



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

348-10034808

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Reference: 12/12/20/1139

Enquiries: Mpho Shandukani

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Ms Deidre Herbst
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2000

Tel: (011) 800 3501
Fax: (011) 800 2559

PER FACSIMILE / MAIL

Dear Ms Herbst

APPLICATION FOR AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 OCTOBER 2008 FOR THE PROPOSED CONSTRUCTION OF A RAW WATER RESERVOIR AND ASSOCIATED PIPELINES FOR MEDUPI POWER STATION, NEAR LAPHALALE, LIMPOPO PROVINCE

With reference to the abovementioned application, please be advised that the Department in terms of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the environmental authorisation to allow the deviation of a section of the approved raw water pipeline alignment from the approved alignment to an alignment 350 metres (m) north of the initial alignment.

With regard to the increase in the water storage capacity of the reservoir with the potential to double the original capacity of 400 000 m³ through deepening of the reservoir, the applicant is advised to ensure that the doubling of the capacity is within the requirements of the existing Water Use Licence obtained from the Department of Water Affairs prior to the commencement of the construction.

This amendment must be read in conjunction with the Environmental Authorisation dated 27 October 2008.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 7 (seven) 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 submission 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 interested and affected parties.

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

Mr T Zwane
Senior Appeals Administrator
Tel: 012 310 3929
tzwane@environment.gov.za; or

Ms M Serite
Appeals Administrator
Tel: 012 310 3788
mserite@environment.gov.za

at the Department.

Should any party, including you, wish to appeal any aspect of the decision, they / 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 Building, North Tower, Cnr. Van der Walt and Pretorius Streets, Pretoria.

You (applicant) must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (Attention: Director, Environmental Impact Evaluation) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activity / ies shall not commence within thirty (30) days of the date of signature of the authorisation. Further, please note that the minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully


Ms Lize McCourt
CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT
Department of Environmental Affairs

Date: 4/8/2010

cc: Ms. Karen Jodas

Savannah Environmental (Pty) Ltd

Fax: (086) 684 0547

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 of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - c) 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;
 - d) the delegated organ of state where relevant.

2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
 - c) the MEC must be submitted to the provincial department responsible for environmental affairs;
 - d) 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.