

Cabinet approves amendment of sulphur dioxide minimum emission standards for coal combustion installations – mainly power generation existing plants

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The Minister of Environment, Forestry and Fisheries Ms Barbara Creecy today promulgated an amendment of the minimum emission standards for existing combustion installations of Sulphur Dioxide (SO₂). This revised standard is applicable to all facilities built before 2010 that will not be decommissioned by 2030.

This amendment aims to reduce emissions from 3500mg/Nm³ to 1000mg/Nm³ instead of the 500mg/Nm³ which was due to come into effect on 1 April 2020. The Standard for plants built after 2010 remains at 500mg/ Nm³.

When implemented, the revised limit of 1000mg/Nm³ 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.

The amendment of these standards followed a public participation process which provided significant inputs from stakeholders. The considerations taken into account include a commitment to progressive improvement in air quality, submissions made on measures required to enable retrofitting of old plants and associated socio-economic implications.

The Constitution provides a set of socio-economic rights that are to be progressively achieved. In this context the Department of Environment, Forestry and Fisheries must ensure the progressive realization of environmental rights through various means including regulatory instruments.

The National Environmental Management Act establishes a comprehensive environmental management framework founded on a set of principles that ensure sustainable development through balancing environmental rights while ensuring socio-economic growth is not hampered. This framework includes the establishing minimum emission standards (MES).

At present, neither Eskom nor Sasol, the major emitters of sulphur dioxide, meet current minimum standards for plants constructed prior to 2010. A Technical and Cost Benefit Analysis undertaken by independent scientists including departmental specialists, has shown that to comply with the standard of 500mg/ Nm³ Eskom and Sasol respectively would have to invest significantly based on the sheer size of the installed boilers and complex integrated systems linked to production of synfuels.

It is clear that given the current financial situation of both Eskom and Sasol, the achievement of this in the near future is unlikely. It is however of critical importance that both companies commit to a path that set their facilities on the road to a vastly reduced level of emissions. In a letter received by the Department last month, Sasol committed to achieving the revised standards by 2025. Eskom's submission in this regard is still awaited.

The public consultation process with interested and affected parties, took place in terms of sections 56 and 57 of the National Environmental Management: Air Quality Act, 2004.

The Department received 13 submissions representing divergent viewpoints. Many industries argued that amendments to MES should be pegged at the 3500 level for all plants built prior to 2010 regardless of whether or not they plan to decommission by 2030.

They cited costs of retrofitting plants as the major stumbling block to compliance. They argued further that international precedent enables a principle of grand fathering or allowing the plants to operate until end of life in accordance with original licensing regime, in cases where changes in legislation or new standards were introduced.

Environmental organisations argued strongly against the amendment, citing concerns over current air quality and its impacts on human health.

In weighing up these submissions, the Department has chosen a middle path which will allow for the progressive achievement of environmental rights and improved air quality for human health, without undermining the viability of key industries.

International comparisons cited by industry were not considered appropriate in the South African situation given that our legislation already establishes the need to progressively improve air quality.

We nevertheless find it regrettable that the challenges facing our country in relation to energy security and the state of the economy, have resulted in a slower achievement of the desired state of air.

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