



Applications for Postponement of the Minimum Emissions Standards for Eskom's Medupi and Matimba Coal-fired Power Stations

Public Participation Process - Project Announcement Report

Prepared for:

Eskom Holdings SOC Limited

July 2017

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1. Introduction

Eskom is applying to the National Air Quality Officer for a 5-year postponement of the 'existing plant' SO₂ emission limit of 3500 mg/Nm³, as stipulated in the Minimum Emission Standards (MES), for Matimba and Medupi Power Stations (hereinafter referred to as the MES postponement application). A more lenient daily SO₂ emission limit of 4000 mg/Nm³ (at 273 K, 101.3 kPa, dry and 10% O₂) is requested. The SO₂ emission limit of 3500 mg/Nm³ is exceeded sporadically at the power stations when batches of high sulphur coal are received. Eskom faces both technical and contractual limitations in sourcing lower sulphur coal, and flue gas desulphurisation cannot be installed in the short-term at Medupi.

G.C.C.L² Management Services (Pty) Ltd was appointed by Eskom Holdings to facilitate the Public Participation Process (PPP) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). According to Regulation 40 of the EIA Regulations 2014 (GN R982) as promulgated under the NEMA, the PPP must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that particular information is protected by law. This report serves to detail the PPP that was conducted in support of the MES postponement application.

2. Overall approach

In accordance with Reg. 40 (3) of GN R982, potential or registered interested and/or affected parties (I&APs), including the competent authority, must be provided with a favourable circumstance to comment on such reports before an application is submitted and must be afforded opportunity to comment once an application has been submitted to the competent authority. The PPP followed for the MES postponement application is illustrated in Figure 1. It can be seen from the figure that there are two distinct public engagements. The first engagement involved the presentation of the proposed postponement request while the second saw the presentation of the draft Atmospheric Impact Report (AIR) and Eskom's application, for public review. Each of the individual steps in the process is described below.

2.1 Background information document (BID)

A Background Information Document (BID) was prepared that included details of the MES postponement application by Eskom. The BID provided the reasons for the postponement, together with the intended approach taken to conduct the atmospheric impact assessment that would form part of the Atmospheric Impact Report (AIR). The BID was made available to all registered I&APs and was also placed in the Marapong and Lephalale public libraries together with pro forma comment sheets on 9 January 2017.

2.2 Notification of public comment period

Several mechanisms were used to notify I&APs of the 1st comment period, which ran from 16 January 2017 to 24 February 2017 including:

- Erecting Site Notices at the related power stations;





- Notifying all I&APs on record including those registered on the previous MES postponement application process database with a BID and Registration and Comment Form and requesting I&APs to register for the current MES postponement application process; and,
- Advertisements announcing the MES postponement application process were published in the Mogol Post on 13 January 2017 (local newspaper) and the Daily Sun (a regional newspaper) on 16 January 2017.



