



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 12/12/20/2412/AM3
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Mr Avin Maharaj
Eskom Holdings SOC Ltd (Kusile Power Station)
Private Bag X7297
EMALAHLENI
1035

Tel No: 011 699 3084
Email: MaharaAH@eskom.co.za

PER E-MAIL / MAIL

Dear Mr Maharaj

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 17 JULY 2015 FOR THE CONSTRUCTION OF A 60YR ASH DISPOSAL FACILITY AT KUSILE COAL-FIRED POWER STATION IN THE MPUMALANGA PROVINCE

The Environmental Authorisation (EA) issued by the Department on 17 July 2015, the application form for amendment of environmental authorisation dated 12 March 2020 and received by the Department on 13 March 2020 and the Department's acknowledgement of receipt of the EA amendment application form on 25 March 2020 for the above-mentioned project, refers.

In your EA amendment application, it is indicated that Eskom Holdings SOC Ltd (the applicant) is requesting an extension of the validity period of the EA issued on 17 July 2015. The reason for the EA amendment is that there has been a delay in obtaining the Water Use Licence for which final detail designs were submitted on 08 April 2019.

In light of the above, and based on the information provided by you, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend and grant your request to extend the validity period of the EA by a period of **three (03) years** from the date of expiry of the EA issued on 17 July 2015 as amended (i.e. the EA lapses on 17 July 2023). The extension of the validity period is granted under the condition that:

- The applicant must submit proof of work undertaken on a quarterly basis effective from the date of issue of this amendment.
- Failure to submit such documents will result in the Department not extending the EA validity period going forward.

If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order to undertake the activities.

This letter must be read in conjunction with the EA dated 17 July 2015, as amended.

MS

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the 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 amendment, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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.

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 Road,
Arcadia,
Pretoria, or

By post: Private Bag X447,
Pretoria,
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the amendment to 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 Environmental Affairs
Date: 08/06/2020

cc:	Ms M Mudzielwana	Eskom Holdings SOC Ltd (Kusile Power Station)	Email: MudzieM@eskom.co.za
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