

Mr Ian Geldenhuys  
Air Quality Management  
City of Cape Town  
P O. Box 2815  
CAPE TOWN  
8000

Date  
29 November 2019

Enquiries Bryan McCourt  
Tel +27 11 800 2414

**Submitted via E-mail:**

To: lan.geldenhuys@capetown.gov.za  
To: fundiswa.sandi@capetown.gov.za;  
To: Tkhumalo@environment.gov.za  
Cc: DMakhubele@environment.gov.za  
Cc: VSenene@environment.gov.za  
Cc: LAlade@environment.gov.za

Ref ENV19-L280

Dear Mr Geldenhuys

**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 ACACIA POWER STATION**

1. Eskom refers to the above matter and herewith requests variation of the Acacia Power Station Atmospheric Emission License (reference number WCCT023) (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 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 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 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 Acacia Power Station's Atmospheric Emission License are:

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

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> )	Date to be achieved by	Average period
Particulate Matter	75	Immediate	Hourly
	50	1 April 2020	
Sulphur dioxide	3500	Immediate	Hourly
	500	1 April 2020	
Nitrogen oxides	1100	Immediate	Hourly
	600	1 April 2020	Hourly

It is requested that the emission limits in section 7.2 of Acacia's Atmospheric Emission License be changed to Table 2 (with a change to the NOx Emission limit in particular)

**Table 2: Requested emission limits based on an hourly averaging period**

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm <sup>3</sup> ) Requested at 273 K, 101.3 kPa, dry and 15% O <sub>2</sub>	Date to be achieved by	Average period
Particulate Matter	50	1 April 2020	Hourly
Sulphur dioxide	500	1 April 2020	Hourly
Nitrogen oxides	600	1 April 2020 until decommissioning*	Hourly


\*the decommissioning is currently anticipated to be by 2026, but no later than 2030

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. The above request limits are requested at 273 K, 101.3 kPa, dry and 15% O<sub>2</sub>
11. As indicated Eskom has submitted an application in November 2019 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 Acacia Power Station. The above request is based on the assumption that the November 2019 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 Acacia's license
12. Acacia operates at a very low load factor, the cumulative running hours of all units over a year equates to less than 24 hours of operation per year during the last few years. This has made it practically impossible for the station to meet the MES time requirements for emission testing Eskom has engaged with the authorities on this matter previously and would ask that the authorities formally review and vary the licence to confirm an appropriate achievable methodology for emission testing applicable for this station.
13. The MES 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 MES 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 MES 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 (City of Cape Town) before granting the MES Application. As such, we assume that the official process of consultation and cooperative decision making between the City of Cape Town 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 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 City of Cape Town 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**