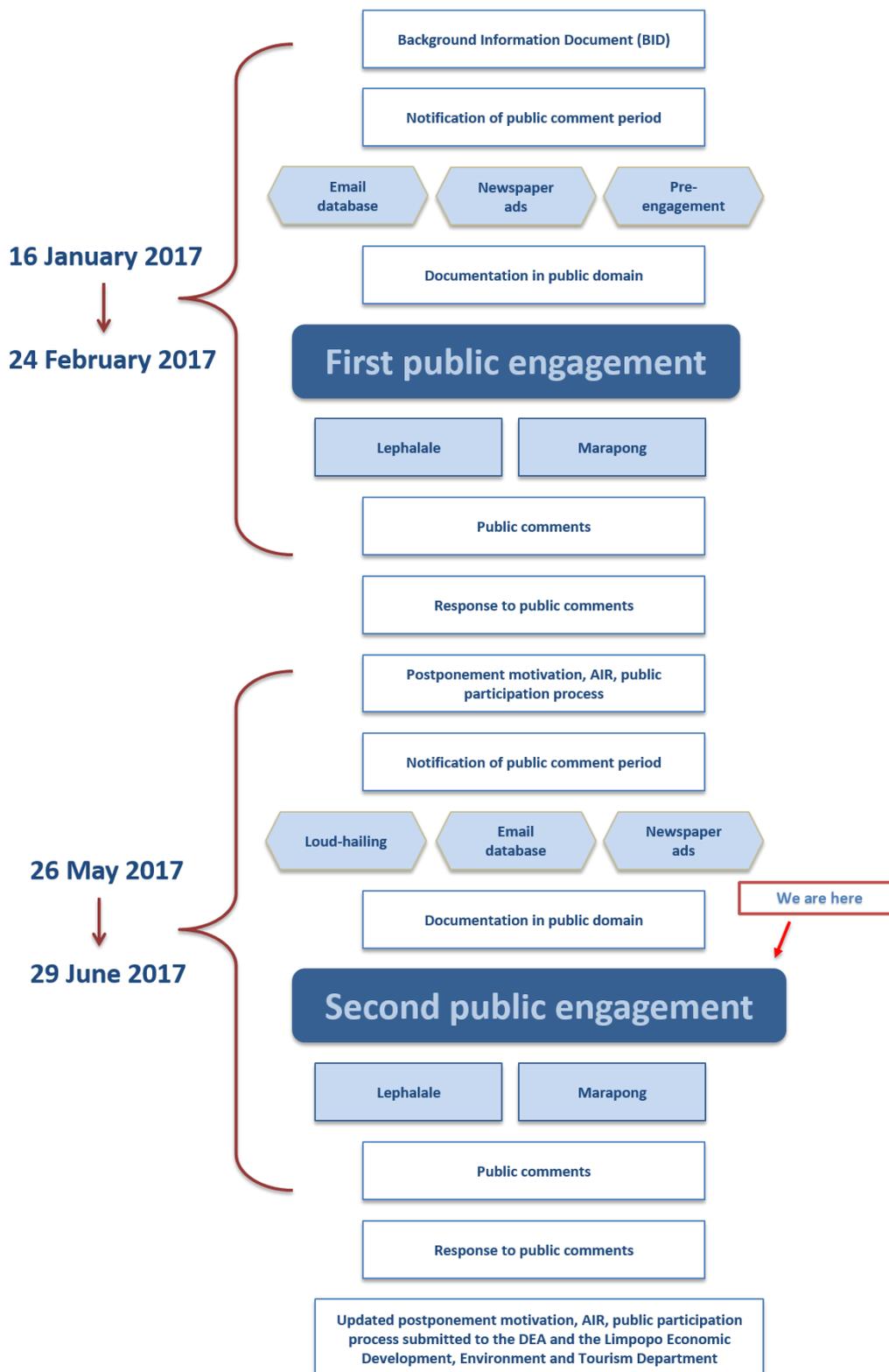


Figure 1: Schematic process flow of the public participation process conducted in support of the application for postponement of the compliance time-frames of the MES.



2.3 Site Notices

According to Reg. 41 (2) of the EIA Regulations 2014 GN R982, the person conducting a PPP must take into account any relevant guidelines applicable to Public Participation as contemplated in Section 24J of NEMA and must give notice to all potential I&APs of an application or proposed application which is subjected to Public Participation by-

- (a) Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of-
- (b) The site where the activity to which the application or proposed application relates is or is to be undertaken.

For the MES postponement application, two site notices were erected at prominent places accessible by the public. The posters displayed information (in English, Afrikaans, Setswana and Sepedi) of Eskom's proposed postponement application and how stakeholders could get involved in the process. The first site notice was put up on the fence next to the main entrance of Medupi Power Station, and the second on the fence next to the main entrance of Matimba Power Station. Photographic proof of the two notices is shown in Table 1.

Table 1 Photographic proof of the Site Notices.

