

Ms. Nicole Loser
Centre for Environmental Rights
Springtown Studios
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CAPE TOWN
7700

Email: nloser@cer.org.za

Dear Ms. Loser

PAIA QUERY 10637 – GENERATION ATMOSPHERIC EMISSIONS LICENSE COMPLIANCE AND DECOMMISSIONING

Referring to your request dated 12 July 2017 regarding the above-mentioned matter, Eskom's response is as follows:

1. Eskom has reviewed your request and will provide access to the requested records.
2. Table 1 attached to this letter provides a summary of the specific records that have been identified and will be made available to you.
3. As allowed for in Chapter 4 of the Promotion of Information Act, (Act 2 of 2000) we have denied access to certain records and severed certain records, reasons for this are provided in Table 1 attached.
4. Our apologies for the delay in finalising this matter.
5. Please liaise with Bryan McCourt to arrange logistics in regards to access to the records.

I trust that you will find the above in order.

Yours sincerely



Sean Martiz
INTERIM GROUP CHIEF EXECUTIVE

Date: 6/10/2017

TABLE 1

CER PAIA 10637 DOCUMENT LIST

	PAIA request	Applicable documents and comments	Decision and documents supplied
1. 1.1	All records, including board minutes of meeting held subsequent to 26 August 2016, relating to: Eskom's Air Quality Strategy and the implementation thereof (note we have focused on board submissions only)	<ul style="list-style-type: none"> a) Board SES submission on air quality improvement plan – August 2016 (Doc 1.1a) b) Board SES extract of minute 02-2016/17 – 9 September 2016 (Doc1.1b) c) Board SES submission on environmental performance, compliance and risks – August 2016 (Doc1.1c) d) Board SES extract of minute 02-2016/17 – 9 September 2016 (Doc1.1d) e) Board SES submission on environmental performance, compliance and risks – January 2017 (Doc1.1e) f) Board SES extract of minute 04-2016/17 – 20 March 2017 (Doc 1.1f) g) Board SES submission on environmental performance, compliance and risks – 29 May 2017 (Doc1.1g) h) Board SES extract of minute 01-2017/18 – 29 May 2017 (Doc 1.1h) 	<ul style="list-style-type: none"> a) Access granted (Doc 1.1a) b) Access granted (Doc 1.1b) c) Access granted (Doc 1.1c) d) Access granted (Doc 1.1d) e) Access granted (Doc 1.1e) f) Access granted (Doc 1.1f) g) Access granted (Doc 1.1g) h) Access granted (Doc 1.1h)
1.2	Environmental performance, compliance and risks	<ul style="list-style-type: none"> a) Monthly environmental performance report prepared by Sustainability Systems Environmental Management department (SS:EM) – these records contain general environmental performance information on a monthly basis and are used to track performance and inform internal decision making processes. Key issues are addressed in board submissions provided and in the Eskom annual Integrated report. Non-compliances are reported to regulators as required. 	<ul style="list-style-type: none"> a) Access denied to PAIA s44 (1) b – operation of public body (issues addressed in board submissions provided and in Integrated report)

	PAIA request	Applicable documents and comments	Decision and documents supplied
		<p>b) Monthly emission performance reports prepared by SS:EM – Aug 2016 to July 2017. These records contain detailed monthly performance information and are used to track performance and inform internal decision making processes. Key issues are addressed in annual emission reports (provided previously to CER), board submissions provided and in the Eskom annual Integrated report. Non-compliances are reported to regulators as required.</p>	<p>b) Access denied ito PAIA s44 (1) b –operation of public body (issues addressed in annual emission reports)</p>
1.3	Environmental compliance and environmental performance “Journey Map”	<p>a) Environmental Strategy 2014/15 - 2017/18 (Doc1.3a) b) Board SES submission on Eskom Environmental Strategy 2017/18- 2021/22 – 29 August 2017 (Doc1.3b) c) SCOT technology roadmap for Air Quality Control (Doc 1.3c)</p>	<p>a) Access granted (Doc 1.3a) b) Access granted (Doc 1.3b) c) Access granted (Doc 1.3c)</p>
1.4	Minimum Emission Standards (MES) and atmospheric emission licence (AEL) compliance	<p>a) Power stations’ monthly emission reports to licencing authority . These records contain detailed monthly performance information and are used to inform the licencing authority of performance. Non-compliances are reported to regulators as required. b) Power stations’ annual emission reports – already submitted to the CER c) Quarterly updates to the DEA on progress in implementation of the MES (Doc 1.4 c i-iv) d) NEMA Section 30 (incident) reports Grootvlei, Kriel, Medupi, Lethabo, Duvha, Komati (Doc1.4 d)</p>	<p>a) Access denied ito PAIA s44 (1) b –operation of public body (issues addressed in annual emission reports) b) Access granted (documents provided previously to CER) c) Access partially granted – information of potential commercial sensitivity severed ito PAIA s42 (3)(b) and (c) (Doc 1.4c i-iv) d) Access partially (Doc1.4d) document severed ito PAIA s34- names of natural persons involved in the preparation of the document.</p>

