



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

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National Air Quality Officer
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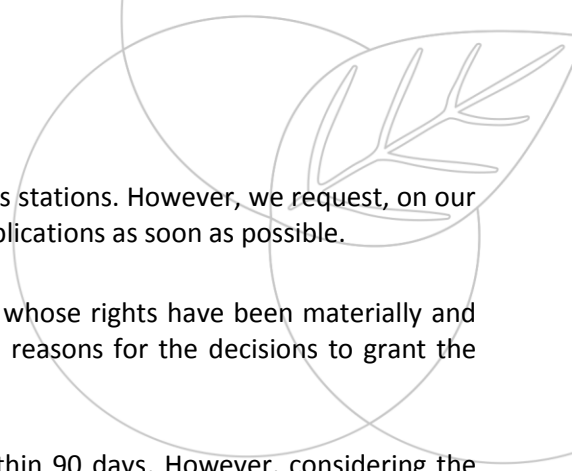
Our ref: CER/RH
2 March 2015

Dear Dr Mdluli

DECISION ON APPLICATIONS FOR POSTPONEMENT OF COMPLIANCE TIME-FRAMES FOR MINIMUM AIR QUALITY EMISSION STANDARDS: REQUEST FOR COPIES OF DECISIONS, AND REQUEST FOR REASONS IN TERMS OF S5 OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT, 2000

1. We address you on behalf of groundWork, Earthlife Africa Johannesburg, the Vaal Environmental Justice Alliance, Greenpeace Africa, the South Durban Community Environmental Alliance, the Federation for a Sustainable Environment and the following community groups: the Highveld Environmental Justice Network; Middelburg Environmental Justice Network; Greater Middelburg Residents' Association; Guqa Community Service Centre; Southern Africa Green Revolutionary Council; Greater Delmas Civic Movement; and Schoongesicht Community Movement. Our clients are environmental and environmental justice non-governmental organisations concerned about the realisation of environmental rights, as well as community groups made up of members who are impacted by industrial atmospheric emissions, including those from coal-fired power stations and refineries.
2. Many of our clients were also interested and affected parties opposing applications for postponement from the compliance time-frames for the minimum emission standards (MES) published in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (AQA) ("the postponement applications").
3. We refer to your decisions presented at a media briefing in Parliament on 24 February 2015 on the postponement applications made by 35 facilities. The purpose of this letter is to request: copies of your decisions on the postponement applications; and written reasons therefor in accordance with s5 of the Promotion of Administrative Justice Act, 2000 (PAJA).
4. Your decisions on the postponement applications materially and adversely affect our clients' rights in terms of section 24 of the Constitution of the Republic of South Africa, 1996; in particular, their rights to: an environment not harmful to health or wellbeing; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures.

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5. Eskom has provided us with copies of the 16 decisions relating to Eskom's stations. However, we request, on our clients' behalf, copies of the other 19 decisions on the postponement applications as soon as possible.
 6. In terms of section 5 of PAJA, we also request, on behalf of our clients whose rights have been materially and adversely affected by the decisions, that you provide adequate written reasons for the decisions to grant the postponement applications.
 7. We are aware that PAJA only requires you to provide such reasons within 90 days. However, considering the harmful health impacts of these atmospheric emissions – as highlighted, *inter alia*, in our submissions and Greenpeace Africa's submissions opposing Eskom's applications, as well as the Legal Resources Centre's submissions opposing Sasol and Natref's applications, as well as the fact that the decisions, for all intents and purposes, take effect on 1 April 2015, less than a month from date hereof – we are instructed to request that you provide these written reasons as soon as you are able to do so.
 8. We look forward to your response.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per:



Robyn Hugo

Attorney

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