Public Places	Coordinates / Location	Photo
<p>(1) Medupi Power Station</p> <p>(On the fence next to the main entrance of Medupi Power Station)</p> <p>English, Afrikaans, Setswana and Sepedi.</p>	<p>North-south (Latitude): 23° 40' 03.44" S</p> <p>East-west (Longitude): 27° 37' 00.08" E</p>	



<p>(2) Matimba Power Station</p> <p>(On the gate to the main entrance of Matimba Power Station)</p> <p>English, Afrikaans, Setswana and Sepedi.</p>	<p>North-south (Latitude): 23° 40' 03.44" S</p> <p>East-west (Longitude): 27° 37' 00.08" E</p>	
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2.4 Email database

Eskom has had a number of engagements with stakeholders concerning various issues for both power stations but of course principally, for the new build Medupi, and has developed a comprehensive stakeholder database as a result. In terms of Reg. 41 (2) (b) of the EIA Regulations 2014 (GN R982), the PPP involves giving written notice, in any of the manners provided for in Section 47D of NEMA, to-

- The occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;
- Owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;
- The municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;
- The municipality which has jurisdiction in the area;
- Any organ of state having jurisdiction in respect of any aspect of the activity; and,
- Any other party as required by the competent authority;

For this Project, the Background Information Document (BID) attached to Registration and Comment forms was delivered to all I&APs surrounding the Power Stations.

2.5 Newspaper advertisements

According to Reg. 41 (2) (c), an advertisement has to be placed in - (i) one local newspaper and one regional newspaper. The advertisement of the proposed project was placed on page eleven of the Mogol Pos (local newspaper) on 13 January 2017 in English and Afrikaans and on page nineteen of the Daily Sun (regional newspaper) on 16 January 2017 in English. Scanned copies of the advertisements are shown in Figure 2.





2.8 First public engagement

The first public engagement saw two meetings being held: one in Lephalale and one in Marapong. At the meetings the information contained in the BID was formally presented focusing on the public participation process, the reasons for the postponement application and the air quality impact assessment. During a meeting in Marapong it was highlighted that loud hailing is the preferred method for inviting participation in the public meetings. As such the community was given the undertaking that for the next meeting loud hailing would in fact be used. In general terms, concerns were raised regarding air quality in Marapong and there were outright objections to the postponement application. A particularly vocal group at the meeting was the Waterberg Environmental Justice Forum (WEJF). The meeting in Lephalale was not well attended with only two attendees. One of the attendees raised concerns regarding the quality impacts at her farm, which is more than 100 km from the Medupi Power Station. There were also objections at this meeting to the proposed postponement application.

2.9 Public comments

The first public comment period closed on 24 February 2017. All comments received at that stage were captured.

2.10 Response to public comments

The project team answered the various comments and questions that had been captured in the public response report. These issues and associated answers have been compiled in a comments response report (CRR).

2.11 Postponement motivation, AIR, public participation process

Following the completion of the first round of public participation, the technical team then set about assessing the air quality implications of the postponement application. At the same time, Eskom prepared a document outlining the reasons for the postponement application. Finally this document, describing the PPP, was also prepared in draft form.

2.12 Notification of second public comment period

The notification for the second public comment period was largely the same as for the first public comment period, other than the use of loud hailing which was conducted as requested during the first public engagement in Marapong. The second comment period ran for 30 days as stipulated in the regulations, from 26 May 2017 to 29 June 2017, excluding public holidays that occurred in this period.





2.13 Loud hailing

A company based in Marapong was contracted to conduct the loud hailing. On the morning of the public engagement loud hailing was conducted throughout the town. The details of the public meeting were repeated a number of times while driving through the town and people were invited to attend the presentation of the various reports that had been placed in the public domain.

2.14 Email database

Use was made again of the database of I&APs but now obviously updated to include all the stakeholders that registered during the first round of public comment. Electronic copies of the Draft Atmospheric Impact Report (AIR) and the Eskom Postponement Application were sent to all registered stakeholders, and printed copies made available for review in the Marapong and Lephale Libraries, together with comment forms.

2.15 Newspaper advertisements

As before, advertisements detailing the second public comment period were placed in one local and one regional newspaper. For the second round of PP, advertisements were again placed in the same newspapers: in the Mogol Pos on 2 June 2017 and the Daily Sun on 26 May 2017. Scanned copies of the advertisements are shown in Figure 3, as proof of the placement of the advertisements.



