



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

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Our ref: CER: RH/SK
25 April 2016

Dear Deidre and Kristy

REQUEST FOR COPIES OF THE LATEST: EMISSION REDUCTION PLANS, COMPLIANCE ROADMAPS, AND DECOMMISSIONING SCHEDULE AND PLANS FOR ALL 15 OF ESKOM'S COAL FIRED POWER STATIONS

1. We address you on behalf of groundWork, Earthlife Africa Johannesburg (ELA), the Highveld Environmental Justice Network (HEJN), and the Vaal Environmental Justice Alliance. We write to you:
 - 1.1 to ascertain each coal-fired power station's (CFPS) latest plans to ensure compliance with:
 - 1.1.1 the emission standards in the relevant atmospheric emission licences (AELs), and
 - 1.1.2 in relation to periods not covered by the current AELs, at least with the minimum emission standards (MES);
 - 1.2 to request copies of these compliance plans and the latest decommissioning schedule and plans for each coal-fired power station;¹ and
 - 1.3 to ascertain the decision-making timelines and mechanisms within Eskom's board to ensure compliance with the AELs and MES, and the decommissioning schedule and plans.

¹ We have seen today's article at <http://www.bdlive.co.za/business/energy/2016/04/25/eskom-to-breathe-new-life-into-ageing-fleet>

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2. In terms of the National Environmental Management: Air Quality Act's List of Activities,² all of Eskom's power stations were expected to comply with the MES for existing plants by 1 April 2015 and to comply with the new plant standards by 1 April 2020, as per the table below.

(1) *Subcategory 1.1: Solid Fuel Combustion Installations*

Description:		Solid fuels combustion installations used primarily for steam raising or electricity generation.	
Application:		All installations with design capacity equal to or greater than 50MW heat input per unit, based on the lower calorific value of the fuel used.	
Substance or mixture of substances		Plant status	mg/Nm³ under normal conditions of 10% O₂, 273 Kelvin and 101.3kPa.
Common name	Chemical symbol		
Particulate matter	N/A	New	50
		Existing	100
Sulphur dioxide	SO ₂	New	500
		Existing	3 500
Oxides of nitrogen	NO _x expressed as NO ₂	New	750
		Existing	1 100

3. Following applications by Eskom to postpone MES compliance for 14 of its 15 CFPS, various applications were granted and Eskom's AELs varied to contain new emission standards. Following an appeal by groundWork, ELA, and HEJN on the Komati AEL, it was determined that the Komati AEL should reflect that Eskom must comply with the SO₂ new plant MES of 500mg/Nm³ by 1 April 2025.³ In this regard, we are instructed to point out that compliance with the AELs requires Eskom to retrofit flue gas desulphurisation (FGD) at 8 additional CFPSs (in addition to Medupi and Kusile): Arnot, Duvha, Hendrina, Kendal, Komati, Kriel, Matimba and Matla.
4. On 2 March and 7 March 2015, we wrote to the National Air Quality Officer (NAQO) to request copies of the postponement decisions, written reasons for the decisions in accordance with section 5 of the Promotion of Administrative Justice Act, 2000 (PAJA),⁴ and copies of the compliance roadmaps in relation to each of the facilities granted postponement.⁵ Upon receipt of the decisions, we noticed certain inconsistencies and aspects of the decisions which were not clear. As a result, we wrote back to the NAQO on 7 April 2015 seeking clarification.⁶
5. On 8 April 2016, we received three responses from the NAQO: in the first, she sets out her reasons for the postponement decisions;⁷ in the second, she provides copies of the compliance roadmaps for the facilities that sought postponement;⁸ and in the third, she responds to the request for clarification regarding the postponement decisions.⁹ From our assessment of the compliance roadmaps, it is clear that these will not result in compliance with the AEL's emission standards. Our understanding is that these roadmaps were drafted to support the postponement applications. As is addressed below, we now request copies of Eskom's plans to ensure compliance with the AELs' emission standards for all 15 CFPSs.
6. Below, we set out: the emission standards as contained in the AELs; the decommissioning dates indicated in the AELs, the postponement decisions (or applications), the 2013 Integrated Energy Plan (IEP), or the compliance roadmaps provided by the NAQO; and our clients' requests in relation to each station.

² GN 893 GG 37054 of 23 November 2013.

³ We only received the amended Komati and Hendrina AELs on the morning of 25 April 2016.

