

**APPLICATION FOR POSTPONEMENT OF THE MINIMUM
EMISSION STANDARDS (MES) COMPLIANCE TIMEFRAMES
FOR ESKOM'S TUTUKA COAL-FIRED POWER STATION**

PUBLIC PARTICIPATION REPORT

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PREPARED FOR:

Eskom Holdings SOC Ltd

THIS PUBLIC PARTICIPATION REPORT HAS BEEN PREPARED FOR THE APPLICATION FOR POSTPONEMENT FROM THE MINIMUM EMISSION STANDARDS (MES) COMPLIANCE TIMEFRAMES FOR ESKOM'S TUTUKA COAL-FIRED POWER STATION.

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NEC is an independent environmental consultancy with no vested interested (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed.

We do not echo the views of the applicant or client however provide an independent view formed by tasks conducted under the NEMA and the EIA Regulations of 2014.

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DISCLAIMER

This Public Participation Report has been prepared by Naledzi Environmental Consultants (Pty) Ltd on Eskom's Application for Postponement of the Minimum Emission Standards (MES) Compliance Timeframes for Tutuka coal-fired power station, Standerton, Lekwa Local Municipality, Gert Sibande District of the Mpumalanga Province.

The report has been prepared for the sole use of Eskom Holdings SOC Limited, in accordance with generally accepted consulting practices and for the intended purposes, as stated in the agreement under which this work was prepared. Interested & Affected Parties (I&APs) have been privy to the review of the report to provide input to the MES Postponement application.

PROJECT INFORMATION

Title: Application for Postponement of the Minimum Emission Standards (MES) compliance timeframes for Eskom's Tutuka coal-fired power station.

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1. INTRODUCTION

Eskom is lodging an application to the National Air Quality Officer for a 5 year postponement from the PM and NO_x ‘existing’ and ‘new plant’ and from the SO₂ ‘new plant’ Minimum Emission Standards (MES) compliance timeframes. Due to design-related limitations, since the Tutuka Power Station was constructed before promulgation of the MES, the station will not be able to comply with the MES in its current state, which is the reason for the postponement application.

In 2014, Eskom applied for a postponement from compliance timeframes, until completion of committed retrofits of appropriate pollution abatement technology, for Tutuka Power Station. The Department of Environmental Affairs granted a limited leniency and accordingly Tutuka will have to comply with more stringent PM and NO_x limits from 1 January 2019 and 1 April 2020, respectively. Given the inability of the power station to comply with the new plant standards until relevant technology is installed, Eskom needs to continue with its application for the postponement of the compliance timeframes.

Eskom is also proposing alternative emission limits that are achievable until relevant abatement technology has been installed on the units to reduce PM and NO_x emission to reach required PM and NO_x reductions. It is also requesting postponement of the SO₂ new plant limit until the station is decommissioned.

In accordance with the requirements for postponement applications, Eskom will submit an Atmospheric Impact Report (AIR), a motivation and reasons for the application and a Public Participation Report, to the National Air Quality Officer.

Naledzi Environmental Consultants (Pty) Ltd (NEC) was appointed by Eskom Holdings to facilitate the Public Participation Process (PPP) in terms of the National Environmental Management Act, Act 107 of 1998 (NEMA) and it promulgated Environmental Impact Assessment (EIA) Regulations of 2014 (GNR 982).

Regulation 40 under the NEMA EIA Regulations 2014 requires that a PPP must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application. Regulation 40 (3) requires that it must provide interested and affected parties with favourable circumstances to comment on such reports before an application has been submitted to the decision making authority and must be afforded an opportunity to comment once an application has been submitted to the decision making authority.

The PPP entails two rounds of consultation. The first round provides an opportunity to review a Background Information Document (BID) and comment on the approach in preparing the application, including attendance of public meetings. During the second round the application itself and the AIR are made available for public review and another round of public meetings at the same public venues as used for the first round of engagement to facilitate comments on the draft application documentation is arranged.