Friday 26 May 2017 **DAILY SUN** 31

WARNING!
Money must not be paid when applying for Employment!
087 741 3122

SALES & MARKETING
Tail sales Men/Women wanted for Leadership in Eastwood 16 021 741 0323 Email: admin@stadenbosch.co.za

LEGAL & TENDERS

BUSINESS LICENCES

SALES OF BUSINESS

TO ADVERTISE PLEASE CALL
0860 103 781
087 741 3122

To advertise please call
0860 103 781
087 741 3122

NATIONAL CLASSIFIEDS
0860 103 781
087 741 3122

GAUTENG
087 741 3122

KZN
031 533 7706

CAPE
021 406 2759

EASTERN CAPE
041 398 0327

FREESTATE
051 404 7603

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Rewards points are awarded for completing questionnaires. The privilege of who gets invited to surveys is ours. Only one panel membership profile per member is allowed. Multiple profile creation will result in all benefits being revoked.

Register at www.forum24.co.za

Bladys 6 **MOGOL POS** **2 Junie 2017**

Fire season, what does the law say?

Chapter four of the National Veld and Forest Fire Act 191 of 1996, section 12 to 18 "Veld fire prevention through firebreaks" places a duty on owners of the boundary between his or her land and any adjoining land.

The procedure in this regard and the role of adjoining owners and the fire protection association are dealt with in Provision 12. The Minister is given the power to amend any of the provisions of this Act.

12 (1) Every owner of a day in terms of subsection (2) (a) or (b) must ensure that a firebreak is maintained on his or her side of the boundary between his or her land and any adjoining land.

(2) If an owner referred to in subsection (1) intends to prepare and maintain a firebreak, he or she must:

- intend to prepare and maintain a firebreak by burning his or her side of the boundary between his or her land and any adjoining land for doing so, and inform the fire protection association for the area; and
- if agreement cannot be reached, such as to the date of burning, he or she must:

- prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land;
- prepare and maintain a firebreak on the other side of the boundary between his or her land and any adjoining land;
- prepare and maintain a firebreak on both sides of the boundary between his or her land and any adjoining land;
- prepare and maintain a firebreak on neither side of the boundary between his or her land and any adjoining land;

(3) An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area:

- it is wide enough and long enough to have a reasonable chance of preventing a veld fire from spreading to or from neighbouring land; (b) it does not cause soil erosion; and (c) it is reasonably free of inflammable material capable of carrying a veld fire across it.

(4) An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area:

- it is wide enough and long enough to have a reasonable chance of preventing a veld fire from spreading to or from neighbouring land; (b) it does not cause soil erosion; and (c) it is reasonably free of inflammable material capable of carrying a veld fire across it.

(5) The owner must inform the fire protection association, if any.

(6) Should an owner intend to be absent for a period longer than 14 days during the period or part of any period in which burning normally takes place, he or she must give notice of his or her intention to the fire protection association, if any.

(7) Owners of adjoining land may agree to position a common firebreak away from the boundary.

(8) Should an owner intend to be absent for a period longer than 14 days during the period or part of any period in which burning normally takes place, he or she must give notice of his or her intention to the fire protection association, if any.

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- prepare and maintain a firebreak on the other side of the boundary between his or her land and any adjoining land;
- prepare and maintain a firebreak on both sides of the boundary between his or her land and any adjoining land;
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Figure 3: Proof of Newspaper Advertisement – Daily Sun (left) Mogol Pos (right)

2.16 Documentation in the public domain

As previously described, the documentation that was available in the public domain included this draft report, the atmospheric impact report, and the motivation for the postponement application. The draft CRR was also made available for public review.

2.17 Second public engagement

The second public engagement was conducted differently to the first, in that the format of an open house was used. The information contained in the various reports was summarised and placed on a series of posters that were displayed in the respective meeting venues. The reason for the open house for Marapong stemmed from the fact that it was anticipated that the loud hailing was going to encourage many new attendants. The open house format works particularly well when there is a large group that needs to be managed, because individuals are given an opportunity to engage with the consultants one-on-one. The attendees were divided into groups of between eight and ten as they arrived at the venue and then taken through the poster display. After approximately 40 people had been taken through the poster display, representatives of the WEJF complained about the open house format.



