



27 January 2009
DEAT ref: 12/12/20/695
Our ref: SE107

Dear Stakeholder,

AMENDMENT OF THE RECORD OF DECISION FOR MEDUPI POWER STATION: REMOVAL OF REQUIREMENT FOR AMBIENT MONITORING OF CARBON MONOXIDE

NOTIFICATION OF GRANTING OF AMENDMENT FOR THE RECORD OF DECISION BY DEAT FOR PROJECT REFERENCE 12/12/20/695

The Record of Decision for Medupi Power Station (project reference 12/12/20/695: Construction of the proposed Eskom Generation 4 800 MW coal fired power station near Lephalale) has reference.

Eskom Holdings Limited submitted an application for amendment of their authorisation to the National Department of Environmental Affairs and Tourism (DEAT Ref No. 12/12/20/695) in May 2008. This application for amendment of the authorisation was pertaining to the requirement for ambient monitoring of carbon monoxide emissions from the power station. This application was based on the fact that CO concentrations in flue gas streams from Eskom's coal-fired power stations are known to be extremely low, and the contribution of power stations to ambient CO concentrations is considered to be negligible. CO is not monitored at any power stations in Eskom's ambient air quality monitoring network for these reasons. The request and rationale for the amendment was provided in a report submitted to DEAT.

As a registered interested and affected party on the Medupi Power Station EIA project database, you are duly notified that the Department has decided to grant Eskom Holdings Ltd an amendment to the authorisation for the project (in terms of the powers vested in it by Regulation 43 of the Environmental Impact Assessment Regulations). The amendment to the authorisation issued by DEAT is attached to this letter of notification, and must be read in conjunction with the Record of Decision for project reference 12/12/20/695 dated 21 September 2006.

UNIT G8, PINWOOD SQUARE, PINWOOD OFFICE PARK, 33 RILEY ROAD, WOODMEAD, GAUTENG
PO BOX 148, SUNNINGHILL, 2157, GAUTENG
TEL: +27 (0)11 234 6621 • FAX: +27 (0)86 684 0547 • E-MAIL: JOANNE@SAVANNAHSA.COM
WWW.SAVANNAHSA.COM

DIRECTORS: M MATSABU • KM JODAS • J THOMAS
COMPANY REGISTRATION NO.: 2006/000127/07
VAT REGISTRATION NO.: 4780226736

As an interested and affected party, your attention is drawn to Chapter 7 of the EIA Regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision by DEAT, you must lodge a notice of intention with the Minister within ten (10) days of receiving notice of the decision (i.e. 26 January 2009). A copy of the official appeal form can be obtained from the following persons at the Department:

1. Mr PKM Retief, Appeals Administrator, Tel 012 310 3705, pretief@deat.gov.za; or
2. Mr H Grovè, Appeals Administrator, Tel 012 310 3070, hgrove@deat.gov.za

A copy of the simplified appeals procedure is attached to this letter for your easy reference.

Kind regards

Jo-Anne Thomas

Attached: Copy of the amendment to the Environmental Authorisation



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedura Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Ref: 12/12/20/695

Tel: (012) 310 3087 **Fax:** (012) 320 7539 **e-mail:** lgrobbelaar@deat.gov.za

Enquiries: Ms Lenè Grobbelaar

Ms Deidre Herbst
Eskom Holdings Limited: Generation Division
PO Box 1091
JOHANNESBURG
2000

Fax: (011) 800 3501

Dear Ms Herbst

REQUEST FOR AMENDMENT OF RECORD OF DECISION FOR THE MEDUPI POWER STATION NEAR LEPHALALE TO REMOVE THE REQUIREMENT FOR CARBON MONOXIDE MONITORING.

With reference to the abovementioned application, the Department, in terms of powers vested in it by Regulation 43 of the Environmental Impact regulations, 2006, has decided to amend the Record of Decision dated 21 September 2006 for Medupi power station condition 3.2.1.1, by removing the requirement for monitoring of the ambient carbon monoxide levels in the Marapong Township.

This amendment authorisation must be read in conjunction with the ROD dated 21 September 2006 project reference 12/12/20/695, condition 3.2.1.1.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the lodging of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

A copy of the official appeal form can be obtained from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za; or
Mr H Grovè, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 320 7561;
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered IAPs as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

Please further note that the Minister may, on receipt of appeals against the amendment authorisation or conditions thereof suspend the amendment authorisation pending the outcome of the appeals procedure.

Yours sincerely



Ms Nosipho Ngcaba
Director – General
Department of Environmental Affairs and Tourism
Letter signed by: L. McCourt
Designation: Chief-Director, Environmental Impact Management

Date: 26/1/07

CC: Ms Jo-Anne Thomas Savannah Environmental Fax: 086 684 0547

Copy to: Mr Herman Grove DEAT

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. 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
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from: See Authorisation Cover Letter