



# Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Ms. Cheyenne Muthukarapan  
**Environmental Impact Management Services (Pty) Ltd**  
By email: [postponement@eims.co.za](mailto:postponement@eims.co.za)

Copies to:

Mr Moegamat Ishaam Abader  
**Acting Director-General**  
Department of Environment, Forestry and Fisheries  
By email: [iabader@environment.gov.za](mailto:iabader@environment.gov.za)

Mr Derrick Makhubele  
**Director: Air Quality Management**  
Department of Environment, Forestry and Fisheries  
By email: [dmakhubele@environment.gov.za](mailto:dmakhubele@environment.gov.za)

Dr Thuli Khumalo  
**National Air Quality Officer**  
Department of Environment, Forestry and Fisheries  
By email: [tkhumalo@environment.gov.za](mailto:tkhumalo@environment.gov.za)

Your ref: 1344  
Our ref: CER/TL  
28 August 2020

Dear Ms Muthukarapan

## **OBJECTIONS TO ESKOM'S APPLICATIONS FOR ALTERNATIVE LIMITS TO THE MINIMUM EMISSION STANDARDS (MES) FOR THE MEDUPI AND MATIMBA POWER STATIONS**

1. We address you, again, as the Life After Coal campaign, a joint campaign by the Centre for Environmental Rights (CER), groundWork (gW), and Earthlife Africa (ELA). Life After Coal, and ELA, in particular, work with a network of communities within the Waterberg District Municipality whose health and well-being has been detrimentally impacted by industrial developments in the area – such as Eskom's Matimba and Medupi coal-fired power stations and the large-scale coal mines that supply these power stations.
2. Upfront, we reiterate that these current alternative (weaker) limit applications is the **third time** that Eskom's Medupi and Matimba power stations – both situated in the Waterberg-Bojanala Priority Area – have applied for MES leniency. As the National Air Quality Officer (NAQO) will recall, when the MES were first due to apply, Eskom (and Sasol) claimed that they were entitled to be completely exempt from the MES. Although the then Minister informed Eskom (as it well knew from being involved in the multi-year process of setting the MES) that exemptions were not legally permitted, exemptions from compliance with South Africa's extremely-weak MES are what Eskom has effectively managed to achieve, to date, for many of its stations; and, in fact, Eskom appears to believe it is legally entitled to such leniency. This is also a reflection of how the Air Quality Directorate within the Department of Environment, Forestry and Fisheries (the "Department") has performed over the last decade, which has largely contributed to the failure of air quality governance in the 3 priority areas of the Republic.

Cape Town: 2<sup>nd</sup> Floor, Springtime Studios, 1 Scott Road, Observatory, 7925, South Africa  
Johannesburg: First Floor, DJ du Plessis Building, West Campus, University of the Witwatersrand, Braamfontein, 2001, South Africa  
Tel 021 447 1647 (Cape Town) | Tel 010 442 6830 (Johannesburg)  
Fax 086 730 9098  
[www.cer.org.za](http://www.cer.org.za)

- From the start of this MES process – and long before Eskom was in its current very dire financial position – it took the view that, should it not be granted exemptions, it would instead seek “rolling postponements” – re-applying for postponements every 5 years until its stations are eventually decommissioned. Although the October 2018 amendment to the List of Activities should have made clear that no postponements beyond April 2025 are permitted, except for facilities to be decommissioned by 31 March 2030, this amendment has not changed Eskom’s approach. Instead, it uses the “alternative emission limit” provision to continue as before – effectively seeking ongoing non-compliance with the MES until its stations are decommissioned.
- It is clear that Eskom regards MES applications as a mere formality – that it will continue to be granted whatever it seeks, no matter how late it makes such applications, irrespective of whether it meets the other qualifying criteria to make such applications, and irrespective of the compelling factors weighing heavily against granting them. We are reminded, in this regard, of Eskom’s dishonest claim in the background information document that preceded its first set of MES applications that “power station emissions do not harm human health”. It is high time that decision-makers hold Eskom to account for its severe impacts on human health and wellbeing, and continued willful disregard of – even disdain for - the law. We call upon NAQO to refuse all non-compliant MES applications and stand up for the health of the people of South Africa.

