakeholder

RE: NOTICE OF RELEASE OF ENVIRONMENTAL AUTHORISATION AND APPEAL PROCEDURE: Proposed Construction, Operation and Decommissioning of a 150 ML/day Sea Water Reverse Osmosis Plant and Associated Infrastructure proposed at Tongaat on the KwaZulu-Natal North Coast, eThekweni Metropolitan Municipality, KwaZulu-Natal (DEA Reference Number: 14/12/16/3/3/2/652 and NEAS Reference Number: DEA/EIA/0002351/2014)

As a registered Interested and Affected Party (I&AP) on the project database, you have been informed that Umgeni Water Amanzi (hereinafter referred to as Umgeni Water) (i.e. the Project Applicant) is proposing to construct and operate a desalination plant at Tongaat on the KwaZulu-Natal North Coast using Sea Water Reverse Osmosis (SWRO) technology.

As previously noted, Umgeni Water appointed the Council for Scientific and Industrial Research (CSIR) to undertake the Environmental Assessment Process required for the abovementioned proposed project. The proposed project was assessed in terms of the National Environmental Management Act (Act 107 of 1998, as amended) (NEMA) Environmental Impact Assessment (EIA) Regulations, published in Government Notice (GN) R543, R544, R545 and R546 on 18 June 2010 (as amended). The Final EIA Report was submitted to the National Department of Environmental Affairs (DEA) (i.e. the Competent Authority); now operating as the Department of Environment, Forestry and Fisheries (DEFF), for decision-making in June 2018 and additional requested information was submitted in March 2019 (in terms of the 2010 NEMA EIA Regulations (as amended)).

As a registered I&AP on the database and in accordance with Regulation 10 (2) of the 2010 NEMA EIA Regulations (as amended), you are hereby notified that the DEFF have issued an Environmental Authorisation (EA) (dated 6 November 2019) for the abovementioned proposed project. The reasons for the decision are detailed in Annexure 1 of the EA, and attached as Appendix 1 of this correspondence. The EA (including the reasons for decision) can be downloaded from the project website (<https://www.csir.co.za/environmental-impact-assessment>). A copy of the EA can also be provided to I&APs upon request, by contacting the CSIR Project Manager using the contact details provided above.

Your attention is drawn to Chapter 7 of the 2010 NEMA EIA Regulations (GN R543, as amended) which regulates the appeal procedure. Should any party wish to appeal any aspect of the decision, a notice of intention to appeal (in accordance with Regulation 60 (1) of the 2010 NEMA EIA Regulations (as amended)) must be submitted in writing to Appeals Directorate by 26 November 2019 (i.e. within 20 days after the date of the EA), via one of the following methods:

By Email: appealsdirector@environment.gov.za;
By Hand: Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083; or
By Post: Private Bag X447, Pretoria, 0001.

Only appeals on environmental grounds can be considered and all appeals must be submitted in writing and accompanied by relevant supporting documentation. A copy of the notice of intention to appeal as well as a notice indicating where, and for what period, the appeal submission will be available for inspection by the Applicant must be provided to the Applicant within 10 days of having lodged such notice (using the Applicant contact details as contained in the EA). An appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days contemplated in Regulation 60 (1) of the 2010 NEMA EIA Regulations (as amended). A simplified copy of the appeals procedure is included in Appendix 2 of this correspondence.

All appeal documentation must include the abovementioned relevant DEA Reference Number. Additional information regarding the appeal procedure, including prescribed forms, is available on the following DEFF website (https://www.environment.gov.za/documents/forms#legal_authorisations). A copy of the documents can also be requested at appealsdirector@environment.gov.za

Should you have any queries or require additional information please do not hesitate to contact the CSIR Project Manager using the contact details provided above (i.e. PO Box 59081, Umbilo, 4075; Tel: +27 31 242 2300; Fax: +27 31 261 8172; Email: ems@csir.co.za).

Sincerely,



Paul Lochner (EAPSA Certified)
Project Leader
Manager: CSIR - Environmental Management Services



Rohaida Abed
Project Manager
CSIR Environmental Management Services

Appendix 1 – Reasons for the Decision

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/2/652
NEAS Reference Number: DEA/EIA/0002351/2014

Annexure 1: Reasons for Decision

1. 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 amended EIR dated June 2018;
- b) The comments received from the Department of Agriculture, Forestry & Fisheries, eThekweni Metropolitan Municipality, SANRAL, KZN Coastwatch, and interested and affected parties as included in the amended EIR dated June 2018;
- c) Mitigation measures as proposed in the amended EIR dated June 2018 and the EMPr;
- d) The information contained in the specialist studies contained within Chapters 6-13 of the amended EIR;
- e) Findings of the site visit conducted on 14 July 2016; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. 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 the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The proposed Umgeni Water desalination plant will aim to ensure the promotion of sustainable economic development by serving the interests of a growing population as well as other commercial interests in the region. It is recognised that the future of the North Coast region of KZN is greatly dependent on an alternative water source to augment water supply of which desalination is one option.
- c) The amended EIR dated June 2018 identified all legislation and guidelines that have been considered in the preparation of the amended EIR dated June 2018.
- d) The methodology used in assessing the potential impacts identified in the amended EIR dated June 2018 and the specialist studies have been adequately indicated.

Department of Environmental Affairs
Environmental Authorisation Reg. No. 14/12/16/3/3/2/652
NEAS Reference Number: DEA/EIA/0002351/2014

- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the amended EIR dated June 2018 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the amended EIR dated June 2018 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the amended EIR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised 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 environmental authorisation is accordingly granted.

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.