For this application, the 1st round of engagement was undertaken from 15 January to 14 February 2018 and the 2nd round of engagement was undertaken from 26 September 2018 to 26 October 2018. During the 2nd round of engagement the draft application document, including the motivation for the application, the AIR and the Public Participation Report were

each made available for 30 days' public review and comment. The 2nd round of engagement has lapsed and the Public Participation Report was finalised on 30 October 2018 to record and consolidate all comments and issues raised at public meetings and received during the public participation process.

It is important to note that the postponement application for Tutuka power station and public consultation in respect of it was completed prior to the publication of the updated MES regulations GNR 1207 on 31 October 2018. This application is already delayed and any further delays place the continued legal operation of Tutuka from 1 January 2019 at significant risk. As such only the wording of the main motivation document, to which this Public Participation Report is supplementary to, has been revised in terms of wording of GNR 1207 compared to what was originally shared during the participation process. No changes have been effected to the Public Participation Report and related appendices due to time constraints. The changes to the motivation are not substantive and additional public participation on the application is not considered necessary. During the public participation process Eskom specifically reserved its right to amend the application based on changes to the regulatory framework. To request any further public consultation which delays the administrative processing of this application would be argued to be administratively unfair due to the far advanced state of the application at the time of publication of GNR 1207.

Therefore, the concluded Public Participation Report has been prepared for submission together with the application documentation to the National Air Quality Officer for approval.

I&APs have been notified of the submission and have access to the final documents placed on the NEC website. I&APs will also be notified of the decision made by the National Air Quality Officer.

The Public Participation Report includes comments received from interested and affected parties (I&APs), including any comments by the decision making authority received during:

- the project announcement period and public meetings held as part of the 1st round of public engagement;
- the public review and comment period and public meetings held as part of the 2nd round of public engagement.

2. SUMMARY OF PROJECT ANNOUNCEMENT TASKS

In summary the following tasks were undertaken as part of the project announcement phase:

- The project was communicated to the Municipal Manager and Speaker of Lekwa Local Municipality via email on 8 December 2017 before any public announcement tasks were undertaken;
- Equally, the project was communicated to the Standerton, Thuthukani and Morgenon Municipal Councillors on 14 and 15 December 2017 before any public announcement tasks were undertaken;
- Press advertisements announcing the MES Postponement Application were published on 12 January 2018 in the Beeld, Daily Sun, Standerton Advertiser and the Cosmos News;
- Site notices were placed in the project area within strategic places in Standerton, Thuthukani and Morgenon, including the Tutuka Power Station;

- All I&APs registered on the previous MES Postponement application process database and recent EIA Processes undertaken for activities at the Tutuka Power Station were notified with a Background Information Document (BID) and Comment and Registration Form, requesting I&APs to register on the current MES Postponement application process database;
- BID's, Notification letters including Comments and Registration Forms were made available for public review and comment at three public libraries namely Standerton- , Thuthukani- and Morgenzon Public Library including on the Naledzi website www.naledzi.co.za/publicdocuments;
- A brief project announcement and explanation meeting was provided to available ward councillors of the Lekwa Local Municipality on 12 January 2018. Bulk flyers were distributed to ward councillors and their respective ward committees to allow for further announcement within community structures;
- A public meeting was held on 29 January 2018 at the Standerton Town Hall;
- Another public meeting was held on 30 January 2018 at the AFM Lefikeng Church in Thuthukani.