	PAIA request	Applicable documents and comments	Decision and documents supplied
1.5	Postponements of compliance with MES/AELs and timing and proposed duration of such postponement applications	<p>e) AEL compliance reviews: Matimba, Hendrina, Majuba, Ankerlig, Gourikwa, Matla, Duvha, Arnot. Internal reviews compiled by SS:EM to assess compliance and advise management on appropriate actions to improve performance. Non-compliances are reported to the regulators as required.</p> <p>f) Matimba EMI pre-compliance notice (dated 5 December 2016) provided by DEA and Eskom response (dated 17 February 2017). Non-compliances are reported to regulators as required.</p> <p>g) Kendal EMI pre-compliance notice (dated 24 October 2016) and Eskom response (dated 15 December 2016). Non-compliances are reported to regulators as required.</p> <p>a) SO₂ MES postponement applications for Medupi and Matimba submitted to licensing authority by Eskom. Already a public document.</p>	<p>e) Access denied ito PAIA s44 (1) b –operation of public body</p> <p>f) Access denied ito PAIA s44 (1) b –operation of public body</p> <p>g) Access denied ito PAIA s44 (1) b –operation of public body</p> <p>a) Access granted - documents are in the public domain and are available at http://www.gccl.co.za/projects/</p>
1.6	Retrofits and timing	<p>a) CRA, DRA, ERA internal investment approvals for retrofit projects on power stations.</p> <p>b) Strategic Report for air pollution control 2016</p>	<p>a) Access denied ito – PAIA s42 (3)(b) and (c) information of potential commercial sensitivity</p> <p>b) Access partially granted – information of potential commercial sensitivity severed ito PAIA s42 (3)(b) and (c) (Page 15 Table 4 severed and costs on pages 27-34). Also severed ito PAIA s34</p>

PAIA request	Applicable documents and comments	Decision and documents supplied
		names of natural persons involved in the preparation of the document.
2. All records and information regarding the decision-making timelines and mechanisms within Eskom board to ensure compliance with the AELs and MES	No additional documents in addition to documents described above	No additional documents provided
3. The latest decommissioning schedule and plans for all 15 coal-fired power stations, including per station, the funding for capex and maintenance to comply with the AELs and MES, as well as funding the environmental impact assessments (EIAs) for decommissioning	<p>a) There are no plans, at this stage, to decommission any of the 15 coal fired stations so records do not exist. Supported by an affidavit ito PAIA s 23.</p> <p>b) The previous postponement applications provide CAPEX estimates which has been provided to CER already.</p> <p>c) Various internal records on the per station funding for capex and maintenance to comply with AELs and MES which is generated on an ongoing basis and is commercially sensitive.</p> <p>d) As no decommissioning is planned Eskom has not planned any specific funding for the EIA's. Supported by an affidavit ito PAIA s 23.</p>	<p>a) Records that do not exist - PAIA s23 - affidavit</p> <p>b) Access granted – the Postponement application was provided previously to CER and will be provided again if requested</p> <p>c) Access denied ito – PAIA s42 (3)(b) and (c) information of potential commercial sensitivity</p> <p>d) Records that do not exist - PAIA s23 - affidavit</p>
4. All data, records and information relating to the sustaining capex per coal-fired power station for the specific capital needs to be spent in addition to the mandatory environmental retrofits	a) Power stations' Technical Plans are detailed spreadsheet and reports on capex required on sites. The costs are commercially sensitive.	a) Access denied ito – PAIA s42 (3)(b) and (c) information of potential commercial sensitivity

PAIA request	Applicable documents and comments	Decision and documents supplied
<p>5. All records and information relating to the socio-economic impact assessment/s for the early closure of Eskom's coal fired power stations</p>	<p>A report titled "Eskom Generation Fleet Renewal Project: Socio-Economic Study" was prepared to assist in evaluating options in respect of future planning. Whilst the existing position is that no decommissioning is planned the records contain information which could frustrate future discussions on various issues in relation to power station planning.</p>	<p>Access denied to PAIA s44 1 (b) disclosure of the information is likely to frustrate the deliberative process within Eskom and between Eskom and other public bodies who have an interest in this matter</p>
<p>6. All data relating to employment figures for each of Eskom's coal-fired power stations, as well as such data as is available in relation to each coal mine that supplies the power stations</p>	<p>a) Employment figures extracted from SAP b) The coal mine information must be requested directly from the mines themselves as independent private bodies.</p>	<p>a) Access granted b) Requestor referred to relevant private bodies</p>
<p>7. All plans, records and other data- including such records as may be required by legislation- relating to the employees impacted by the closure and/or decommissioning of Eskom's coal –fired power stations such and such data as is available in relation to each coal mine that supplies the power stations</p>	<p>a) Eskom has no plans for the closing or decommissioning of Eskom's coal-fired power station therefore these records do not exist. Supported by an affidavit to PAIA s 23. b) The coal mine information must be requested directly from the mines themselves as independent private bodies.</p>	<p>a) Records that do not exist - PAIA s23 – affidavit b) Requestor referred to relevant private bodies</p>