### Overview of our opposition to Medupi and Matimba’s alternative limit applications

- The tables below summarise the requests for alternative emission limits at Matimba and Medupi previously granted, as well as the current applications

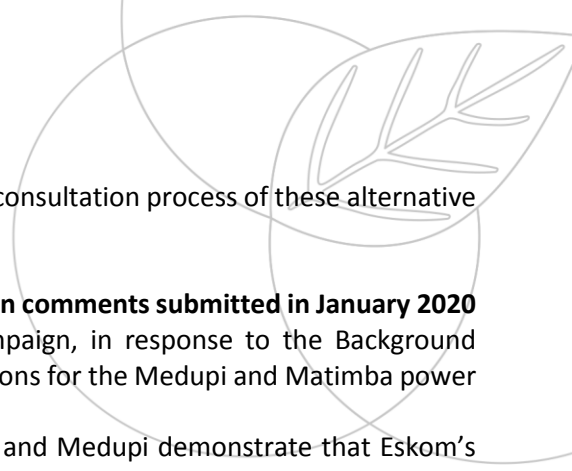
#### Medupi – Requested Alternative Emission Limits

Pollutant Name	New Plant MES (mg/Nm <sup>3</sup> )	Previously Granted Limit (mg/Nm <sup>3</sup> )	Limit Requested (mg/Nm <sup>3</sup> )	Timeframe Requested
Sulphur Dioxide - SO <sub>2</sub>	500 by 1 April 2020 (Daily)	3,500 until 2025 (Monthly)	4,000 (Monthly)	2020 - 2030
			1,000 (Monthly)	2030 - Decommissioning

#### Matimba – Requested Alternative Emission Limits

Pollutant Name	New Plant MES (mg/Nm <sup>3</sup> )	Previously Granted Limit (mg/Nm <sup>3</sup> )	Limit Requested (mg/Nm <sup>3</sup> )	Timeframe Requested
Particulate Matter - PM	50 by 1 April 2020 (Daily)	N/A	50 (Monthly)	2020 - Decommissioning
Sulphur Dioxide - SO <sub>2</sub>	500 by 1 April 2020 (Daily)	3,500 until 2025 (Monthly)	4000 (Monthly)	2020 - Decommissioning
Oxides of Nitrogen - NO <sub>x</sub>	750 by 1 April 2020 (Daily)	N/A	750 (Monthly)	2020 - Decommissioning

- Through these alternative emission limit applications at Medupi and Matimba power stations, **Eskom unlawfully seeks permission to circumvent South Africa’s critically important air pollution laws that exist to give effect to several fundamental human rights enshrined in the Constitution of the Republic of South Africa, 1996 (the “Constitution”) – and to do so indefinitely.** This is tantamount to an exemption from the MES and we submit that it is unlawful. The Life After Coal campaign reiterates its unequivocal objection to these applications as their approval would be regressive and violate the National Environmental Management Act, 1998 (NEMA), AQA, the National Framework for Air Quality Management, 2017, and the Constitution.

- 
7. The purpose of this written submission, as part of 'phase 2' of the public consultation process of these alternative limit applications, is the following:
- 7.1 **to record that we reiterate and stand by our objections in the written comments submitted in January 2020 ("January 2020 objections")**, on behalf of the Life After Coal campaign, in response to the Background Information Document ('phase 1') for these alternative limit applications for the Medupi and Matimba power stations;
  - 7.2 to highlight that the atmospheric impact reports for both Matimba and Medupi demonstrate that Eskom's requested alternative limits would **cause significant exceedances of hourly and daily national ambient air quality standards (NAAQS) for SO<sub>2</sub> at every sensitive receptor until 2030**;
  - 7.3 to submit that these applications should be postponed as there has been **inadequate consultation with affected communities**, especially those residing in close proximity to Medupi and Matimba power stations; and
  - 7.4 to record that Eskom's MES applications for postponement of compliance, suspension of compliance, and/or alternative limits – covering 14 of its 15 coal-fired power stations – **do not secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development**, in accordance with section 24(b)(iii) of the Constitution.
8. The following submission uses the same abbreviations and defined terms as used in the January 2020 objections.