⁴ http://cer.org.za/wp-content/uploads/2015/03/CER-letter-to-NAQO_2-March-2015.pdf

⁵ http://cer.org.za/wp-content/uploads/2015/03/CER-letter-to-NAQO_7-March-2015.pdf

⁶ http://cer.org.za/wp-content/uploads/2015/04/CER-letter-to-NAQO_7-April-2015.pdf

⁷ <http://cer.org.za/wp-content/uploads/2014/03/CER-Reasons-and-Decisions-Letter.pdf>

⁸ <http://cer.org.za/wp-content/uploads/2014/03/CER-roadmap-copies-Letter.pdf>

⁹ <http://cer.org.za/wp-content/uploads/2014/03/CER-Clarification-Letter.pdf>

Arnot

7. In terms of condition 7.2 of Arnot's AEL:

Point Source Code	Sub-Category	Pollutant Name	Maximum Release Rate			Duration of Emissions
			(mg/Nm ³)	Date to be Achieved By	Average Period	
North stack and South stack	1.1	PM	100	1 April 2015	Daily	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
		SO ₂	3500	1 April 2015	Daily	00:00-24:00
			2 500	1 April 2020-31 March 2025	Daily	00:00 – 24:00
			500	1 April 2025	Daily	00:00 – 24:00
		NO _x	1200	1 April 2015- 31 March 2020	Daily	00:00-24:00
			750	1 April 2020	Daily	00:00-24:00

Note: The station is scheduled to be decommissioned between 2021 and 2029 according to the 50-year life span.

- All minimum emission standards are expressed on a daily average basis, under normal conditions of 273 K, 101.3 KPa, 10% oxygen and dry gas.

8. We note that, in terms of the compliance roadmap received from the NAQO as referred to above, the FGD retrofit could apparently only commence in 2022 at the earliest. In its AEL, Arnot is expected to apply the stricter new plant MES of 500 mg/Nm³ for SO₂ by 1 April 2025.

9. In this regard, we request the following:

- 9.1. Arnot's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 9.2. Arnot's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required environmental impact assessment (EIA) process. In this regard, the AEL indicates that the station is due to be decommissioned between 2021 and 2029.

Camden

10. In terms of condition 7.2 of Camden's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)* normalisation *(mg/Nm ³)/mg/Nm ³ expressed as on a daily average under normal conditions of 273K, 101,3-KPa , 10% Oxygen and dry gas	Date to be Achieved By*	Average Period	
	PM	100	1 April 2015	Daily	Continuous
	SO ₂	3500	1 April 2020 to 31 March 2025	Daily	Continuous
	NO _x	1300	1 April 2015 to 31 march 2020	Daily	Continuous

11. Although these dates are not stated in the AEL, the relevant MES apply as follows:

- 11.1. SO₂: 3500mg/Nm³ from 1 April 2015 and 500mg/Nm³ from 1 April 2025;
- 11.2. PM: 50mg/Nm³ from 1 April 2020; and
- 11.3. NO_x: 750mg/Nm³ from 1 April 2020.

12. In this regard, we request the following:

- 12.1. Camden's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL and MES from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 12.2. Camden's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. In terms of the postponement decision issued on 13 February 2015, Camden is scheduled to be decommissioned in 2020.

Duvha

13. In terms of condition 7.2 of Duvha's AEL:

Point Source Code	Sub-Category of Listed Activity	Pollutant Name	Maximum Release Rate			Duration of Emissions
			(mg/Nm ³)	Date to be Achieved By	Average Period	
U1;U2;U3;U4;U5&U6	1.1	PM	100	1 April 2015	Daily	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
SO ₂		3500	1 April 2015	Daily	00:00-24:00	
		2 300	1 April 2020-31 March 2025	Daily	00:00 – 24:00	
		500	1 April 2025	Daily	00:00 – 24:00	
U1;U2;U3;U4;U5&U6		No _x	1100	1 April 2015	Daily	00:00-24:00
			1100	1 April 2020-31 March 2025	Daily	00:00-24:00
			750	1 April 2025	Daily	00:00-24:00

14. In this regard, we request the following:

- 14.1. Duvha's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 14.2. Duvha's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. In terms of the postponement decision issued on 13 February 2015, Duvha is scheduled to be decommissioned between 2030 and 2034.

Grootvlei

15. In terms of condition 7.2 of Grootvlei's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)* (mg/Nm ³ /mg/Nm ³) expressed as on a daily average under normal conditions of 273K, 101,3-KPa, 10% Oxygen and dry gas	Date to be Achieved By	Average Period	
Stack 1-2 U1 – 6	PM	350	01 April 2015 to 31 December 2016	24 hours	00:00–24:00
		200	01 January 2017 to 31 March 2018	24 hours	00:00–24:00
		100	01 April 2018 to 31 March 2020		
	SO ₂	3500	01 April 2020 to 31 March 2025	24 hours	00:00-24:00
	NO _x	1100	01 April 2020 to 31 March 2025	24 hours	00:00-24:00

*All minimum emissions standards are expressed on a daily average basis, under normal conditions of 273k, 101, 3 KPa, 10% oxygen and dry gas

16. Although these dates are not stated in the AEL, the relevant MES apply as follows:

- 16.1. SO₂: 3500mg/Nm³ from 1 April 2015 and 500mg/Nm³ from 1 April 2025;
- 16.2. PM: 50mg/Nm³ from 1 April 2020; and
- 16.3. NO_x: 1100mg/Nm³ from 1 April 2015 and 750mg/Nm³ from 1 April 2025.