For the 2nd round of public engagement the following tasks were undertaken to announce the availability of the draft application documents:

- Press advertisements were published on 14 September 2018 in the Beeld, Daily Sun, Standerton Advertiser and the Cosmos News respectively;
- Site Notices were erected at the strategic locations within Standerton, Thuthukani and Morgenzon;
- All I&APs registered on the application process database were notified through a Stakeholder Notification Letter and Comment Sheet of the availability the draft documentation for public review and comment including of the revised date at which the draft documentation would be available for review. The revised date for review was from 25 September 2018 to 25 October 2018;
- Subsequent to the notification, all I&APs registered on the application process database were notified through emailed notifications of a further extension of the public review period for the draft documentation until 26 October 2018
- Draft application documentation were available for public review and comment at three public libraries namely Standerton - , Thuthukani – and Morgenzon public library, AFM Lefikeng Church at Thuthukani including on the Naledzi website www.naledzi.co.za/publicdocuments
- Social media notifications regarding the project and scheduled public meetings were placed on both 'Morgenzon Koop en Verkoop' and 'Standerton/Sakhile Quick News' Facebook pages on 27 September 2018.
- Two public meetings were held on 2 October 2018 at the Standerton Town Hall and on 3 October 2018 at the AFM Lefikeng Church in Thuthukani. Both meetings were scheduled from 5:30pm to 7:30pm.
- Loud Hailing took place on 1 and 2 October 2018 in the areas of Standerton, Thuthukani and Morgenzon to prompt communities of the scheduled public meetings of 2 and 3 October 2018;

3. CORRESPONDENCE LEKWA LOCAL MUNICIPALITY

During the 1st round of public engagement, as a matter of consideration, the Municipal Manager and Speaker of Lekwa Local Municipality was contacted telephonically and notified on 8 December 2017 via email of the planned public participation process (PPP) tasks to be undertaken in support of the MES Postponement application within the jurisdiction of Lekwa.

Equally the respective ward councillors for Standerton Ward 10, Thuthukani and Morgenzon were informed of the planned PPP tasks on 14 and 15 December 2017.

A project briefing was undertaken with available ward councillors of the Lekwa Local Municipality on 12 January 2018 at the Standerton Minor Town Hall. During the briefing bulk flyers were distributed to ward councillors and their respective ward committee members to allow for further announcement of the project within community structures.

On 6 September 2018, during the 2nd round of public engagement, a notification letter was directed to the Municipal Manager, Speaker of Lekwa Local Municipality and respective ward councillors to notify them of the commencement of the 2nd round of public engagements for the project. The availability of the draft application documentation for public review including two scheduled public meetings were highlighted in the communication including the need to loud hail the meetings to communities in Morgenzon, Thuthukani and Standerton. The ward councillors and Speaker's Office took note of the request and the public meetings were loud hailed in the communities.

Refer to Appendix A for Proof of emailed notifications to Lekwa Local Municipality.

4. NEWSPAPER ADVERTISEMENTS

Regulation 41, 2(c) of the NEMA EIA Regulations of 2014 requires that an advertisement is placed in (i) one local newspaper or provincial Government Gazette and (ii) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the metropolitan or district municipality.

Accordingly in the 1st round of public engagement press advertisements announcing the project were published in the following local and national newspapers:

- Page 20 of the Beeld on 12 January 2018 in Afrikaans
- Page 9 of the Daily Sun (national issue) on 12 January 2018 in English
- Page 11 of the Standerton Advertiser on 12 January 2018 in English and Zulu
- Page 7 of the Cosmos News on 12 January 2018 in Zulu

For the 2nd round of public engagement, newspaper advertisements were published in the same newspapers, in the Friday 14 September issues of the Beeld, Standerton Advertiser and Cosmos News as follows:

- Page 17 of the Beeld in Afrikaans

- Page 4 of the Standerton Advertiser in English
- Page 7 of the Cosmos News in English

Please refer to Appendix B for copies of the newspaper tear sheets for Beeld, Daily Sun, Standerton Advertiser and Cosmos News for both the rounds of public engagements.

Moreover, since social media has become a more popular news source than traditional sources, social media notifications regarding the project, 2nd round of public engagement and scheduled public meetings were placed on both ‘Morgenzon Koop and Verkoop’ and ‘Standerton/Sakhile Quick News’ Facebook pages on 27 September 2018. Proof of social media notifications are also appended under Appendix B.