### January 2020 objections

9. The Life After Coal campaign reiterates the content and submissions in our January 2020 objections. By and large, the objections remain applicable to these alternative limit applications, which now include the updated and overdue atmospheric impact reports (AIR) prepared for both Medupi and Matimba power stations. In particular, we emphasise our objections addressing the non-compliance with the NAAQS in the WBPA,<sup>1</sup> that these applications for weaker alternative standards amount to impermissible exemptions from compliance with the new plant MES,<sup>2</sup> and that alternative emission limits that are in effect weaker than the existing plant MES, may not be considered, let alone granted.<sup>3</sup>
10. We also specifically refer to paragraph 44 in our January 2020 objections, addressing the purported reasons for these alternative limit applications set out in Eskom's November 2019 "application reports" for Medupi and Matimba power stations. As Eskom continues to rely on the same reasons reflected in its 2013 MES postponement applications, and more recently, in its pending 2019 applications to postpone and/or suspend compliance with the MES for 10 of its coal-fired power stations, we continue to stand by, and reiterate, our 2019 objections. We presume that the NAQO is already in possession of these 2019 objections, as well as the supporting expert assessments; however, we will gladly re-submit these documents if required.

### *MES exemption applications are legally impermissible*

11. In the notification letter issued on 27 July 2020 by Environmental Impact Management Services (EIMS), we noted, with grave concern, that "[w]hilst Eskom intends to submit the alternative emission limit application in terms of the Minimum Emission Standards referred to above it may also be required to submit an application for exemption from compliance to these standards in terms of section 59(1) of the National Environmental Management: Air Quality Act." (our emphasis). During the virtual public participation meeting held on 20 August 2020, Eskom confirmed that it was "engaging with the Minister" with regard to an exemption application. Eskom can, however, be in no doubt that exemptions are legally impermissible. This has been reiterated to it in multiple public fora (including in Parliament) and the List of Activities makes clear that facilities that cannot comply with new plant MES by April 2025, cannot operate beyond this date, unless they have obtained a once-off suspension of

---

<sup>1</sup> Page 11 of the January 2020 objections.

<sup>2</sup> Page 12 of the January 2020 objections.

<sup>3</sup> Page 14 of the January 2020 objections.

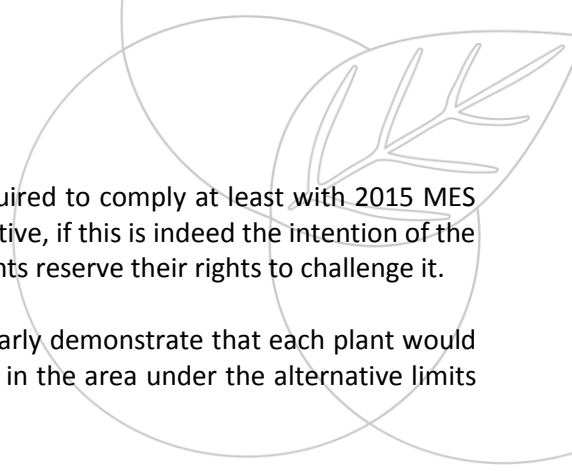
compliance and will be decommissioned by the end of March 2030. No amount of “engagement” will legitimise exemptions from the law.

