

MV Mahlangu  
Air Quality Officer  
Fezile Dabi District Municipality  
P.O. Box 2032  
MIDDLEBURG  
1050

Date:  
20 November 2018

Enquiries: Bryan McCourt  
Tel +27 11 800 2414

**Submitted via E-mail:**

To.: chakanes@feziledabidm.gov.za;  
To: Tkhumalo@environment.gov.za  
Cc: DMakhubele@environment.gov.za  
Cc: VSenene@environment.gov.za  
Cc: LAlade@environment.gov.za

Ref: Draft for public comment

Dear S Chakane

**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 LETHABO POWER STATION**

1. Eskom refers to the above matter and herewith requests variation of the Lethabo Power Station Atmospheric Emission Licenses (reference number FDDM-MET-2011-08-P1) (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.

3. Should Eskom's information in this regard be inaccurate, the Fezile Dabi District Municipality is hereby requested to advise Eskom in that regard without delay.
4. In terms of the Integrated Resource Plan it is intended to decommission Lethabo Power Station between 2035-2040.
5. The extent of the amendment sought is as follows:

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

**Table 1: Existing emission limits as listed in Lethabo's current AEL**

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> )	Date to be achieved by	Average period
PM	100	1 April 2015	Monthly
	100	1 January 2016	Daily
	50	1 April 2020	Daily
SO <sub>2</sub>	3500	1 April 2015	Daily
	2500	1 April 2020	
NO <sub>x</sub>	1100	1 April 2015-31 March 2020	Daily

It is requested that the emission limits in section 7.2 of Lethabo's Atmospheric Emission License be changed to Table:

**Table 2: Requested emission limits based on a daily averaging period**

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> )	Date to be achieved by	Average period
PM	100	1 April 2020	Daily
	80	1 April 2025	
SO <sub>2</sub>	3500	1 April 2020	Daily
	2600	1 April 2025	
NO <sub>x</sub>	1100	1 April 2020	Daily
	1100	1 April 2025	

In summary the postponement requested and alternative limits for Lethabo are:

- i. A postponement of the PM new plant MES until 2025 (when the planned retrofits are complete) with an alternative daily limit of 100 mg/Nm<sup>3</sup> until then and thereafter an alternate

- daily limit of 80 mg/Nm<sup>3</sup> (the technology choice cannot guarantee compliance to the new plant standard).
- ii. For SO<sub>2</sub> a postponement of the new plant standard is requested until 2025 with an alternative limit of 3500 mg/Nm<sup>3</sup> and thereafter an alternate daily limit of 2600 mg/Nm<sup>3</sup> is requested until decommissioning in 2040.
  - iii. For NO<sub>x</sub> postponement of the new plant standard until 2025 is requested and thereafter an alternative daily limit of 1100 mg/Nm<sup>3</sup> is requested until station decommissioning.
6. Based on the remaining life of the Lethabo power station, the techno-economics and cost benefits assessment shows that any additional measures other than what was committed to above is not financially viable.
  7. It is requested that the proposed alternative limits only apply during normal working conditions, and not during start-up or shut-down, upset conditions and maintenance periods.
  8. The above request is based on the assumption that the postponement application is 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 suspension and 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 Lethabo's license.
  9. The variation requested will, if approved, not comply with the Minimum Emission Standards as set out in GNR 893 of 22 November 2013 ("the Regulations") as amended in GNR 1207 on 31 October 2018 ("GNR 1207") which was promulgated in terms of Section 21 of the NEMAQA. GNR 1207 provides for transitional arrangements in respect of: a once off postponement with the compliance of minimum emissions for new plant for five years from the date of issue, no once off postponement will be valid beyond 31 March 2025; a once off suspension for plants being decommissioned by 31 March 2030; the National Air Quality Officer may grant an alternate emission limit or emission load if certain conditions are met. The application for any of these requests must be submitted by 31 March 2019.
  10. In view of the above, Eskom has submitted an application to the National Air Quality Officer (NAQO) for postponement from specific MES compliance timeframes and propose alternative limits for Lethabo as required in terms of GNR 1207. If approved as per the application, it will result in Eskom not being bound by the MES, for the period (5 years) during which the postponement is granted but will be bound by the proposed alternative limits per application. As such, the Fezile Dabi District Municipality will, for that additional period of postponement, remain

in a position to determine an emission standard to which Eskom must apply, exceeding that reflected in the MES.

11. 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 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, a copy of the AIR prepared in respect of Lethabo. The AIR provides, *inter alia*, an assessment of how ambient air quality is likely to be affected by Lethabo's requested emission limits by utilising, *inter alia*, atmospheric dispersion modelling;
- Detailed justifications and reasons for the application (as per Section 5 of the Lethabo postponement application document); and
- A comprehensive report on the public participation process followed, and associated documentation (Annexure D)

12. In terms of Paragraph (13) of the Regulations, the NAQO is required to obtain the concurrence of the Fezile Dabi District Municipality before granting the Postponement Application. As such, we assume that the official process of consultation and cooperative decision making between the Fezile Dabi District Municipality and the NAQO is either underway or imminent.

13. In terms of timing, Eskom is required to submit an AEL variation request parallel to the MES postponement application. The variation request is prepared based on the assumption that the requested MES postponement and alternative limits is granted by the NAQO. As already mentioned above, if the NAQO decision is substantially different from the requested once off suspension and alternative limits and postponement, Eskom reserves its right to amend its variation request.

14. 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 reasonable, but that it also stands in the national interest due to techno-socio economic reasons. As such, should the Fezile Dabi 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.

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

Yours sincerely

---

Deidre Herbst

**ESKOM ENVIRONMENTAL MANAGER**

---

Date