

Mr Dan Hlanyane
Air Quality Officer
Gert Sibande District Municipality
P.O. Box 1748
ERMELO
2350

Date:
17 August 2020

Enquiries: Bryan McCourt
Tel +27 82 770 0037

Submitted via E-mail:

To: dan.hlanyane@gsibande.gov.za
To: bulelwas@gsibande.gov.za
To: Tkhumalo@environment.gov.za
Cc: DMakhubele@environment.gov.za
Cc: VSenene@environment.gov.za
Cc: LAlade@environment.gov.za

Ref: ENV20 – L186

Dear Mr D Hlanyane

RE: APPLICATION FOR VARIATION OF ATMOSPHERIC EMISSION LICENSE IN TERMS OF SECTION 46(1)(d) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT (ACT 39 OF 2004) FOR GROOTVLEI POWER STATION

1. Eskom refers to the above matter and herewith requests variation of the Grootvlei Power Station Atmospheric Emission Licenses (reference number: Dipaleseng/Eskom H SOC Ltd GPS/0015/2019/F03 25 April 2019) (the AEL), in terms of Section 46(1)(d) of the National Environmental Management Air Quality Act, 39 of 2004 (the Act).
2. In terms of background Eskom notes that in October 2018 amendments to the 2017 National Framework for Air Quality Management in the Republic of South Africa and the Amendment to the Listed Activities and Associated Minimum Emission Standards (MES) Identified in terms of Section 21 of NEMAQA were published.
3. There was, prior to October 2018, no requirement for Eskom to complete an immediate MES application for this power station, as the station had a valid postponement decision until 2025.

The previous legislation also permitted more than one postponement application which would have allowed Grootvlei to apply for subsequent postponement if necessary. The publication of the October 2018 amendments necessitated Eskom in making an unplanned MES application.

4. Eskom was unable to complete the required MES application by the deadline of March 2019 and as such requested approval for the late submission of an application in March 2019. Approval to submit an application by November 2019 was granted to Eskom in October 2019 by the Minister of Environment, Forestry and Fisheries.
5. Eskom has complied with this request and submitted the required MES application by November 2019 and undertook to submit an updated Atmospheric Impact Report and Public Participation report when these were available.
6. These reports are now available and in compliance with standard process Eskom is thus submitting this variation requests to the relevant authorities impacted by the MES applications.
7. The extent of the amendment sought is as follows:
Current emission limits according to section 7.2 of Grootvlei Power Station’s Atmospheric Emission License (GPS/0015/2019/F03) are:

Table 1: Existing emission limits as listed in Grootvlei’s current AEL

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm ³) under normal conditions of 10% O ₂ , 273Kelvin & 101,3kPa	Compliance timeframe	Average period
PM	100	1 April 2018 to 31 March 2020	Daily
	50	1 April 2020 to 31 March 2025	Daily
SO ₂	3500	Immediately	Daily
	3500	1 April 2020 to 31 March 2025	Daily
NO _x	1100	Immediately	Daily
	1100	1 April 2020 to 31 March 2025	Daily

It is requested that the emission limits in section 7.2 of Grootvlei’s Atmospheric Emission License be changed to as reflected in Table 2.

Table 2: Requested emission limits

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm ³) under normal conditions of 10% O ₂ , 273Kelvin & 101,3kPa	Compliance timeframe	Average period
PM	100	1 April 2018 to 31 March 2020	Daily
	50	1 April 2020 to decommissioning*	Daily
SO ₂	3500	Immediately	Daily
	3500	1 April 2020 to decommissioning*	Daily
NO _x	1100	Immediately	Daily
	1100	1 April 2020 to decommissioning*	Daily

*Decommissioning will not occur later than 2030

8. The above request limits are requested at 273 K, 101.3 kPa, dry and 10% O₂.
9. It is assumed that the existing valid MES postponement decisions and any other variation or amendment of the AEL will remain in effect.
10. Eskom recognises that the authorities have an option to establish an emission load instead of emission limits. Given the complexities of calculating an emission load Eskom has not phrased its application in terms of load but is willing to engage with the authorities in respect of load if this is deemed necessary or appropriate.
11. Eskom is simultaneous with the variation request submitting an application to the NAQO for suspension of the dates from when Eskom is required to comply with the Minimum Emission Standards (MES) in the Regulations in respect of the above variables for Grootvlei Power Station. The above variation request is based on the assumption that the Suspension Application is granted and further that no amendments to the regulations are effected within the next five years. In the event that the NAQO issues a decision not in line with Eskom's original application or in the event that any amendments to the relevant legislation occur, Eskom reserves its rights to seek further amendments or variation to Grootvlei's license.
12. The Suspension Application and this application are materially linked in that the rationale for variation of current emission limits in the AEL as well as the rationale for the Suspension Application is substantially the same. Accordingly, and in order to facilitate clear communication to stakeholders and in pursuance of the objectives of cooperative governance and integrated decision making reflected in, amongst others, the National Environmental Management Act (Act 107 of 1998), this Variation Application and the Suspension Application are supported by the same motivational documentation which is attached for your reference.
13. In terms of Paragraph (12) of the Regulations, the NAQO is required to consult with the Licensing Authority (Gert Sibande District Municipality) before granting the Suspension Application. As such, we assume that the official process of consultation and cooperative decision making between the Gert Sibande District Municipality and the NAQO is either underway or imminent.
14. In terms of section 46 (3) of the Act it is necessary to bring the application for variation to the attention of the public. Eskom has undertaken public consultation in respect of the MES application and the variation request simultaneously in July 2020. Proof and details of the public participation process are provided in the Suspension application documentation supporting this request.

15. It is Eskom's considered view that the supporting documentation clearly indicates that the approval of the MES Applications and related AEL variations will result in limited health impacts on affected communities and that the Applications are not only reasonable, but also stand in the national interest due to techno-socio economic reasons.
16. The variation request will be submitted on the South Africa Atmospheric Emission Licencing & Inventory Portal (SAAELIP) for approval once a decision on the postponement application is made.
17. Should the Gert Sibande District Municipality require any additional information or clarification on any material or procedural aspects regarding this Application or its supporting and motivational Annexures and the variation request, please do not hesitate to contact Bryan McCourt, this in particular, if the Licensing Authority identifies any aspect of the application which it believes may jeopardise its likelihood to be met with approval.

For any questions, please do not hesitate to contact Bryan McCourt email mccourba@eskom.co.za or +27 82 770 0037.

Yours sincerely



Deidre Herbst

ESKOM ENVIRONMENTAL MANAGER