DECOMMISSIONING ACTIVITIES EXPLANATORY DOCUMENT

May 2017

Important Note: This document is applicable to decommissioning activities commenced with on or after 07 April 2017. For similar activities commenced with between 08 December 2014 and 06 April 2017, the previous Decommissioning Explanatory Document can be consulted (April 2015). A copy of such can be obtained by e-mailing <u>iq@environment.gov.za</u>. Any queries regarding specific scenarios can be forwarded to the same e-mail address.

PURPOSE

This document provides a generic, user friendly clarification of the two decommissioning activities listed in terms of Listing Notice 1 of the 2014 EIA Regulations, as amended (hereafter referred to as Listing Notice 1).

A degree of sustainable environmental planning is necessary before any decommissioning activities as listed, would be allowed to commence. A development earmarked for decommissioning has been operational for some time, and as such, i.e. the land or groundwater may have become polluted, in response to the presence of the development infrastructure / activities. The decommissioning of one or all components of such a development would therefore have an effect on the environmental status quo, either in a positive or in a negative way. In this respect, the positive aspects of decommissioning must be maximised and the negative aspects avoided or minimized.

Decommissioning of such facilities, structures or infrastructure may i.e. pose a high risk of pollution. Alternatively the operation of the facility for many years may have caused environmental harm and i.e. soil or water pollution. Such pollution risk may have been exacerbated by poor design, environmental sensitivity of the construction site, modification without due consideration of the receiving environment and lack of or inadequate maintenance. For decommissioning of facilities, structures or infrastructure, other interests must also be taken into account; for example, the future use of the site and adjacent land (i.e. use of land or adjacent land for schools, housing etc.).

The decommissioning of certain facilities, structures or infrastructure is listed in terms of activities 22 and 31 of Listing Notice 1. Such decommissioning subsequently requires environmental authorisation. Commencement with any of these activities prior to obtaining authorisation from the competent authority is prohibited and constitutes an offence.

DECOMMISSIONING

Listing Notice 1 defines decommissioning as "to take out of active service permanently or dismantle partly or wholly, or closure of a facility to the extent that it cannot be readily re-commissioned." Decommissioning Activities Explanatory Document May 2017 The following decommissioning activities require Basic Assessment (as per LN 1):

Activity 22	 The decommissioning of any activity requiring - (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure.
Activity 31	 The decommissioning of existing facilities, structures or infrastructure for- (i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (iii) (iv) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice 3 of 2014; or (v) any activity regardless the time the activity was commenced with, where such activity: (a) is similarly listed to an activity in (i) or (ii) above; and (b) is still in operation or development is still in progress; excluding where- (aa) activity 22 of this notice applies; or (bb) the decommissioning is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies.

ACTIVITY 31 EXCLUSIONS

Exclusion (aa) excludes the decommissioning of existing facilities, structures or infrastructure for activities where a closure certificate, prospecting right, mining right or mining permit is required, in terms of the MPRDA. Where this is the case then activity 22 of Listing Notice 1 will be triggered and the Department of Mineral Resources will be the Competent Authority.

Exclusion (bb) excludes the decommissioning of existing facilities, structures or infrastructure for activities where the land has been contaminated and such is covered by part 8 of the National Waste Act. Where this is the case, then the NEMWA applies and a Waste Management License would be required.

DECOMMISSIONING EXAMPLES

1. Development with an operational component commenced on or after 08 Dec 2014. The facility will now be decommissioned.

DECOMMISSION ACTIVITY WILL BE TRIGGERED			
The applicant wishes to decommission a 17 kilometer cableway around a protected Magaliesburg resort for structural safety reasons. The cableway development commenced on 20 December 2014 and was in operation from 17 March 2015.			
Activity 8 of LN 3:			
The development and re	The development and related operation of above ground cableways and funiculars.		
Activity 20 of LN 3.			
The expansion and related operation of above ground cableways and funiculars where the development footprint will be increased.			
Explanation	The development and expansion activity for above ground cableways and funiculars		
	have an operational component within the relevant listed activities (expansion		
	and related operation and development and related operation). Decommissioning		

2. Development without an operational component commenced on or after 08 Dec 2014. The facility will now be decommissioned.

of the facility will therefore trigger activity 31 of LN1.

DECOMMISSION ACTIVITY WILL NOT BE TRIGGERED

Eskom wishes to **decommission** a sub-station with transformers capable of converting 1500KV to 600KV.

