



MINISTER  
WATER AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

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Ref: MCE123366

The Executive Mayor  
Cllr. Mahole Simon Mofokeng  
Sedibeng District Municipality  
PO Box 471  
**VEREENIGING**  
1930

Dear Cllr. Mofokeng

**ATMOSPHERIC EMISSION LICENSING FOR ARCELORMITTAL VANDERBIJLPARK: GAUTENG**

I refer to the abovementioned matter.

I have been informed about the concerns raised regarding this matter by your office. I do not intend to respond to all of these concerns seriatum, but I will address the issue of the variation of the atmospheric emission licence in terms of section 46 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) ("the Act") as well as the issue of delegating my powers to the Sedibeng District Municipality to consider certain exemptions in terms of section 59 of the above mentioned Act.

I have been informed that Sedibeng District Municipality had issued an atmospheric emission licence which authorizes the operation of the Electric Arc Furnaces, subject to a number of conditions. The most relevant is the condition relating to the construction of a secondary dust extraction system, whose commissioning was scheduled to commence by 28 February 2013. Work on this project has not yet commenced and as such, should ArcelorMittal resume production using this equipment, they will be in contravention of a condition of the atmospheric emission licence. In order to address the so-called emergency situation this condition will require variation in terms of section 46 of the Act. Ideally ArcelorMittal should apply for a variation of the abovementioned condition in order to resume production.

Section 46 (1) reads as follows

"(1) A licensing authority may, by written notice to the holder of a provisional atmospheric emission licence or an atmospheric emission licence, vary the licence-

(d) at the written request of the holder of the licence.

A public participation process is applicable in respect of this variation. The requirement to follow a public participation process may, however, be exempted in terms of section 59 of the Act.

In order to facilitate the speedy resolution of this matter, I will delegate my powers to consider applications for exemption to the Sedibeng District Municipality. I leave this at your discretion and subject to the conditions set out in the attached instrument of delegation.

Yours sincerely



**MRS B E E MOLEWA, MP**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

DATE: 2013/03/15



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

I, MRS B.E.E. MOLEWA, IN MY CAPACITY AS THE MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS:

### **1. AUTHORITY TO DELEGATE**

In accordance with section 59(5)(a) of the National Environmental Management Act, 2004 (Act 39 of 2004) ("the Act") I am empowered to delegate any of the powers contained in section 59 of the said Act to, inter alia, a metropolitan or district municipality.

### **2. HOLDER OF OFFICE TO WHOM DELEGATION IS TO BE MADE**

Sedibeng District Municipality.

### **3. POWERS AND DUTIES TO BE DELEGATED**

The consideration of an application by any person for exemption from the application of a provision of the Act.

### **4. DELEGATION**

- i. Subject to clause ii, I accordingly hereby, in my capacity as the Minister of Water and Environmental Affairs, delegate to the aforesaid holder of office the power consider an application by any person or organ of state for exemption from the application of a provision of the Act.
- ii. The following conditions apply to this delegation:
  - a. No exemption may be granted from a provision of section 9, 22 or 25 of the Act may be granted.
  - b. This delegation is only in respect of any application made by or on behalf of ArcelorMittal related to its electric arc furnaces at Vanderbijlpark Works.
  - c. This delegation lapses on 15 May 2013.

SIGNED and DATED at Pretoria on the \_\_\_\_\_ day of \_\_\_\_\_ 2013

AS WITNESSES

1 \_\_\_\_\_

2 \_\_\_\_\_

BEE MOLEWA, IN MY CAPACITY AS MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS