

Date: 14 December 2021

Dear Stakeholder,

**NOTICE OF DECISION ON APPLICATIONS FOR POSTPONEMENT OF THE MINIMUM EMISSION STANDARDS (MES) COMPLIANCE TIMEFRAMES, FOR ESKOM'S COAL-FIRED POWER STATIONS SITUATED IN THE MPUMALANGA HIGHVELD AND VAAL TRIANGLE**

Naledzi Environmental Consultants Pty Ltd would like to thank stakeholders for participating in the postponement application process for Eskom's coal-fired power stations situated in the Mpumalanga Highveld and Vaal Triangle.

The Department of Forestry, Fisheries and Environment (DFFE) National Air Quality Officer (NAQO) has issued decisions on Eskom's applications for postponement of the timeframes for compliance with the Minimum Emission Standards in terms of section 21 of the National Environmental Management Air Quality Act 39 of 2004.

Eskom submitted applications for postponement in November 2018, March 2019 and August 2020. The NAQO issued decisions on the applications on 30 October 2021 received by Eskom on 4 November 2021. The postponement applications were submitted for the following stations:

- November 2018
  - Tutuka Power Station (Standerton) in the Mpumalanga Highveld
- March 2019
  - Lethabo Power Station in the Vaal Triangle
  - Majuba-, Camden-, Kriel-, Matla-, Kendal-, Duvha-, Arnot-, Hendrina- and Komati power stations in the Mpumalanga Highveld Region;
- August 2020
  - Grootvlei Power Station (Balfour) in the Mpumalanga Highveld Region

Separate applications were made for Acacia, Port Rex, Medupi and Matimba stations

**ESKOM STATEMENT ON THE NAQO DECISIONS**

Eskom received positive postponement decisions for Grootvlei, Arnot, Hendrina, Camden, Komati, Acacia and Port Rex. Eskom's request for postponements at Matla, Duvha, Matimba, Medupi and Lethabo were all refused by the NAQO in their entirety. Postponement applications for Majuba, Tutuka, Kendal, and Kriel were partially granted.

Eskom has reviewed the decisions and believes they have a very significant impact on Eskom's ability to provide electricity nationally, the economy, and the country's plans in terms of a just energy transition. As such, Eskom is engaging with the DFFE, the Department of Public Enterprises, the Department of Minerals and Energy and others in respect of the way forward.

Eskom is committed to its mandate to supply stable electricity efficiently and sustainably and enable economic growth. We aim to do this in an environmentally responsible manner and in line with the country's international climate change commitments. We look forward to working with stakeholders to ensure this.

#### **DECISION AVAILABLE FOR INSPECTION:**

The DFFE NAQO decisions for the above-mentioned applications are available for download from the Naledzi website: <http://www.naledzi.co.za/public-documents-naledzi.php>, under the heading 'Decisions on Eskom MES Postponement Applications'. The decisions are downloadable as a single document (ALL) or per power station. Copies of these documents can also be obtained from independent Environmental Assessment Practitioner (EAP) Marissa Botha / Desmond Musetsho via email (see contact details below).

#### **APPEAL PROCEDURE:**

Parties wishing to formally appeal the decisions must, per Regulation 4 (1) under Chapter 2 of the National Appeal Regulation of 2014 (see attached Appeal Regulations), submit the appeal to the administrator, and a copy of the appeal to the applicant, any registered interested and affected party, organ of state with interest in the matter **within 20 days from the date of this notification – on or before 25 January 2022**.

Since the decision has been issued immediately before the public holiday period, the period of 15 December 2021 to 5 January 2022 is excluded from the reckoning of days and the **appeal period only commences on 6 January 2022**.

#### **APPEALS MUST BE SUBMITTED IN WRITING IN THE PRESCRIBED FORM TO:**

An appellant must submit the appeal in writing and on an official appeal form obtainable from the DFFE. For the appeal form and guidance, visit [www.environment.gov.za/documents/forms#legal\\_authorisations](http://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

The appeal must be submitted either by post, fax, and email or hand delivery to the following address:

The Director: Appeals and Legal Review

Email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

By Hand: Environmental House, 473 Steve Biko Street, Arcadia, PRETORIA, 0083; or

By Post: Private Bag X 447, Pretoria, 0001

The appeal form must be accompanied by a:

- (i) A statement setting out the grounds of appeal
- (ii) Supporting documentation and a statement by the appellant to confirm compliance with Regulation 4 (1) of the National Appeal Regulations of 2014.

**EAP Details:** Naledzi Environmental Consultants Pty Ltd, Tel: 015 296 3988, EAP - Marissa Botha, Cell: 084 226 5584, [botham@naledzi.co.za](mailto:botham@naledzi.co.za) or Desmond Musetsho, Cell: 083 410 1477, [dmusetsho@naledzi.co.za](mailto:dmusetsho@naledzi.co.za)

Sincerely,

A handwritten signature in black ink, appearing to read 'M Botha', with a long horizontal flourish extending to the right.

Marissa Botha (*Pr.Sci.Nat*)

Naledzi Environmental Consultants Pty Ltd

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