

INVITATION TO PARTICIPATE IN THE PUBLIC PARTICIPATION PROCESS

NATIONAL ENVIRONMENTAL CONSULTATIVE AND ADVISORY FORUM APPOINTED IN TERMS OF SECTION 3A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (NEMA) TO ADVISE THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT ON MATTERS ARISING FROM THE APPLICATIONS FOR THE SUSPENSION AND POSTPONEMENT OF COMPLIANCE WITH THE MINIMUM EMISSION STANDARDS AND THE APPLICATIONS FOR THE ISSUANCE OF PROVISIONAL ATMOSPHERIC EMISSION LICENCES

Section 24 of the Constitution of the Republic of South Africa, 1996 provides for the right to an environment that is not harmful to the health or well-being of people and to have the environment protected for the benefit of the present and future generations. To give effect to these rights in the context of air quality, the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (NEMAQA) was promulgated to provide reasonable measures for the protection and enhancement of the quality of air in the Republic of South Africa; the prevention of air pollution and ecological degradation; and securing ecological sustainable development while promoting justifiable economic and social development.

Section 21 of the NEMAQA requires the Minister responsible for the environment (the Minister) to publish a list of activities which result in atmospheric emissions and which the Minister reasonably believes have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage. Once identified, these activities are known as Listed Activities and companies require an Atmospheric Emission License (AEL) to conduct them. Section 21 further requires the establishment of Minimum Emission Standards (MES) for specified pollutants or mixture of substances resulting from the Listed Activities.

Companies that could not meet the prescribed MES within the legislated timeframes, could apply for the postponement of the compliance timeframes to the National Air Quality Officer (NAQO). During 2019, the NAQO received the last applications for postponements and suspensions to comply with the new plant standards and applications for Provisional Atmospheric Emissions Licences (PAELs). The NAQO granted some of the applications for postponement and suspension with the MES and some of the applications for PAELs and refused others. These decisions lead to a number of appeals, namely those seeking to appeal the NAQO's decisions to grant the applications, and those seeking to appeal. Consequently, the Minister must consider various and conflicting grounds of appeal within the context of section 24 of the Constitution and the socio-economic conditions in the country.

Due to the complex nature of the issues arising from these matters, the Minister is of the view that a comprehensive consultative process is required to address the issues emanating from the various applications for suspension and/or postponement of compliance from the timeframes of the MES and/or for the issuance of PAELs. The Minister, acting in terms the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), invoked section 3A of NEMA to establish a National Environmental Consultative and Advisory Forum (NECA Forum). The purpose of the NECA Forum is to conduct an extensive consultative process with all interested and affected parties (I&APs), to assess and present relevant research and analysis for review and interrogation and to develop a comprehensive report to the Minister on the outcome of the Forum. The report will provide the Minister with practical solutions to resolve the issues arising in respect of the non-compliance with the MES, including the related appeals, and applications for the issuance of PAELs.

The public participation process will entail public meetings and I&APs will also have an opportunity to submit written comments and representations. A period, from 15 October 2022 to 30 November 2022, is provided for all I&APs to review and submit comments regarding this process, the applications for postponement/suspension, including the

related appeals and the applications for the issuance of PAELs. All written comments and representations must be submitted by 30 November 2022. Background documents are accessible from either the website of the Department of Forestry, Fisheries and the Environment (DFFE) at https://www.dffe.gov.za/event/deptactivity/minimumemissionstandards_publicconsultations or <https://saaqis.environment.gov.za/> and from the affected facilities listed below.

All I&APs are invited to public meetings as per the schedule below. The address for the venue will be published in DFFE (https://www.dffe.gov.za/event/deptactivity/minimumemissionstandards_publicconsultations) and SAAQIS (<https://saaqis.environment.gov.za/>) websites:

DATE	TIME	VENUE	AFFECTED FACILITY
Monday, 14 November 2022	10h00 – 14h00	Witbank	Duvha Power Station Kendal Power Station
Tuesday, 15 November 2022	10h00 – 14h00	Hendrina	Hendrina Power Station Komati Power Station Arnot Power Station
Tuesday, 15 November 2022	10h00 – 14h00	Saldanha Bay	Green Oil and Lubricants
Wednesday, 16 November 2022	10h00 – 14h00	Kriel	Kriel Power Station Matla Power Station
Wednesday, 16 November 2022	10h00 – 14h00	East London	Port Rex Power Station
Thursday, 17 November 2022	10h00 – 14h00	Ermelo	Camden Power Station Tutuka Power Station
Friday, 18 November 2022	10h00 – 14h00	Amersfoort	Majuba Power Station
Monday, 21 November 2022	10h00 – 14h00	Pietermaritzburg	Hulamin Pietermaritzburg
Tuesday, 22 November 2022	10h00 – 14h00	Vanderbijlpark	Arcelormittal Vanderbijlpark Works Lethabo Power Station
Wednesday, 23 November 2022	10h00 – 14h00	Standerton	Grootvlei Power Station Tutuka Power Station
Thursday, 24	10h00 – 14h00	Lephalale	Matimba Power Station

November 2022			Medupi Power Station
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Should I&APs require assistance in accessing the documentation or to obtain further information and/or to submit comments and written presentations, please contact Dr Vincent Gololo at Tel 012 399 9203, email: vgololo@dfre.gov.za.