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25 October 2007

Dear Interested and Affected Party

ENVIRONMENTAL AUTHORISATION: ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED PUMPED STORAGE POWER GENERATION FACILITY IN THE STEELPOORT AREA, LIMPOPO AND MPUMALANGA PROVINCES (REF: 12/12/20/858)

Please be advised that the National Department of Environmental Affairs and Tourism (DEAT) have issued an Environmental Authorisation for the above project, subject to certain conditions. The relevant environmental department has evaluated and approved the Environmental Impact Report submitted in June 2007. In terms of this Environmental Authorisation, DEAT have granted authorisation in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, subject to the conditions listed in the Environmental Authorisation. This authorisation is for the following activities:

Government Notice R386 Activity No(s):	
1 (m)	The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including canals; channels; bridges; dams; and weirs.
1 (n)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic meters or more, unless storage falls within the ambit of the activity listed in item 6 of Government Notice No. R.387 of 2006.
1 (o)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20 cubic metres or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days.
1 (p)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the temporary storage of hazardous waste.
4	The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

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5	The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea.
7	The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.
8	Reconnaissance, prospecting, mining or retention operations as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002).
9	In relation to permissions, rights, permits and renewals granted in terms of 8 above, or any other similar right granted in terms of previous mineral or mining legislation, the undertaking of any prospecting or mining related activating or operation within a prospecting, retention or mining area, as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
12	The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
14	The construction of any masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding – (a) masts of 15 meters and lower exclusively used (i) by radio amateurs; or (ii) for lighting purposes (b) flag poles; and (c) lightning conductor poles.
15	The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.
17	Phased activities where any one phase of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.
Government Notice R387 Activity No(s):	
1 (a)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where – i. the electricity output is 20 megawatts or more; or ii. the elements of the facility cover a combined area in excess of 1 hectare.
1 (g)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the use, recycling, handling, treatment, storage or final disposal of hazardous waste.
1 (h)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the manufacturing, storage or testing of explosives, including ammunition, but excluding licensed retail outlets and the legal end use of such explosives.
1 (n)	The construction of facilities or infrastructure, including

	associated structures or infrastructure, for the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more; unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No. R. 387 of 2006.
2	Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.
6	The construction of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 meters or higher or where the high water mark of the dam covers an area of 10 hectares or more.

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

In terms of Regulation 62(1) of the Environmental Impact Assessment Regulations (No. R385 of July 2006), any person wishing to appeal against this environmental authorisation must lodge a notice of intention to the Minister of Environmental Affairs and Tourism. A notice of intent can be submitted utilising one of the following methods:

- By Facsimile: 012 310 3688
- By Post: Private Bag X447, Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Forum Building, North Tower, Corner of Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Chapter 7 of Government Notice No R. 385 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. Therefore, notification of intent must be lodged by the **08 November 2007** and delivered by hand, post or fax to one of the above.
3. An appeal must be submitted to the relevant department within **30 days** of the lodging of the notice of intention to appeal referred to in regulation **62** (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:

- Mr PKM Retief (Appeals Administrator), Tel: 012 310 3705, email: pretief@deat.gov.za.
- Mr H Grové (Appeals Administrator), Tel: 012 310 3070, email: hgrové@deat.gov.za.

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

The Minister 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 Bohlweki Environmental or Eskom Holdings (Pty) Ltd.

Kind Regards



Prashika Reddy

Bohlweki Environmental

Appendix A: Appeals

An extract from the Environmental Impact Assessment Regulations (No. R. 385 of July 2006):

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), (2) or (3) 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.