Activity 11 of LN1:

The development of facilities or infrastructure for the transmission and distribution of electricity—

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or
- (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;

excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is —

- (a) temporarily required to allow for maintenance of existing infrastructure;
- (b) 2 kilometres or shorter in length;

- (c) within an existing transmission line servitude; and
- (d) will be removed within 18 months of the commencement of development.

Activity 46 of LN1:

The expansion of facilities or infrastructure for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.

Explanation	The development and expansion activities for the transmission and distribution of
	electricity do not have an operational component within the relevant listed activities
	(expansion and development listed activities). Decommissioning of the facility will not
	trigger activity 31 of LN1. The words "and related operation" in activity 31 of LN 1
	are mandatory and not an optional requirement for triggering the
	decommissioning activity.

3. Decommissioning of a development with operational component – development commenced in 1974 and was still in operation on 08 December 2014.

DECOMMISSION ACTIVITY WILL BE TRIGGERED

The applicant wishes to **decommission** a 20 kilometer cableway in the Drakensberg which was built in 1974 and was in operation from 1979 until current.

Activity 8 of LN3:

The development and related operation of above ground cableways and funiculars.

Activity 20 of LN3.

The expansion and related operation of above ground cableways and funiculars where the development footprint will be increased.

Explanation	The development and expansion activity for above ground cableways and funiculars
	have an operational component within the relevant listed activities (expansion and
	related operation and development and related operation listed activities).
	Decommissioning of the facility will therefore trigger activity 31 of LN1.

4. Decommissioning of a development with operational component – development commenced in 1974 and was no longer in operation since February 2014.

	DECOMMISSION ACTIVITY WILL NOT BE TRIGGERED	
The applicant wishes to decommission a 20 kilometer cableway in the Magaliesberg which was built in 1974		
and was in operation f	rom 1979 until February 2014.	
Activity 8 of LN3:		
The development and	related operation of above ground cableways and funiculars.	
Activity 20 of LN3.	Activity 20 of LN3.	
The expansion and related operation of above ground cableways and funiculars where the development		
footprint will be increa	sed.	
Explanation	The development and expansion activity for above ground cableways and funiculars	
	have an operational component within the relevant listed activities (expansion and	
	related operation and development and related operation listed activities).	

Decommissioning of the facility will however not trigger activity 31 of LN1, as the activity was neither in operation nor was development still in progress on the effective date of the relevant listed activity (effected on 08 December 2014).

5. APPLICABLE ACTIVITIES

Below are the 30 activities in LN 1 that the decommissioning activity can be applicable to:

Listing Notice 1	L
Activity 2	The development and related operation of facilities or infrastructure for the generation of
	electricity from a non-renewable resource where-
	(i) the electricity output is more than 10 megawatts but less than 20 megawatts; or
	(ii) the output is 10 megawatts or less but the total extent of the facility covers an area in
	excess of 1 hectare.
Activity 3	The development and related operation of facilities or infrastructure for the slaughter of
	animals with a—
	(i) product throughput of poultry exceeding 50 poultry per day;
	(ii) product throughput of reptiles, game and red meat exceeding 6 units per day; or
	(iii) wet weight product throughput of fish, crustaceans or amphibians exceeding 20 000
	kg per annum.

Activity 4	The development and related operation of facilities or infrastructure for the concentration
	of animals in densities that exceed—
	(i) 20 square metres per large stock unit and more than 500 units per facility;
	(ii) 8 square meters per small stock unit and;
	a. more than 1 000 units per facility excluding pigs where (b) applies; or
	b. more than 250 pigs per facility excluding piglets that are not yet weaned;
	(iii) 30 square metres per crocodile and more than 20 crocodiles per facility;
	(iv) 3 square metres per rabbit and more than 500 rabbits per facility; or
	(v) 250 square metres per ostrich or emu and more than 50 ostriches or emus per
	facility.
Activity 5	The development and related operation of facilities or infrastructure for the concentration
Activity 5	of—
	(i) more than 1 000 poultry per facility situated within an urban area, excluding chicks
	younger than 20 days;
	(ii) more than 5 000 poultry per facility situated outside an urban area, excluding chicks
	younger than 20 days;
	(iii) more than 5000 chicks younger than 20 days per facility situated within an urban
	area; or
	(iv) more than 25000 chicks younger than 20 days per facility situated outside an urban
	area.
Activity 6	The development and related operation of facilities, infrastructure or structures for
-	aquaculture of—
	(i) finfish, crustaceans, reptiles or amphibians, where such facility, infrastructure or
	structures will have a production output exceeding 20 000 kg per annum (wet
	weight);
	(ii) molluscs and echinoderms, where such facility, infrastructure or structures will have
	a production output exceeding 30 000 kg per annum (wet weight); or
	(iii) aquatic plants, where such facility, infrastructure or structures will have a
	production output exceeding 60 000 kg per annum (wet weight);
	excluding where the development of such facilities, infrastructure or structures is for
	purposes of sea-based cage culture in which case activity 7 in this Notice applies.

