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0700

Date.
29 November 2019

Enquires: Bryan McCourt
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Submitted via E-mail:

To: ThivhafuniPO@ledet.gov.za
To: Tkhumalo@environment.gov.za
Cc: VSenene@environmental.gov.za
Cc: LAlade@environment.gov.za

Ref: ENV19_L277

Dear Ms P Thivhafuni

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

1. Eskom refers to the above matter and herewith requests variation of the Medupi Power Station Provisional Atmospheric Emission Licenses (reference number: 12/4/12L-W2/A4) (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 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, in March 2019, requested approval for the late submission of an application. 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 has undertaken to submit an updated Atmospheric Impact Report and Public Participation report when these are available (anticipated May 2020)
- 6 It is Eskom's opinion that information submitted in the November 2019 MES application does provide sufficient substantive information for the National Air Quality Officer (NAQO) to make a decision in respect of the application
7. Given the above and in compliance with standard process Eskom is thus submitting initial variation requests to the relevant authorities impacted by the MES applications.
- 8 The extent of the amendment sought is as follows:

Current emission limits according to section 7.2 of Medupi Power Station's Provisional Atmospheric Emission License (12/4/12L-W2/A4) are:

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

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm ³) under normal conditions of 10% O ₂ , 273Kelvin & 101,3kPa	Date to be achieved by	Average period
SO ₂	3500	1 April 2015	Monthly
NO _x	750	1 April 2015	Daily
PM	50	1 April 2015	Daily

It is requested that the emission limits in section 7 2 of Medupi's Provisional 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	Date to be achieved by	Average period
SO ₂	4000	1 April 2020	Monthly
	1000	1 April 2030 until decommissioning	Monthly
NO _x	750	1 April 2020	Daily
PM	50	1 April 2020	Daily

- 9 The above request limits are requested at 273 K, 101.3 kPa, dry and 10% O₂ and dry basis.


10. It is assumed that the existing valid MES postponement decisions and any other variation or amendment of the provisional AEL will remain in effect.
11. It is anticipated that Medupi's FGD retrofit will be complete by 2030 and this will support compliance to the requested 1000 mg/Nm³ SO₂ limit
12. As indicated, Eskom has submitted in November 2019 an application to the NAQO for Alternative SO₂ limits to those within the MES Regulations in respect of Medupi Power Station. The above variation request is based on the assumption that the November 2019 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 Medupi's license.
13. The Alternative limits 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 Alternative limits 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 Alternative limits Application are supported by the same motivational documentation, which is attached for your reference.
14. In terms of Paragraph (12) of the Regulations, the NAQO is required to consult with the Licencing Authority (Department of Economic Development, Environment and Tourism) before granting the Alternative limits Application. As such, we assume that the official process of consultation and cooperative decision making between the Department of Economic Development, Environment and Tourism and the NAQO is either underway or imminent
15. 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 will be undertaking public consultation in respect of the MES postponement application and the variation request simultaneously and it is intended to undertake this between December 2019 and April 2020. Proof and details of the public participation process will be provided to the authorities on completion of this process, anticipated to be May 2020.
16. Similarly while the MES application includes an assessment on the expected impact on ambient air quality Eskom will be providing an additional updated Atmospheric Impact Report in support of the application and variation by May 2020 to all relevant authorities and the public

17. 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.

18 Should the Department of Economic Development, Environment and Tourism 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 (Tel +27 11 800 2414)

Yours sincerely



Deidre Herbst

ESKOM ENVIRONMENTAL MANAGER