5. SITE NOTICE PLACEMENT

Regulation 41 (2) of the NEMA EIA Regulations of 2014 requires a person conducting PPP to take into account any relevant guidelines applicable to PP as contemplated in section 24J of the Act and must give notice to all potential I&APs of an application or proposed application which is subject to PP by - (a) fixing a notice board at places conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of (i) the site where the activity to which the application or proposed application relates; and (ii) any alternative site.

During the 1st round of public engagement for the project, approximately 16 Site Notices were placed at places conspicuous to and accessible by the public. These 16 Site Notices were placed in Standerton, Thuthukani, Tutuka Coal-Fired power station and Morgenzon.

In Standerton Site Notices were placed at the following public places:

- Spar at c/o Cilliers and Princess Street in English, Afrikaans and Zulu
- Pick and Pay in Bauman Street in English, Afrikaans and Zulu
- Meyerville Liquor Store on Nelson Mandela Drive in English and Afrikaans
- Skyline Supermarket on Nelson Mandela Drive in English, Afrikaans and Zulu
- Lekwa Local Municipality Office in English
- Standerton Public Library in Church Street in English
- Sakhile Clinic on Hlongwane Street in English and Zulu

In Thuthukani Site Notices were placed the following places:

- Tutuka Power Station in English and Zulu
- Thuthukani Tavern in English and Zulu
- Thuthukani Public Library in English, Afrikaans and Zulu

In Morgenzon Site Notices were placed the following places:

- Lekwa Local Municipality Offices in English, Afrikaans and Zulu
- Morgenzon Public Library in English, Afrikaans and Zulu

- Hoeveld Minimark in Afrikaans and English
- Hoeveld Garage in Afrikaans and Zulu
- Morgenzon Clinic in Sivukile in English and Zulu

During the 2nd round of public engagement of the project, approximately 10 Site Notices were placed in Standerton, Thuthukani and Morgenzon to announce the availability of the draft Application documentation for public review and comment including the scheduled public meetings. The site notices were placed at the following public venues in the 2nd round of engagement:

- Pick and Pay Junction Mall in English, Afrikaans and Zulu (Standerton);
- Lekwa Municipal Offices (Services Centre) in English and Zulu (Standerton)
- Standerton Public Library in English and Afrikaans;
- AFM Lefikeng Church in English (Thuthukani)
- Eskom Thuthukani Service Centre in English and Zulu;
- Thuthukani Public Library in English, Afrikaans and Zulu;
- Deli's Tavern in English and Zulu (Morgenzon)
- Morgenzon Public Library in English and Zulu;
- Robi Minimark in English (Morgenzon);
- Sivukile Clinic in English and Zulu (Morgenzon)

Please refer to Appendix C for Photographic Proof of Site Notice Placement.

6. INTERESTED AND AFFECTED PARTY DATABASE

Regulation 42 of the NEMA EIA Regulations of 2014 requires that a register of interested and affected parties is opened and maintained and such is to be submitted to the decision making authority, it must (a) contain all persons, who as a consequence of the PPP conducted in respect of the application, have submitted written comments or attended meetings (b) all persons who have requested, in writing for their names to be placed on the register; and (c) all organs of state which have jurisdiction in respect of the project.

An I&AP database was opened for the project and all identified landowners, interested and affected parties and registered interested and affected parties including organs of state were added to the database. Public meetings also took place during the month of January 2018 and October 2018 and attendees at the meetings were added to the project database. The database has now been closed for the project.

Refer to Appendix D for the I&AP Database.

7. DIRECT NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

Regulation 41 (2)(b) of the EIA Regulations of 2014 requires that the PPP involves giving written notice, in any manner provided for in Section 47D of NEMA to-

- The occupiers of the site and, if proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken or to any alternative site where the activity is to be undertaken;
- Owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;
- The municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;
- Municipality which has jurisdiction in the area
- Any organs of state having jurisdiction in respect of any aspect of the activity; and
- Any other party as required by the decision making authority.

