

The Minister  
Department of Forestry, Fisheries and the Environment  
**Attention: Appeals Directorate**  
Private Bag X447  
**PRETORIA**  
0001

Date:  
13 December 2021

Enquiries:  
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Eskom Ref No: GEM21-L183  
DFFE Ref No: Eskom/postponements

By email: [mrakgogo@environment.gov.za](mailto:mrakgogo@environment.gov.za)  
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Dear Sir/Madam

## **APPEAL IN TERMS OF SECTION 43 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 (“NEMA”) FOR ESKOM MES DECISIONS**

On November 4 2021<sup>1</sup>, Eskom Holdings SOC Limited (“**Eskom**”) received a copy of the decisions of the National Air Quality Officer (“**NAQO**”) of the Department of Forestry, Fisheries and the Environment (“**DFFE**”) in response to Eskom’s applications for postponement from the Minimum Emission Standards, published in GN.1207 of October 18 2018 (“**Decisions**”).

On November 19 2021, Eskom requested condonation / an extension to submit its appeal in respect of this matter by December 15 2021 in terms of the National Appeal Regulations. DFFE appeals office has confirmed receipt of the appeal but are yet to respond to this request. Eskom have assumed that the request was granted. As such our appeal motivation in the format usually required by your office is attached.

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<sup>1</sup> The decision was sent to Eskom on 03 November but due to mails going to trash Eskom formally received the decision on 04 November 2021.

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Eskom is aware that the appeal is being submitted just days before the official “closed period” for DFFE public participation processes. Hence, the public will be notified of the decision this week but the appeal period for the public will only begin after the December break, allowing fair process.

Yours sincerely



Deidre Herbst

**GENERATION ENVIRONMENTAL MANAGER**

**GENERATION DIVISION**