Activity 7	The development and related operation of facilities, infrastructure or structures for
	aquaculture of sea-based cage culture of finfish, crustaceans, reptiles, amphibians,
	molluscs, echinoderms and aquatic plants, where the facility, infrastructure or structures
	will have a production output exceeding 50 000 kg per annum (wet weight).
Activity 8	The development and related operation of hatcheries or agri-industrial facilities outside
	industrial complexes where the development footprint covers an area of 2 000 square
	metres or more.
Activity 10	The development and related operation of infrastructure exceeding 1 000 metres in length
	for the bulk transportation of sewage, effluent, process water, waste water, return water,
	industrial discharge or slimes –
	(i) with an internal diameter of 0,36 metres or more; or
	(ii) with a peak throughput of 120 litres per second or more;
	excluding where—
	(a) such infrastructure is for the bulk transportation of sewage, effluent, process water,
	waste water, return water, industrial discharge or slimes inside a road reserve or
	railway line reserve; or
	(b) where such development will occur within an urban area.
Activity 14	The development and related operation of facilities or infrastructure, for the storage, or for
	the storage and handling, of a dangerous good, where such storage occurs in containers
	with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.
Activity 16	The development and related operation of facilities for the desalination of water with a
	design capacity to produce more than 100 cubic metres of treated water per day.
Activity 20	Any activity including the operation of that activity which requires a prospecting right in
	terms of section 16 of the Mineral and Petroleum Resources Development Act, 2002 (Act
	No. 28 of 2002), including—
	(a) associated infrastructure, structures and earthworks, directly related to prospecting of
	a mineral resource; or
	(b) the primary processing of a mineral resource including winning, extraction,
	classifying, concentrating, crushing, screening or washing;
	but excluding the secondary processing of a mineral resource, including the smelting,
	beneficiation, reduction, refining, calcining or gasification of the mineral resource in which
	case activity 6 in Listing Notice 2 applies.

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Activity 21	Any activity including the operation of that activity which requires a mining permit in terms
	of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28
	of 2002), including —
	(a) associated infrastructure, structures and earthworks, directly related to the extraction
	of a mineral resource ; or
	(b) the primary processing of a mineral resource including winning, extraction,
	classifying, concentrating, crushing, screening or washing;
	but excluding the secondary processing of a mineral resource, including the smelting,
	beneficiation, reduction, refining, calcining or gasification of the mineral resource in which
	case activity 6 in Listing Notice 2 applies.
Activity 25	The development and related operation of facilities or infrastructure for the treatment of
	effluent, wastewater or sewage with a daily throughput capacity of more than 2000 cubic
	metres but less than 15000 cubic metres.
Activity 33	The underground gasification of 300 kilograms or more coal per day, including any
	associated operation.
Activity 37	The expansion and related operation of facilities for the generation of electricity from a
	non-renewable resource where—
	(i) the electricity output will be increased by 10 megawatts or more, excluding where
	such expansion takes place on the original development footprint; or
	(ii) regardless the increased output of the facility, the development footprint will be
	expanded by 1 hectare or more.
Activity 38	The expansion and related operation of facilities for the slaughter of animals where the
	daily product throughput will be increased by more than—
	(i) 50 poultry;
	(ii) 6 units of reptiles, red meat and game; or
	(iii) 20 000 kg wet weight per annum of fish, crustaceans and amphibians.
Activity 39	The expansion and related operation of facilities for the concentration of animals in
	densities that will exceed—
	(i) 20 square metres per large stock unit, where the expansion will constitute more than
	500 additional units;
	(ii) 8 square meters per small stock unit, where the expansion will constitute more than;
	(a) 1 000 additional units per facility or more excluding pigs where (b) applies; or
	(b) 250 additional pigs, excluding piglets that are not yet weaned;
	(iii) 30 square metres per crocodile where the expansion will constitute an additional 20

