



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Honourable Minister Mokonyane

Minister of Environmental Affairs

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5 March 2019

Dear Minister Mokonyane

URGENT FOLLOW UP ON REQUEST FOR URGENT WITHDRAWAL OF THE PROVISION IN THE LIST OF ACTIVITIES REGARDING THE WEAKENING OF THE SULPHUR DIOXIDE NEW PLANT MINIMUM EMISSION STANDARDS FOR EXISTING PLANTS

1. We address you on behalf of the Life After Coal/Impilo Ngaphandle Kwamalahle Campaign (made up of the Centre for Environmental Rights (CER), groundWork (gW) and Earthlife Africa (ELA)), the Khuthala Environmental Care Group, the Vukani Environmental Movement, and the Vaal Environmental Justice Alliance.
2. We refer to our correspondence to you dated 23 November 2018, as well as to our correspondence dated 8 November 2018 to Minister Hanekom, a copy of which was sent on your office on 23 November 2018.

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3. In the correspondence, we requested that the new plant sulphur dioxide minimum emission standards (MES) for existing plants (item 6 of the 31 October 2018 amendment to the List of Activities)¹ which was amended without following the legally-prescribed public participation procedure, be withdrawn by 10 December 2018; failing which, High Court litigation would be launched to review and set aside this amendment.
4. On 7 December 2018, the Department requested an extension of time to respond by 18 December 2018, to which we agreed. On 18 December 2018, the Department requested an extension of time to respond by 14 January 2019, to which we agreed. In response to our follow-up enquiry on 14 January 2019, the Department asked to respond by 31 January 2019, to which we once again agreed. To date, and despite numerous subsequent follow-up correspondence, no response to our request has been received from the Minister.
5. As a result, in a final attempt to avoid litigation in this matter, we again call upon the Minister to withdraw item 6 of the 31 October 2018 amendment to the List of Activities. Should this not be done by **12 March 2019**, we will have no option but to institute review proceedings and seek an appropriate costs order.
6. We await your urgent response.
7. Our clients' rights remain fully reserved.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

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¹ Government Notice 1207 in Government Gazette No 42013 of 31 October 2018.