

6 December 2012

Dear Madam/Sir

APPLICATION FOR ENVIRONMENTAL AUTHORIZATION: PROPOSED RETROFIT OF THE EXISTING ELECTROSTATIC PRECIPITATOR WITH FABRIC FILTER BAGS AT GROOTVLEI POWER STATION UNIT 2,3 AND 4, DIPALESENG LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

Please be advised that the National Department of Environment Affairs (DEA) has issued an Environmental Authorisation (EA) for the above project, subject to certain conditions. The relevant environmental department has evaluated and approved the Environmental Impact Report submitted in August 2012. In terms of this EA, DEA has granted authorisation in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, subject to the conditions listed in the EA. This authorisation is for the following activities:

Relevant Act and/or Government Notice	Activity No (s) (in terms of the relevant or notice) :	Description of each listed activity:
NEMA - GN. R. 544	28	The expansion of existing facilities for any process or activity where such expansion will result in the need of a permit or licence in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is 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 that Act will apply.

LIDWALA CONSULTING ENGINEERS (SA) (PTY) LTD
2002/019053/07

Tel: 0861 LIDWALA/ 0861 543 9252
Intl: +27 11 793 5486
Fax: 0865 005 574
11 Kerk Avenue, Ruitershof, Randburg, 2194
PO Box 4221, Northcliff, 2115
Email: info@lidwala.com
Web: www.lidwala.com
Divisions: Civil & Structural - Electrical - Environmental - GIS - Laboratory
Branches: **Randburg** | Nelspruit | Polokwane | Bloemfontein | Kimberley | Rustenburg | Gaborone

Directors:
W. Tendaupenyu PrEng BSc(Eng)(Hons) MPhil(Eng) | Managing Director
J.S. Coetsee PrEng BEng(Hons)(Civil)
A.M.A. Raspi PrTech(Eng) MDip Tech
M. Prinsloo PrTech(Eng) PrCM NDip[Analytical Chemistry] MBA
M.K.T. Chauke PrEng BscEng (Electrical)

A copy of the EA from DEA outlining the conditions of approval for construction is attached for your review (see Appendix B).

In terms of the Environmental Impact Assessment Regulations (No. R 543 of June 2010), any person wishing to appeal against this environmental authorisation must lodge a notice of intention with the Member of the Executive Council (MEC) Ministry of Water and Environment Affairs. A notice of intent can be submitted utilising one of the following methods:

- By Facsimile: 012 320 7561
- By Post: Private Bag X 447, Pretoria, 0001 or
- By hand: 2nd Floor, Fedsure Building 4, North Tower, Cnr Lilian Ngoyi (Van der Walt) and Pretorius Streets, Pretoria

Appeals must comply with the provisions of Chapter 7 of Government Notice No R. 543 which states the following:

1. A Notice of Intent to Appeal must be lodged with the Minister within 10 (ten) days after a person has been notified in terms of the regulations.
2. In terms of Point 1, according to Rule 9 of the Magistrates' Courts Act (No 32 of 1944) a notification (when posted) is deemed effective four days after the postmarked date of such a notice.
3. An appeal must be submitted to the relevant department within **20 days** after the date of the decision **60 (1)**.
4. An appeal (as mentioned in Point 3) must be submitted on an official form published by or obtainable from the relevant department and set out all the facts, as well as the grounds of appeal, and must be accompanied by all relevant documents or certified copies of documents.
5. The prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the MEC's office.

The relevant extracts from Chapter 7 of the Regulations are included in Appendix A for your information.

The MEC shall after considering the relevant facts and supporting documents received during the appeal process:

- Uphold the original decision; or
- Uphold the original decision with modifications; or
- Reverse the original decision.

Please note that no correspondence should be sent to Lidwala Consulting Engineers (SA) (Pty) Ltd or Eskom Holdings SOC Limited.

Kind Regards



Ashlea Strong

APPENDIX A: APPEALS

An extract from the Environmental Impact Assessment Regulations (No. R. 543 of June 2010):

Chapter 7 – Appeals

Application of this chapter:

- 60.** (1) This chapter applies to decisions that –
- (a) are subject to an appeal to the Minister or MEC in terms of section 43 (1) or (2) of the Act; and
 - (b) were taken by an organ of states acting under delegation in terms of section 42 or 42 (a) of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.
- (2) No appeal in terms of this Chapter lies against decision taken by the Minister or MEC themselves in the capacity as the competent authority for the activity to which the decision relates.

Jurisdiction of Minister and MEC to decide appeals:

- 61.** An appeal against a decision must be lodged with –
- (a) the Minister, if the Minister is the competent authority for the activity in relation to which the decision was taken;
 - (b) the MEC, if the MEC is the competent authority for the activity in relation to which the decision was taken or
 - (c) the delegated organ of state, where relevant.

Notices of intention to appeal:

- 62.** (1) A person affected by a decision referred to in regulation 60(1) who wishes to appeal against the decision, must lodge a notice of intention to appeal with the Minister, MEC or delegated organ of state, as the case may be, within 10 days after that person has been notified in terms of these regulations of the decision.
- (3) If the appellant is a person other than an applicant, the appellant must serve on the applicant –
- (a) a copy of the notice referred to sub-regulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant

Submission of appeals:

- 63.** (1) 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 in the relevant province or
 - (c) the delegated organ of state, where relevant, must be submitted to that delegated organ of state.
- (2) An appeal must be –
- (a) on an official form published by or obtainable from the relevant department; and
 - (b) accompanied by –
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the Minister, MEC or delegated organ of state;
 - (iii) a statement by the appellant that regulation 62 (2) or (3) has been compiled with together with copies of the notices referred to in that regulation; and
 - (iv) the prescribed appeal fee, if any.
- (3) When submitting an appeal, the appellant must take into account any guidelines applicable to appeals.

Time within which appeals must be lodged:

- 64.** (1) An appeal must be submitted to the relevant department within 30 days of the lodging of the notice of intention to appeal to in regulation 62 (1).
- (2) The Minister, MEC or delegated organ of state, as the case may be, in writing, on good cause extend the period within which an appeal must be submitted.