



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Honourable Ms Barbara Creecy

Minister of Environment, Forestry and Fisheries

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12 May 2020

Dear Minister Creecy

DEADLINE EXTENSION - REQUEST FOR REASONS FOR THE AMENDMENT OF SUBCATEGORY 1.1: SOLID FUEL COMBUSTION INSTALLATIONS IN THE LISTED ACTIVITIES AND ASSOCIATED MINIMUM EMISSION STANDARDS

1. We address you on behalf of our clients, groundWork and Earthlife Africa NPC.
2. We refer to our letter, dated 3 April 2020, requesting written reasons for your decision to amend the Listed Activities¹ published under Government Notice No. 421, Gazette No. 43174, on 27 March 2020, which weakens the new plant MES for sulphur dioxide (SO₂) for existing solid-fuel combustion installations.
3. In the 3 April 2020 letter, we noted the content of – and attached – the media statement issued by the Department of Environment, Forestry and Fisheries (the “Department”), titled “*Cabinet approves amendment of sulphur dioxide minimum emission standards for coal combustion installations – mainly power generation existing plants*”.

¹ The list of activities which result in atmospheric emissions, which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage, published under Government Notice No. 893, GG No. 37054 on 22 November 2013, and amended by Government Notice No. 551 published in GG No. 38863 of 12 June 2015, Government Notice No. 1207, published in GG No. 42013 of 31 October 2018 and Government Notice No. 687, published in GG No. 42472 of 22 May 2019.

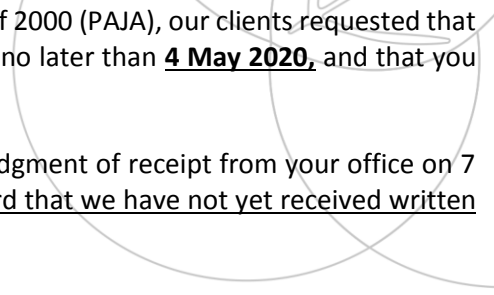
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4. In terms of section 5(1) of the Promotion of Administrative Justice Act 3 of 2000 (PAJA), our clients requested that you provide written reasons for this decision as soon as possible, but by no later than **4 May 2020**, and that you deal with specific references in the Department's media statement.
 5. The deadline of 4 May 2020 has since passed. We received an acknowledgment of receipt from your office on 7 April 2020, indicating that you would "*revert shortly*"; however, we record that we have not yet received written reasons for your decision, or any other response.
 6. We are now instructed to extend the deadline for your response. We therefore request that you provide written reasons for this decision by no later than **31 May 2020**.
 7. In addition, we once again request that your written reasons include a complete list of solid fuel combustion installations that would be impacted by this amendment.
 8. In the event that we do not receive your written response by this extended deadline, our clients will presume that the content of the Department's media statement is the full extent of your reasoning for the amendment to the Listed Activities.
 9. Our clients' rights remain fully reserved.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per:



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Attorney

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