12. Eskom’s alternative limit applications amount to an unlawful exemption from the rule of law, and it defeats the strict protection regime laid out in the AQA, List of Activities, and 2017 Framework. It would also be a clear violation of section 24 of the Constitution. Similarly, and as we have always maintained, an exemption application, whether in terms of section 59(1) of the AQA or any other provision, is also impermissible, as it would defeat the strict protection regime laid out in the AQA, List of Activities and 2017 Framework, not only violating section 24 of the Constitution, but several other human rights that depend on a healthy environment. Any granting of exemptions will face stern opposition.
13. In a 2013 statement, attached as Annexure “1”, the Department confirmed that *“it is clear that no exemptions may be granted from a provision of section 22 (Atmospheric Emission License)(sic), among others”*. The Department also notes in the statement that developing the List of Activities constituted an *“elaborate consultation and participation process. . . in which all affected stakeholders (including Eskom) were part of these processes and made contributions regarding limits that are achievable with the view of upholding the constitutional right of all people in the country to an environment that is not harmful to health and well-being.”* Notwithstanding the need for the relatively weak-MES to be strengthened, we call on the Department, at the very least, not to retreat from its firm position in this statement; and to summarily reject any attempts by Eskom to apply for exemption from compliance with the MES, using section 59 of the AQA, or otherwise.
14. Moreover, we note that one of the additional factors which prohibits the Department from considering these indefinite weaker alternative limits, and/or a section 59 exemption application, is one of the reasons behind the Department’s March 2020 decision to double the permissible SO<sub>2</sub> MES limit from 500mg/Nm<sup>3</sup> to 1000mg/Nm<sup>3</sup> for existing solid-fuel combustion plants; it is common-cause that this accommodates all of Eskom’s coal-fired stations and Sasol’s coal-fired boilers, in particular. In a letter from the Department, dated 20 July 2020, containing the reasons for this decision, it is stated that:

*“When implemented, the revised limit of 1000mg/Nm<sup>3</sup> will achieve a 58% reduction in total emissions. It will significantly improve compliance compared to the current state of air, in which sulphur dioxide emissions are measured at 3500/Nm and above.”*
15. We continue to dispute the lawfulness of this decision to double the 2020 SO<sub>2</sub> MES limit, on various grounds, but for the purposes of this submission, we submit that granting MES exemptions, or permitting alternative weaker limits for SO<sub>2</sub> – at the majority of Eskom’s coal-fired power stations – will clearly not achieve the claimed 58% reduction in total emissions, making the above decision irrational, unreasonable, and therefore invalid. This is especially the case for Medupi and Matimba, considering the AIR findings presented below.
16. Despite our repeated caution in 2013 about the danger of Eskom’s intended “rolling postponement” approach, government still gave Eskom the proverbial inch during the initial implementation of the MES regime, and it has been allowed to take a irrecoverable mile, resulting in significant and unjustified costs to public health and South Africa’s constitutional project; costs that the most vulnerable, in particular, are still having to bear. Our plea is that the Department does not continue to sanction Eskom’s recalcitrant approach to air pollutions laws, through alternative limit applications or exemption applications.

#### **Air quality in the WBPA is non-compliant with NAAQS**

17. The List of Activities and 2017 Framework allow the NAQO, after consultation with the licensing authority, to grant an alternative emission limit or emission load, provided there is “material compliance” with NAAQS in the area for pollutant or pollutants applied for. We reiterate that we strongly dispute that these provisions provide for a separate set of circumstances permitting facilities to apply for alternative emission limits in circumstances where they will not meet the 2015 MES by April 2020 and/or the 2020 MES by April 2025 (barring those facilities which



have obtained suspensions of compliance; in which event, they are required to comply at least with 2015 MES until they are decommissioned, at least before April 2030). In the alternative, if this is indeed the intention of the List of Activities, we submit that it is clearly unconstitutional and our clients reserve their rights to challenge it.

