



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA 0001· Environment House 473 Steve Biko Road, Arcadia· PRETORIA

DEA Reference: 14/12/16/3/3/53/AM5

Enquiries: Ms Masina Litsoane

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Ms Deidre Herbst
Eskom Holding SOC Limited
Megawatt Park
P.O. Box 1091
JOHANNESBURG
2000

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E-mail: HerbstDL@eskom.co.za

PER E-MAIL / MAIL

Dear Ms Herbst

APPLICATION FOR AMENDMENT OF THE DESIGNS APPROVAL ISSUED ON 16 OCTOBER 2017 FOR THE ESKOM MAJUBA POWER STATION CONTINUOUS ASH DISPOSAL FACILITY IN THE MPUMALANGA PROVINCE

The designs approval issued for the abovementioned application by this Department on 16 October 2017, your application for amendment of the designs approval received by the Department on 07 July 2020 and the acknowledgement of the application dated 16 July 2020, refer.

Based on a review of the reason for requesting an amendment to the above, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the designs approval dated 16 October 2017 as follows:

Amendment 1: the amendment of approval title written as:

"Concept design report approval for proposed continuous disposal of ash at Majuba Power Station ash disposal facility Mpumalanga Province"

Is hereby amended to:

Detail design (report and drawings) approval for proposed continuous disposal of ash at Majuba Power Station ash disposal facility Mpumalanga Province.

Amendment 2: the amendment of designs report description on page 1 of the designs approval:

The report described as "conceptual designs" dated November 2016 on page 1 is hereby amended to refer to the report as "Detailed designs".

The applicant applied to correct the typo on the approval of designs dated 16 October 2017. The design approval typo causes confusion for the project construction as it reads to refer to "concept approval" and not detail design,

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which means construction still has to wait for the detail design approval while this was already completed and submitted to the Department; and approved by the Department.

This proposed amendment letter must be read in conjunction with the designs approval dated 16 October 2017. In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries

Date: 24/09/2020