All I&APs registered on the previous MES Postponement application process database and on recent EIA Processes undertaken for activities at the Tutuka Power Station were notified with a Background Information Document (BID) and Comment and Registration Form, requesting I&APs to register on the current MES Postponement application process database.

The Background Information Documents (BID) with attached Comment and Registration Forms were emailed to a list of pre-identified I&APs, sent to registered I&APs and were hand delivered to the Standerton -, Thuthukani - and Morgenzon Public Libraries on 11 and 12 January 2018. The BID was made available for public review and comment from 15 January 2018 to 14 February 2018.

Similarly the electronic copies of the draft application documents (the motivation for the application, the draft Atmospheric Impact Assessment (AIR) and the Public Participation Report) were made available to all pre-identified and registered I&APs, and printed copies were made available for public review and comment at the Standerton-, Thuthukani- and Morgenzon Public Libraries and AFM Lefikeng Church in Thuthukani together with comment forms on 26 September 2018 and 27 September 2018.

Essentially, on 14 September 2018 the press advertisements in the Beeld, Daily Sun, Standerton Advertiser and Cosmos News announced the availability of the draft application documentation for public review and comment from 17 September 2018 until 17 October 2018. However an emailed Stakeholder Notification Letter was sent out to registered and pre-identified I&APs on 17 September 2018 which specified that the draft application documentation would be available for public review and comment from 25 September 2018 until 25 October 2018.

Subsequent to the notification, the CeR requested that the public review and comment period on the draft application documentation be extended until 26 October 2018. I&APs registered on the application process database were notified accordingly through emailed notifications

of the further extension of the public review period for the draft documentation until 26 October 2018.

The BID, Comment and Registration Form including the draft application documentation were made available on the Naledzi website www.naledzi.co.za/publicdocuments.

Refer to Appendix E for Document Transmittal letters signed by respective librarians for delivery of the BID and draft application documentation.

Refer to Appendix F for Proof of direct notification to I&APs.

8. PUBLIC MEETINGS HELD AS PART OF 1ST ROUND OF PUBLIC ENGAGEMENT

Two public meetings took place as part of the 1st round of public engagement in the project area. Public meetings were held on 29 January 2018 at the Standerton Town Hall and on 30 January 2018 at the AFM Lefikeng Church in Thuthukani. Both meetings were held from 05:30pm to 07:30pm in the evening.

The public meetings provided I&APs the opportunity to obtain information regarding the application, obtain clarity on information contained in the BID and provided I&APs the opportunity to raise comments, issues and concerns regarding the project. It allowed the project team to record comments and issues regarding the application.

Refer to Appendix F for Minutes of the Public Meetings and related Attendance Registers for the 1st round of engagement.

9. PUBLIC MEETINGS HELD AS PART OF 2ND ROUND OF PUBLIC ENGAGEMENT

Another round of public meetings was held at the same public venues as used for the first round of engagement during the public review period of the draft Application Documentation. Public meetings were held on 2 October 2018 at the Standerton Town Hall and on 3 October 2018 at the AFM Lefikeng Church in Thuthukani. Both meetings were scheduled from 5:30pm to 7:30pm. Both meetings did not proceed into discussion sessions since there was no attendance from the public. The meetings were well announced through loud hailing, advertised in four newspapers, through direct notification of I&APs and notices on Social Media. The project team and representatives from Tutuka power station signed the related attendance registers for the meetings and closed the meetings at 6pm.

Refer to Appendix H for the 2nd round Public Meeting Presentations and related Attendance Registers.

10. COMMENTS FROM INTERESTED AND AFFECTED PARTIES

Regulation 44 of the NEMA EIA Regulations of 2014 requires that the applicant must record comments of interested and affected parties in reports and plans, and such written comments, including responses to such comments and recordings of meetings are attached to reports and plans that are submitted to the decision making authority.

All comments received from interested and affected parties during the first and second round of public engagements have been recorded in an Issues and Response Report.