	crocodiles or more;
	(iv) 3 square metres per rabbit where the expansion will constitute more than 500
	additional rabbits; or
	(v) 250 square metres per ostrich or emu where the expansion will constitute more than
	50 additional ostriches or emus.
Activity 40	The expansion and related operation of facilities for the concentration of poultry, excluding
	chicks younger than 20 days, where the capacity of the facility will be increased by—
	(i) more than 1 000 poultry where the facility is situated within an urban area; or
	(ii) more than 5 000 poultry per facility situated outside an urban area.
Activity 41	The expansion and related operation of facilities, infrastructure or structures for
	aquaculture of—
	(i) finfish, crustaceans, reptiles or amphibians, where the annual production output of
	such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or
	more;
	(ii) molluscs and echinoderms where the annual production output of such facility,
	infrastructure or structures will be increased by 30 000 kg (wet weight) or more; or
	(iii) aquatic plants where the annual production output of such facility, infrastructure or
	structures will be increased by 60 000 kg (wet weight) or more;
	excluding where the expansion of facilities, infrastructure or structures is for purposes of
	sea-based cage culture in which case activity 42 in this Notice will applies.
Activity 42	The expansion and related operation of facilities, infrastructure or structures for
	aquaculture of sea-based cage culture of finfish, crustaceans, reptiles, amphibians,
	molluscs, echinoderms and aquatic plants where the annual production output of such
	facility, infrastructure or structures will be increased by 50 000 kg (wet weight) or more.
Activity 43	The expansion and related operation of hatcheries or agri-industrial facilities outside
	industrial complexes, where the development footprint of the hatcheries or agri-industrial
	facilities will be increased by 2 000 square metres or more.
Activity 46	The expansion and related operation of infrastructure for the bulk transportation of
,	sewage, effluent, process water, waste water, return water, industrial discharge or slimes
	where the existing infrastructure—
	(i) has an internal diameter of 0,36 metres or more; or
	(a) where the facility or infrastructure is expanded by more than 1 000 metres in

	length; or
	(b) where the throughput capacity of the facility or infrastructure will be increased by
	10% or more;
	excluding where such expansion—
	(aa) relates to the bulk transportation of sewage, effluent, process water, waste water,
	return water, industrial discharge or slimes within a road reserve or railway line
	reserve; or
	(bb) will occur within an urban area.
Activity 51	The expansion and related operation of facilities for the storage, or storage and handling,
	of a dangerous good, where the capacity of such storage facility will be expanded by more
	than 80 cubic metres.
Activity 53	The expansion and related operation of facilities for the desalination of water where the
	design capacity will be expanded to produce an additional 100 cubic metres or more of
	treated water per day.
Activity 57	The expansion and related operation of facilities or infrastructure for the treatment of
	effluent, wastewater or sewage where the capacity will be increased by 15000 cubic metres
	or more per day and the development footprint will increase by 1000 square meters or
	more.
Activity 58	The increase of the amount of coal gasified underground, where any such increase exceeds
	300 kg per day, including any associated operation.
Activity 59	The expansion and related operation of facilities or infrastructure for the refining,
	extraction or processing of gas, oil or petroleum products where the installed capacity of
	the facility will be increased by 50 cubic metres or more per day, excluding facilities for the
	refining, extraction or processing of gas from landfill sites.
Activity 60	The expansion and related operation of facilities or infrastructure for the bulk
	transportation of dangerous goods—
	(i) in gas form, outside an industrial complex, by an increased throughput capacity of 700
	tons or more per day;
	(ii) in liquid form, outside an industrial complex or zone, by an increased throughput
	capacity of 50 cubic metres or more per day; or
	(iii) in solid form, outside an industrial complex or zone, by an increased throughput
	capacity of 50 tons or more per day.

Activity 65	The expansion and related operation of—
	(i) an anchored platform; or
	(ii) any other structure or infrastructure;
	on or along the sea bed, where the expansion will constitute an increased development
	footprint, excluding expansion of facilities, infrastructure or structures for aquaculture
	purposes.
Activity 67	(Phased Activity, only where an operational component applies as per the development and
	expansion listed activities).

