

**FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18 (1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

**[Regulation 2]**

<b>FOR DEPARTMENTAL USE</b>	
	Reference number: _____
Request received by: _____	
(state rank, name and surname of information officer/deputy information officer) on	
_____ (date) at _____ (place).	
Request fee (if any):	R.....
Deposit fee (if any):	R.....
Access fee:	R.....
	_____
	SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

**Information Officers:**

**Mr Eddie Laubscher**

National Deputy Information Officer

Eskom Holdings SOC Limited

By email: [eddie.laubscher@eskom.co.za](mailto:eddie.laubscher@eskom.co.za);

[paia@eskom.co.za](mailto:paia@eskom.co.za)

Copy to:

**Deidre Herbst**

Environmental Manager  
Eskom Holdings SOC Limited  
By email: [HerbstDL@eskom.co.za](mailto:HerbstDL@eskom.co.za)

**Bryan McCourt**

Acting Manager: Air Quality  
Eskom Holdings SOC Limited  
By email: [mccourba@eskom.co.za](mailto:mccourba@eskom.co.za)

**B. Particulars of person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic to which information must be sent*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

**Organisation name:** Centre for Environmental Rights

**Registration number:** 2009/020736/08

**Postal address:** Springtime Studios, 1 Scott Road, Observatory, 7925

**Fax number:** 0867309098

**Telephone number:** 021 447 1647

**E-Mail Address:** [rnaidoo@cer.org.za](mailto:rnaidoo@cer.org.za);

[tlloyd@cer.org.za](mailto:tlloyd@cer.org.za)

Capacity in which request is made, when made on behalf of another person: N/A

**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname:

Identity number:

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. *Description of record or relevant part of the record:*

- A. In an official media statement from the Department of Environment, Forestry and Fisheries (the “Department”), dated 21 December 2019, titled “Environment, Forestry and Fisheries on on [sic] compliance notice issued to Kendall [sic] Power Station management” (“the Media Statement”), it was reported that the Green Scorpions had issued a compliance notice to the management of Eskom’s Kendal power station requiring a maintenance plan to be submitted by 12 January 2020. We understand from subsequent communication with Eskom representatives, which has also been confirmed in the media, that it had applied to vary the compliance notice and that it had obtained an extension from the Department to submit the maintenance plan by 31 January 2020.

In the light of the above, the following documents are requested:

- I. A copy of the compliance notice issued by the Green Scorpions, in terms of section 31L of the National Environmental Management Act, 1998, to Eskom management at Kendal power station on or about 21 December 2019.
- II. A copy of the maintenance plan which should have been submitted by Eskom management at Kendal power station by the extended deadline of 31 January 2020.
- III. Objections to the compliance notice lodged by Eskom management at Kendal power station and the Department’s response to such objections.
- IV. All other correspondence exchanged between Eskom management and the Department in relation to this compliance monitoring and enforcement action; including – but not limited to – the following:
  - a. Eskom’s application to vary the compliance notice;
  - b. the Department’s response to this application;
  - c. any representations made by Eskom purporting to show good cause for an extension of time to submit the maintenance plan; and
  - d. the Department’s response to this request for an extension of time.
- V. A copy of Eskom’s 18-month maintenance plan for its power generation fleet in line with the manufacturer guidelines.

**VI. Copies of the latest decommissioning schedule, related assessments and plans for each of Eskom's coal-fired power stations.**

**REFERENCE**

<https://www.gov.za/speeches/environment-forestry-and-fisheries-compliance-notice-issued-kendall-power-station>;

<http://www.engineeringnews.co.za/article/green-scorpions-deadline-looms-for-eskoms-emissions-breaching-kendal-power-station-2020-01-15>;

<https://www.moneyweb.co.za/news/south-africa/the-road-to-a-brighter-future-for-eskom-will-be-structured-and-deliberate/>

2. Reference number, if available:
  
3. Any further particulars of record:

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) You will be notified of the amount required to be paid as the request fee.*
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability: \_\_\_\_\_  
\_\_\_\_\_

Form in which record is required: \_\_\_\_\_  
\_\_\_\_\_

Mark the appropriate box with an "X".

**NOTES:**

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in printed form:**

<b>X</b>	Copy of record*		Inspection of record
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**2. If record consists of visual images:**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc).

	view the images	<b>X</b>	copy of the images*		transcription of the images*
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**3. If record consists of recorded words or information which can be reproduced in sound:**

<b>X</b>	Listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
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**4. If record is held on computer or in an electronic or machine – readable form:**

<b>X</b>	Printed copy of record*		Printed copy derived from the record*	<b>X</b>	copy in computer readable form*(stiffy or compact disc)
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	YES	NO
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	<b>X</b>	
<b>A postal fee is payable.</b>		

*Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.*

In which language would you prefer the record? **English**

**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? **By email per the addresses provide above.**

Signed at JOHANNESBURG on 3 February 2020.



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**SIGNATURE OF REQUESTER**

**TIMOTHY LLOYD**

**ATTORNEY: POLLUTION & CLIMATE CHANGE**

**CENTRE FOR ENVIRONMENTAL RIGHTS**