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Date:  
5 November 2018

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**Submitted via E-mail:**

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Ref: ENV18\_L216

Dear Mr 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 TUTUKA POWER STATION**

1. Eskom refers to the above matter and herewith requests variation of the Tutuka Power Station Atmospheric Emission Licenses (reference number Lekwa/Eskom H SOC Ltd/TPS/0013/2015/F02) (the AEL), in terms of Section 46(1)(d) of the National Environmental Management Air Quality Act, 39 of 2004 (the Act).
2. Eskom assumes that no delegations were made by the Licensing Authority in terms of Section 36(2) of the Act. Eskom has further not been advised of any interventions in terms of Section 36(3) of the Act.

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3. Should Eskom's information in this regard be inaccurate, the Gert Sibande District Municipality is hereby requested to advise Eskom in that regard without delay.

4. The extent of the amendment sought is as follows:

Current emission limits according to section 7.2 of Tutuka Power Station's Atmospheric Emission Licence are:

Table 1. Existing emission limits as listed in Tutuka's current AEL

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> )	Date to be achieved by	Average period
PM	350	1 April 2015 – 31 December 2018	Daily
	200	1 January 2019 – 31 December 2019	Daily
	100	From 1 January 2020	Daily
SO <sub>2</sub>	3400	1 April 2020 – 31 December 2025	Daily
NO <sub>x</sub>	1200	1 April 2015-31 March 2020	Daily
	750	From 1 April 2020	Daily

It is requested that the emission limits in section 7.2 of Tutuka's Atmospheric Emission Licence be changed to either Table 2 or Table 3 below, based on the licensing authority's preference in terms of daily or monthly averaging for PM:

Table 2. Requested emission limits based on a daily PM averaging period

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> )	Date to be achieved by	Average period
PM	300	1 January 2019 – 31 March 2027	Daily
	50	From 1 April 2027 onwards	Daily
SO <sub>2</sub>	3000	1 April 2020 – 31 March 2025	Daily
	3000	From 1 April 2025 – onwards	Daily
NO <sub>x</sub>	1200	1 April 2020-31 March 2026	Daily
	750	From 1 April 2026 onwards	Daily

Or:

Table 3. Requested emission limits based on a monthly PM averaging period

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> )	Date to be achieved by	Average period
PM	200	1 January 2019 – 31 March 2027	Monthly
	50	From 1 April 2027 onwards	Daily
SO <sub>2</sub>	3000	1 April 2020 – 31 March 2025	Daily
	3000	From 1 April 2025 – onwards	Daily
NO <sub>x</sub>	1200	1 April 2020-31 March 2026	Daily
	750	From 1 April 2026 onwards	Daily

4. While the limits indicated above illustrate a change in emission levels by the defined dates, it is important to note that Tutuka intends to implement the required retrofits in a progressive manner commencing in 2021 and as such a real reduction in emission levels and associated environmental impact will be seen prior to these defined dates.
5. The above request is based on the assumption that the postponement application and alternative limits are granted as requested 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 postponement application or in the event that any amendments to the relevant legislation occur, Eskom reserves its rights to seek further amendments or variation to Tutuka's license.
6. The variation requested will, if approved, not comply with the Minimum Emission Standards as set out in GNR 893 of 22 November 2013 of GG 37054 (as amended by GNR 42013 of 31 October 2018) as of 2015 and 2020 as per paragraphs 9 and 10 of the Regulations.
7. In view of the above, Eskom has submitted an application to the National Air Quality Officer (NAQO) for postponement of the dates from when Eskom is required to comply with the Minimum Emission Standards (MES) in the Regulations and alternative limits in respect of those variables for Tutuka Power Station (the Postponement Application).
8. The Postponement Application and this application are materially linked in that the rationale for variation of current emission limits in the AELs as well as the rationale for the Postponement Application and alternative limits suggested are 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 Postponement Application are supported by the same motivational documentation:

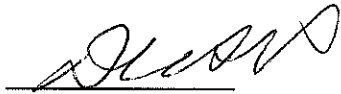
- Annexure A: Atmospheric Impact Report and Appendices
- Annexure B: Public Participation Process
- Annexure C: A detailed justification and reasons for Tutuka Power Station's Application

9. In terms of Paragraph (12) of the Regulations, the NAQO must consult with the Gert Sibande District Municipality before granting the Postponement 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.
10. Eskom further apologizes for the late submission of the postponement application and licence variation asks that the authorities condone the late submission given the history and issues described in detail in the Tutuka Minimum Emission Standard Postponement Application.
11. It is Eskom's considered view that the supporting documentation clearly indicates that the approval of this Application will result in limited health impacts on affected communities and that this Application is not only be reasonable, but that it also stands in the national interest due to techno-socio economic reasons. As such, 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, please do not hesitate to contact Bryan McCourt at any time, 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.
12. Eskom must indicate that if the processing of the postponement and variation is delayed beyond **1 January 2019** when the AEL imposes new limits such that the stations operations are limited, this would constrain the nationally available electricity capacity which would, under present circumstances, increase the risk of load shedding nationally.
13. Furthermore it should be noted that Tutuka is a crucial station for Eskom's grid stability, as it is an important component of the grid black-start system. As such, closure of the station would place an unacceptable risk on the recovery of the national grid in the case of national or regional load shedding or blackouts.
14. Eskom lastly kindly asks that this variation request be processed rapidly and in line with the decision received from the NAQO on the postponement application, to avoid challenges in

terms of grid stability, and apologizes for any additional pressure this may place on the authority.

For any questions, please do not hesitate to contact Bryan McCourt (Tel +27 11 800 2414).

Yours sincerely



Deidre Herbst

**ESKOM ENVIRONMENTAL MANAGER**

06.11.2018

Date