Below are the 11 activities in LN2 that the decommissioning activity can be applicable to:

Listing Notice	2
Activity 2	
Activity 2	The development and related operation of facilities or infrastructure for the generation of
	electricity from a non-renewable resource where the electricity output is 20 megawatts or
	more.
Activity 3	The development and related operation of facilities or infrastructure for nuclear reaction
	including energy generation, the production, enrichment, processing, reprocessing, storage
	or disposal of nuclear fuels, radioactive products, nuclear waste or radioactive waste.
Activity 4	The development and related operation of facilities or infrastructure, for the storage, or
	storage and handling of a dangerous good, where such storage occurs in containers with a
	combined capacity of more than 500 cubic metres.
Activity 5	The development and related operation of facilities or infrastructure for the processing of a
	petroleum resource, including the beneficiation or refining of gas, oil or petroleum
	products with an installed capacity of 50 cubic metres or more per day, excluding_activities
	which are included in the list of waste management activities published in terms of section
	19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in
	which case the National Environmental Management: Waste Act, 2008 applies.
Activity 7	The development and related operation of facilities or infrastructure for the bulk
	transportation of dangerous goods-
	(i) in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in
	length, with a throughput capacity of more than 700 tons per day;

	(ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1000 metres
	in length, with a throughput capacity of more than 50 cubic metres per day; or
	(iii) in solid form, outside an industrial complex, using funiculars or conveyors with a
	throughput capacity of more than 50 tons per day.
Activity 14	The development and related operation of—
	(i)
	(ii) anchored platform; or
	(iii) any other structure or infrastructure —
	on, below or along the sea bed;
	excluding —
	a) development of facilities, infrastructure or structures for aquaculture purposes; or
	b) the development of temporary structures or infrastructure where such structures will
	be removed within 6 weeks of the commencement of development and where coral
	or indigenous vegetation will not be cleared.
Activity 17	Any activity including the operation of that activity which requires a mining right as
	contemplated in section 22 of the Mineral and Petroleum Resources Development Act,
	2002 (Act No. 28 of 2002), including—
	(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource; or
	(b) the primary processing of a mineral resource including winning, extraction,
	classifying, concentrating, crushing, screening or washing;
	but excluding the secondary processing of a mineral resource, including the smelting,
	beneficiation, reduction, refining, calcining or gasification of the mineral resource in which
	case activity 6 in this Notice applies.
Activity 18	Any activity including the operation of that activity which requires an exploration right as
	contemplated in section 79 of the Mineral and Petroleum Resources Development Act,
	2002 (Act No. 28 of 2002), including —
	(a) associated infrastructure, structures and earthworks; or
	(b) the primary processing of a petroleum resource including winning, extraction,
	classifying, concentrating or water removal;
	but excluding the secondary processing of a petroleum resource, including the

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	beneficiation or refining of gas, oil or petroleum products in which case activity 5 in this
	Notice applies.
Activity 20	Any activity including the operation of that activity which requires a production right as
	contemplated in section 83 of the Mineral and Petroleum Resources Development Act,
	2002 (Act No. 28 of 2002), including —
	(a) associated infrastructure, structures and earthworks; or
	(b) the primary processing of a petroleum resource including winning, extraction,
	classifying, concentrating or water removal;
	but excluding the secondary processing of a petroleum resource, including the
	beneficiation or refining of gas, oil or petroleum products in which case activity 5 in this
	Notice applies.
Activity 25	The development and related operation of facilities or infrastructure for the treatment of
	effluent, wastewater or sewage with a daily throughput capacity of 15000 cubic metres or
	more.
Activity 29	The expansion and related operation of facilities for nuclear reaction including energy
	generation, the production, enrichment, processing, reprocessing, storage or disposal of
	nuclear fuels, radioactive products, nuclear waste or radioactive waste.

Below are the 9 activities in LN3 that the decommissioning activity can be applicable to (subject to the applicable LN3 specified geographic area):

Listing Notice 3	
Activity 8	The development and related operation of above ground cableways and funiculars.
Activity 9	The development and related operation of zip- lines or foefie-slides exceeding 100 metres in length.
Activity 10	The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.
Activity 13	The development and related operation of facilities of any size for any form of aquaculture.

Activity 20	The expansion and related operation of above ground cableways and funiculars where the development footprint will be increased.
Activity 22	The expansion and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage facilities or infrastructure will be expanded by 30 cubic metres or more but no more than 80 cubic metres.
Activity 24	The expansion and related operation of facilities of any size for any form of aquaculture.
Activity 25	The expansion and related operation of zip- lines or foefie-slides, where the zip- line or foefie-slide is expanded by 100 metres in length or more.
Activity 26	(Phased Activity, only where an operational component applies as per the development and expansion listed activities).

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