



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Dear Robyn,

RE: DECISION ON APPLICATIONS FOR POSTPONEMENT OF COMPLIANCE TIME-FRAMES FOR MINIMUM AIR QUALITY EMISSION STANDARDS: REQUEST FOR CLARIFICATION

Your letter dated 07 April 2015 has reference. Below is clarification on the matters raised in your letter.

1. Discrepancies in the postponement periods:

In several cases, the periods of postponement for which Eskom applied differ from those listed as "postponement sought" in the decision letters. These also sometimes differ from the postponement period granted. Whilst we recognise that the decision letters, rather than the table of decisions made available on 24 February 2015, contain the decisions, some of the postponements listed as "granted" on the table also do not tally with the postponement sought and/or with what is reflected in the decision letters. In some cases, what has instead been granted is a postponement for a different period or a different limit, rather than the postponement sought by Eskom.

Response:

In processing Eskom's postponement applications, I sent letters to the applicant requiring additional information and clarity on the contents of the application. The applicant was then provided an opportunity to clarify the nature and period of the postponement sought. In the engagements with the applicant I indicated that irrespective of the period applied for, the legislation permits for postponement decision not exceeding 5 years. In addition, the analysis of the documents and reports revealed that some of the applicant's units in some of the power stations were in compliance with at least the existing plant minimum emission standards.

As a result, the "postponement period sought" in the decision letters is reflective of the postponement period that the applicant could apply for in terms of the legislation. The Department could not consider a postponement period outside of the provisions of the law.

2. Discrepancies in the postponement limits:

There are several cases in which the emission limits requested by Eskom differ from those that were granted, and/or where Eskom's request is recorded differently in the application and the decision. Nevertheless, in some cases, it is recorded that the application was granted. This has created confusion as to whether or not the application was granted.

TJRA

Response:

In addition to considering the postponement period sought by the applicant, I also considered the emission limit that will be applicable during the postponement period. In reaching a decision on the limit that would be imposed during the postponement period, I analyzed past and present emission reports in order to ascertain the performance of each of the units in each of the power stations. This analysis revealed that with extra effort the units could achieve the limits in the decision letters. The decision letters indicate whether a postponement has been granted and what limit is imposed during the postponement period. It must be noted that I took a principled stand that the postponement decisions must not result in an increase in the baseline emissions at the time of application. In brief, the discrepancies you have noted are as a result of the rejection of the postponement limits requested by the applicant and the granting of limits that are informed by what the facility can reasonably achieve if the power stations are operated optimally.

3. Lack of commencement dates for MES:

There are several cases in which the postponement has been granted in stages, with decreasing limits. However, in relation to some power stations, it is not clear when the new plant MES will apply.

Response:

In terms of the law the National Air Quality Officer (NAQO), with the concurrence of the Licensing Authority as contemplated in Section 36 of this Act, may grant a postponement of the compliance time frames for an existing plant for a period, not exceeding 5 years per postponement. For power stations you have reference in your letter (Grootvlei, Lethabo and Tutuka), the postponement period applied for is the 2015-2020 period and the decision relates to this period. For these power stations and any other applicants whereby the

4. Confusion as to postponements granted

There are several places in the MES decisions where Eskom's application for postponement of the 2020 MES has not been addressed, as listed below. It is assumed that, in these cases, the postponement has not been granted for 2020, but this should be clarified.

Response:

I am of the opinion that the decision contained in the letters issued to applicant answer your questions and these have been made available to you in response to a separate requested submitted to me.

5. Summary of the NAQO letters responding to Eskom's applications for postponement of the MES

Response:

I am of the opinion that the rest of the questions for clarity posed in the remainder of your letter under this section are adequately addressed by my responses in this letter and in the decision letters issued to the applicant.

Yours Sincerely,



Dr. Thuli N. Mdluli
NATIONAL AIR QUALITY OFFICER (NAQO)

DATE: 14/01/2016