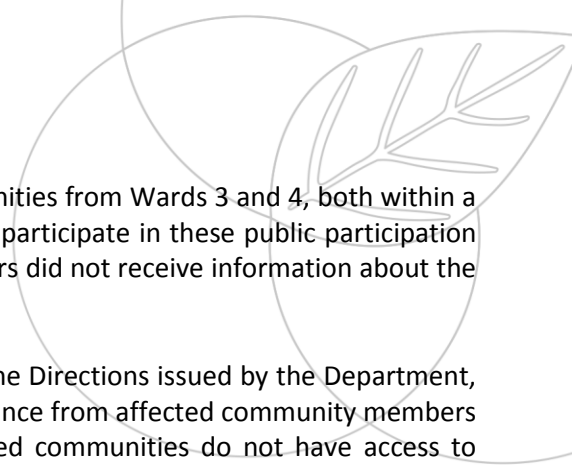
18. In any event, the AIRs for Matimba and Medupi power stations both clearly demonstrate that each plant would independently cause material non-compliance with the relevant NAAQS in the area under the alternative limits scenario (monthly limit of 4000 mg/Nm<sup>3</sup>).
19. Table 5-14 of the AIR supporting Matimba's application shows that **emissions from the station, based on Eskom's requested alternative limit, would independently cause material non-compliance with daily SO<sub>2</sub> NAAQS at almost every sensitive receptor and exceedances of monthly SO<sub>2</sub> standards at many sensitive receptors.** By contrast, there would be full compliance with all SO<sub>2</sub> NAAQS if the new plant MES (1000 mg/Nm<sup>3</sup>) is met.
20. Table 5-14 of the AIR for Medupi shows that **emissions from the station, based on Eskom's requested alternative limit for SO<sub>2</sub>, would independently cause non-compliance with hourly and daily SO<sub>2</sub> NAAQS for 67% of the sensitive receptors.** By contrast, there would be full compliance with all SO<sub>2</sub> NAAQS if the new plant MES is met.
21. Furthermore, the reports show that the air quality significantly worsens when considering SO<sub>2</sub> emissions from both plants under the alternative limit scenario. Table 5-23 in both Medupi's and Matimba's AIR demonstrates that **Eskom's requested alternative limits would cause significant exceedances of hourly and daily SO<sub>2</sub> NAAQS at every sensitive receptor until 2030. In other words, there would be 100% non-compliance.** Again, by contrast, should these plants meet the new plant MES, there would be full compliance with SO<sub>2</sub> NAAQS.
22. Based on these findings, and considering the health impact caused by short-term exposure to low concentrations of SO<sub>2</sub>, as described in the 2020 objections, it is legally and morally inconceivable that the NAQO could even consider granting these alternative limit applications. We reiterate our submission that no industries operating within the WBPA (nor in any other priority areas) should be permitted to apply for alternative limits. Granting such applications would, evidently, worsen the high levels of air pollution in the WBPA, and its dire impact on human health, well-being, and the environment, which would, in turn, make it even more difficult for the Priority Area to meet its goals of ensuring compliance with NAAQS.
23. Furthermore, SO<sub>2</sub> and NO<sub>x</sub>, as primary pollutants, also react through chemical and physical processes in the atmosphere, to form secondary PM<sub>2.5</sub>. This formation contributes significantly to total ambient PM<sub>2.5</sub>, causing severe health impacts. Eskom itself is aware of, and acknowledges, this in its pending 2019 applications to postpone and/or suspend compliance with the MES for 10 of its coal-fired power stations.<sup>4</sup> The effect of this accumulation will be an increasing health risk for a large part of the Waterberg District, and, we submit, that this will more than likely perpetuate the state of non-compliance with NAAQS in the WPA and the continued breach of section 24 of the Constitution.

#### **Inadequate consultation with affected communities**

24. In addition to our submission in the 2020 objections, that this piecemeal application approach is procedurally flawed, ELA's community partners in the Waterberg District also object to these alternative limit applications on the basis that there has been inadequate consultation with communities who would be most affected by the aggravated levels of air pollution.
25. Despite the ongoing State of the National Disaster and restrictions imposed on the public, we understand that EIMS has conducted 3 public participation meetings; however, we have been informed that there was limited representation from, and on behalf of, affected communities, while staff and contractors from the Medupi and

---

<sup>4</sup> Eskom's Summary Motivation Report used in support of its 2018 application to apply for the suspension, alternative limits and/or postponements with the MES for 10 of its coal fired power stations is available here: <http://www.naledzi.co.za/assets/documents/019dd09e24d4c389c3210ca8204e09f3.pdf>



Matimba power station were in full attendance. Specifically, the communities from Wards 3 and 4, both within a 30 kilometre radius of Medupi and Matimba power stations, did not to participate in these public participation meetings. In part, this was due to the fact that many community members did not receive information about the meeting.

26. Although we acknowledge the procedure followed by EIMS, guided by the Directions issued by the Department, in terms of the Disaster Management Act, 57 of 2002, the lack of attendance from affected community members was apparent. The reality is that many individuals within these affected communities do not have access to internet and constant data, and/or poor network connections mean that individuals are unable to join virtual meetings. It also appears that documents shared with Ward Councillors in Wards 3 and 4, did not filter through these affected communities, during the 30-day comment period.
27. It is crucial that the public participation process for an application related to MES leniency, especially these alternative limit applications, which we submit are inherently unlawful with severe implications for communities health and well-being, should ensure adequate, practical and meaningful consultation; this includes sufficient time and the sharing of information for affected individuals to properly engage with the process. We again refer to the binding directive principles in NEMA, set out in the 2020 objections, which include the pursuit of environmental justice to protect vulnerable and disadvantaged persons, in particular, and that the environment is held in public trust for the people. These affected communities form part of ‘the people’, and they must be provided with a real opportunity to be heard.
28. We therefore call for this public participation process for these alternative limit applications for Medupi and Matimba to be postponed until the National State of the Disaster is lifted, to allow for community mobilisation and meaningful engagement.

#### **Sustainable development that is consistent with the Constitution**

29. In the Matimba and Medupi “application” documents, Eskom states that:

*“Eskom is committed to ensuring that it manages and operates its coal-fired power stations in such a manner that risks to the environment and human health are minimised and socio-economic benefits are maximised. As set out in the Constitution of the Republic of South Africa, there is the need to recognise the interrelationship between the environment and development. There is a need to protect the environment, while simultaneously recognising the need for social and economic development. There is the need therefore to maintain the balance in the attainment of sustainable development.”*

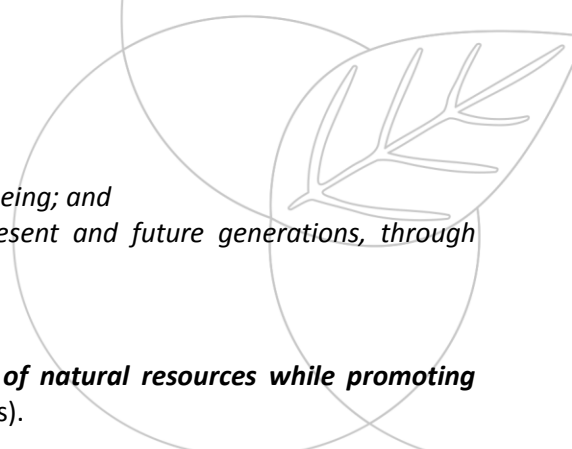
30. We place on record, again, that we strongly object to the notion that Eskom’s existing mode of operation, including its approach to compliance with air pollution laws over the past decade (at least), has “attained” – or even contributed towards – sustainable development in South Africa. Moreover, we submit that the way Eskom operates its facilities will never achieve a version of sustainable development that is consistent with the Constitution. The preamble of the Air Quality Act confirms this reality.<sup>5</sup> The Mpumalanga Highveld, in particular, has been treated as a sacrifice zone for decades, and considering some proponents’ ‘coal ambitions’ for the area, the Waterberg District is on the same unsustainable trajectory, which will only exacerbate the existing degradation of the environmental base.

31. Section 24 of the Constitution provides that:

*“Everyone has the right –*

---

<sup>5</sup> *“WHEREAS the quality of ambient air in many areas of the Republic is not conducive to a healthy environment for the people living in those areas let alone promoting their social and economic advancement;  
And whereas the burden of health impacts associated with polluted ambient air falls most heavily on the poor;  
And whereas air pollution carries a high social, economic and environmental cost that is seldom borne by the polluter; . . .”*



(a) to an environment that is not harmful to their health or well-being; and  
(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –  
(i) prevent pollution and ecological degradation;  
(ii) promotes conservation; and  
(iii) **secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.**” (our emphasis).

32. Although we maintain that section 24(a) is an immediate, unqualified right to an environment that is not harmful to health and well-being, we acknowledge that section 24(b) does promote environmental protection, as well as the simultaneous promotion of social and economic development. However, this does not imply a trade-off between these objectives, based on a cost-benefit analysis, or otherwise, and we do not concede that the principle of progressive realisation applies to section 24. The features of section 24 that are also of crucial importance, but are omitted from Eskom’s various motivation reports, are “for the benefit of present and future generations” and “justifiable” –