Refer to Appendix I for the Issues and Response Report (IRR).

11. CONCLUSION

All previous and current I&APs were notified about the Application for Postponement of the MES for Eskom's Tutuka coal-fired power station on 12 January 2018 through the following means:

- An advertisement was placed in the Beeld, Daily Sun, Standerton Advertiser and Cosmos News newspapers;
- Direct notification of I&APs have been undertaken by distributing a BID through emailed notifications to pre-identified, registered I&APs and to previous I&AP Databases, availability of the BID on the Naledzi website www.naledzi.co.za/publicdocuments
- Site Notices have been placed at conspicuous places which are accessible by the public in the project area;
- Flyers have been distributed in the project area

Two public meetings were held during the public review period of the BID, in Standerton on 29 January 2018 at Standerton Town Hall and in Thuthukani on 30 January 2018 at the AFM Lefikeng Church in Thuthukani.

The draft application documentation, draft AIR and Public Participation Report were made available to I&APs for comment from 26 September 2018 to 26 October 2018 and all the registered I&APs were notified of the availability of the draft reports for review and comment, via email, through newspaper advertisements placed in the same newspapers as for the 1st round of consultation and through Social Media notices.

Another round of public meetings were arranged for the 2nd round of public consultation at the same public venues as used for the first round of consultation. Public meetings were held on 2 October 2018 at the Standerton Town Hall and on 3 October 2018 at the AFM Lefikeng Church in Thuthukani. Both meetings did not proceed into discussion sessions since there was no attendance from the public.

It is once more brought to the attention of the reader that for this application, the 1st round of engagement was undertaken from 15 January to 14 February 2018 and the 2nd round of engagement was undertaken from 26 September 2018 to 26 October 2018. This postponement application process for Tutuka power station and public consultation in respect of it was thus completed prior to the publication of the updated MES regulations GNR 1207 on 31 October 2018. This application is already delayed and any further delays place the continued legal operation of Tutuka from 1 January 2019 at significant risk. As such only the wording of the main motivation document, to which this Public Participation Report is supplementary to, has been revised in terms of wording of GNR 1207 compared to what was originally shared during the participation process. No changes have been effected to the Public Participation Report and related appendices due to time constraints. The changes to the motivation are not substantive and additional public participation on the application is not considered necessary. During the public participation process Eskom specifically reserved its right to amend the application based on changes to the regulatory framework. To request any further public consultation which delays the administrative processing of this application would be argued to be administratively unfair due to the far advanced state of the application at the time of publication of GNR 1207.

This Public Participation Report (PP Report) and Issues and Response Report (IRR) was finalised on 31 October 2018 and records and consolidates all the comments and issues raised at the public meetings and received during the public participation process. The concluded PP Report and IRR are herewith submitted together with the application documents to the National Air Quality Officer (NAQO) for approval. I&APs have been notified of the submission and have access to the final documents on the NEC website. I&APs will also be notified of the decision made by the NAQO.

PROOF OF NOTIFICATION TO LEKWA LOCAL MUNICIPALITY

APPENDIX B – NEWSPAPER TEAR SHEETS, SOCIAL MEDIA NOTIFICATIONS

APPENDIX C – PHOTOGRAPHIC PROOF OF SITE NOTICE PLACEMENT

**APPENDIX E – SIGNED BID AND DRAFT APPLICATION DOCUMENTATION
TRANSMITTAL LETTERS**

APPENDIX F – PROOF FO DIRECT NOTIFICATION TO I&APS

**APPENDIX G – MINUTES OF PUBLIC MEETINGS, ATTENDANCE REGISTERS
(1ST ROUND OF PUBLIC ENGAGEMENT)**

**APPENDIX H –PUBLIC MEETING PRESENTATIONS, ATTENDANCE
REGISTERS (2ND ROUND OF PUBLIC ENGAGEMENT)**

APPENDIX I –ISSUES AND RESPONSE REPORT