Following these complaints, a formal meeting was constituted and the material contained in the posters was presented to the assembled group. Dialogue was established between the community and the project team with the floor being opened for questions and several questions and comments were made. This is when the WEJF staged a walkout indicating that the public meeting had not been properly constituted and was to be held again in 7 days' time. It is the considered view of the project team that the meeting was in fact properly constituted, that all the information was effectively presented and that ample opportunity was provided for questions and comments, and that while the objection to the format of the meeting and to the proposed postponement of the MES was acknowledged, a second meeting will not be held. It seems highly unlikely that any new issues would be raised that were not already raised at the meeting and, as indicated above, the WEJF and others in the community object to the request for postponement being granted.

There was similarly poor attendance at the Lephalale open house (2 people attended) with an Eskom representative and a member of the project team driving to the farm that had been highlighted in the previous meeting as experiencing poor air quality. The discussion with the couple at the farm is viewed as a component of the meeting. The couple indicated that they were prepared to drive through to Lephalale for the open house but were assured that their inputs would be acknowledged as a formal engagement. The couple complained about episodes of an overpowering acid type smell that episodically occurs at their farm which they suspect originates from Medupi. In response:

- the couple was asked to log the episodes so that there was a record of the same; and,
- back trajectories using NOAA Hysplit Model were computed to determine the origin of the airflow on the days on which the episodes occurred;

During the discussion on the farm, greater clarity was obtained on the nature of the episodes and information sourced on power supply with a view to possibly establishing some type of monitoring on the farm so that the episodes could be more accurately characterised (viz. types of pollutants). The commitment was also made that Eskom will further consider the issue and provide further feedback at a later stage.

2.18 Public comments

The key issue to emerge from the second round of public engagements is potential threats to human health as a result of the proposed postponement (and indeed the status quo), especially in Marapong where the air quality is generally poor. Participants in the Marapong engagement argued that they bear the brunt of the emissions from the power stations but do not enjoy the benefits in the form of electricity and employment particularly. Members of the WEJF also objected to the format of the engagement (the open house), but when a meeting was then constituted as they had requested, they staged a walkout. Their objection to the format of the engagement and the postponement application is acknowledged here. The other important concerns include the cumulative effect of the new proposed coal-fired power stations, the legality of the postponement application, and the possible air quality effects, even some distance from the two power stations





2.19 Response to the public comments

Responses have been provided to all the comments and questions received and these are presented in a separate comments response report (CRR).

2.20 Updated postponement motivation, AIR, public participation process

In response to the various comments received, the draft documents have been updated accordingly and finalised and will now be submitted to the authorities for a decision.

3. Conclusions

In conclusion, a database of I & APs from various Eskom engagements was used as the basis for direct notification of the MES postponement application for Eskom's Medupi and Matimba coal-fired power stations. That notification process was supplemented by:

- The erection of site notices accessible by the public at boundaries of the project site;
- Advertisements in the Mogol Pos and Daily Sun newspapers; and,
- A pre-engagement session with relevant ward councillors before the first round of public consultations
- For the second round of engagements, loud hailing in Marapong on the morning of the open house.

The process had two rounds of engagement, of which the first was based on a Background Information Document (BID) that detailed Eskom's intended postponement application and the technical studies and the public participation process that would be conducted as part of the postponement application process. On completion of the Draft Atmospheric Impact Report (AIR), the postponement application itself and this document that describes the public participation process, all documents were placed in the public domain for review and comment.

The second round of engagement included two public events in Marapong and Lephalale using an open-house format during which the key components of the various documents were formally presented. Some attendees at the Marapong event complained about the open house format and so a meeting was then constituted as requested by the attendees. After several rounds of questions the Waterberg Environmental Justice Forum staged a walkout in protest at the public participation process and the postponement application itself. Key issues raised in these various engagements were captured and responses provided to the issues in a separate Comments Response Report (CRR).

In general terms, the people who participated in the public participation process did not support the postponement application. For the residents of Marapong especially, the postponement application was perceived as a further threat to their health in addition to the generally poor air quality that they experience. This was by no means an easy process, but the project team is satisfied that the principles of what public participation is intended to achieve, have been achieved.