32.1 Eskom’s estimation that the emissions from 13 of its coal-fired power stations will result in an additional 320 premature mortality cases and a R17.6 billion baseline health cost, annually, is indicative;<sup>6</sup> while independent studies show that these figures are much higher than Eskom estimates, with 626 equivalent annual deaths attributed to Medupi and Matimba, alone.<sup>7</sup> Such ‘collateral fatalities to keep the lights on’, can never be justified and this is neither consistent with section 24 of the Constitution, nor a democratic society founded on human dignity, the achievement of equality, and the advancement of human rights and freedoms;

32.2 we reiterate that, aside from the impending obligations of the MES (at the time), Eskom had knowledge of the direct health impacts of its coal-fired power stations and the pressing need to reduce its emissions, based on studies in 2006, including an Eskom Limpopo Health Study, which concluded that “emissions from existing Matimba Power Station operations are estimated to be responsible for 80% of the premature mortality and 50% of the respiratory hospital admissions” and that Medupi “would result in health risks being doubled from 1.5 to 3 premature deaths and from 144 to 300 respiratory hospital admissions per year”. Even prior to this study, Eskom – as an organ of state with heightened constitutional duties toward the public then and now – was obliged to ensure that it was implementing the necessary abatement measures to effectively mitigate the *known* adverse impacts of its coal-fired power stations; and

32.3 we submit that, by definition, “sustainable development”, properly construed, is based on the rule of law. Eskom is in the process of submitting yet another round of applications to either further delay compliance with the MES, or avoid compliance altogether using these weaker alternative limits, covering 14 of its 15 coal-fired power stations. Like Eskom’s first round of multiple MES compliance postponement applications in 2013/4, to permit these applications, especially where there is an attempt to circumvent the MES completely, would result in the unreasonable implementation of the MES (as a legislative measure to reduce air pollution), which also exists to protect social, economic and ecological conditions, as well as cultural heritage; this would undermine the Air Quality Act, the rule of law and the supremacy of the Constitution.

33. Simply put, the people of South Africa deserve, and are constitutionally entitled to, a better present that is more just, equitable and truly sustainable, for the inheritance of future generations. To this end, we acknowledge and support the Department’s unambiguous stance toward Eskom in its ‘Comments and Responses’ report, behind the disputed decision to weaken the 2020 SO<sub>2</sub> MES limit:

---

<sup>6</sup> Based on 2018 data and this scenario from the CBA assumes that Eskom will not retrofit any more pollution abatement technology in the future.

<sup>7</sup> See section C on ‘Direct adverse health impacts attributed to Eskom’s coal-fired power stations and flawed cost-benefit analysis’ in the February 2019 objections.

*“Your view on what is best for the country is inconsistent with the principles of sustainable development that you mentioned. . .*


*Sustainable development is not limited to cost, and as it stands there is a need to reduce sulphur dioxide on the atmosphere to minimize the direct impact and indirect contribution to the secondary formation of particulate matter. This is what is in the best interest of the country in terms of protection of environmental rights.”*

34. We reiterate that we welcome Eskom’s recognition that a just transition is needed and the outline of its Just Transition Strategy in the Grootvlei Motivation Report. We also reiterate that this must include expediting the closure of Eskom’s 6 older power stations, whether it be in preparation for decommissioning or repurposing, through inclusive, transparent and lawful processes. In the midst of these alternative limit applications for Medupi and Matimba, it is necessary to add that, as the Life After Coal campaign, we do not consider the circumvention of South Africa’s critically important air pollution laws that exist to give effect to several fundamental human rights as an inclusive, transparent, or lawful part of the just transition process.
35. The NAQO, and competent licencing authorities, are key decision-makers in the context of this just transition – a pathway to securing ecologically sustainable development and use of natural resources while promoting justifiable economic and social development. To the contrary, if the Department were to grant these alternative limit applications, it will, in effect, be authorising additional early deaths, disease and disabilities, which are undisputedly associated with air pollution in the WBPA – let that be at the forefront of your decision making when you apply your mind to this application.
36. We therefore reiterate our call upon these relevant decision-makers to reject all of Eskom’s applications in order to protect constitutional rights and the realisation of environmental and social justice in South Africa.

Yours faithfully

**CENTRE FOR ENVIRONMENTAL RIGHTS**

per:



**Timothy Lloyd**

**Attorney**

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