17. In this regard, we request the following:

- 17.1. Grootvlei's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL and MES from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 17.2. Grootvlei's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. In terms of the postponement decision issued on 13 February 2015, Grootvlei is scheduled to be decommissioned between 2025 and 2028.

Hendrina

18. In terms of condition 7.2 of Hendrina's AEL:

Point Source CODE	Sub-category	Pollutant Name	Maximum Release Rate			Duration of Emissions
			(mg/Nm ³)	Date to be Achieved By	Average Period (Hours)	
North Stack (U1; U2; U3; U4; U5) And South Stack (U6; U7; U8; U9; U10)	1.1	PM	75	1 April 2015	Daily	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
	SO ₂	3500	1 April 2015	Daily	00:00-24:00	
		3200	1 April 2020-31 March 2025	Daily	00:00-24:00	
		500	1 April 2025	Daily	00:00-24:00	
	NO _x	1200	1 April 2015-31 March 2020	Daily	00:00-24:00	
		750	1 April 2020	Daily	00:00-24:00	

- The station is scheduled to be decommissioned between 2020 and 2027 according to the 50 year life span.
- All minimum emission standards are expressed on a daily average basis, under normal conditions of 273K, 101.3 KPa, 10% oxygen and dry gas

19. In this regard, we request the following:

- 19.1. Hendrina's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 19.2. Hendrina's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. In terms of the postponement decision issued on 13 February 2015, Hendrina is scheduled to be decommissioned between 2020 and 2027.

Kendal

20. In terms of condition 7.2 of Kendal's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By	Average Period (Hours)	
U1,U2,U3 U4,U5& U6	Particulate Matter	100	1 April 2015	24	00:00 – 24:00
		50	1 April 2020	24	00:00 – 24:00
	SO ₂	3 500	1 April 2015	24	00:00 – 24:00
		2 600	1 April 2020-31 March 2025	24	00:00 – 24:00
		500	1 April 2025	24	00:00 – 24:00
	NO _x	1 100	1 April 2015	24	00:00 – 24:00
		750	1 April 2020	24	00:00 – 24:00

• All minimum emission standards are expressed on a daily average basis, under normal conditions of 273 k, 101.3KPa, 10% oxygen and dry gas

21. In this regard, we request the following:

- 21.1. Kendal's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 21.2. Kendal's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the postponement decision nor the AEL indicate when Kendal is scheduled to be decommissioned. However, the January 2014 postponement application stated that Kendal would either be decommissioned between 2038 and 2043 (in accordance with the 50 year life plan) or between 2048 and 2053 (in accordance with the 60 year span). We note that this is the same date as in the compliance roadmaps provided to us by the NAQO.

Komati

22. In terms of condition 7.2 of Komati’s AEL:

Point Source Code	Sub-category	Pollutant Name	Maximum Release Rate			Duration of Emissions
			(mg/Nm ³)	Date to be Achieved By	Average Period	
Boiler (East Flue Stack) U1;U2;U3;U4;U5	1,1	PM	100	1 April 2015	Daily	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
SO ₂		3500	1 April 2015	Daily	00:00-24:00	
		2600	1 April 2020	Daily	00:00-24:00	
		500	1 April 2025	Daily	00:00-24:00	
Boiler (West Flue Stack) U6;U7;U8 & U9		NO _x	1300	1 April 2015	Daily	00:00-24:00
			750	1 April 2020	Daily	00:00-24:00

- The station is scheduled to be decommissioned between 2024 and 2029 according to the 50 year life span.
- All minimum emission standards are expressed on a daily average basis, under normal conditions of 273K, 101.3 KPa, 10% oxygen and dry gas

23. As confirmed in the appeal decision and now reflected in the amended AEL dated 29 March 2016, the station is required to comply with 500mg/Nm³ by 1 April 2025.

24. In this regard, we request the following:

- 24.1. Komati’s emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL and MES from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 24.2. Komati’s decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. In terms of the AEL, Komati is scheduled to be decommissioned between 2024-2029.

Kriel

25. In terms of condition 7.2 of Kriel’s AEL:

Point Source Code	Sub-Category	Pollutant Name	Maximum Release Rate			Duration of Emissions
			(mg/Nm ³)	Date to be Achieved By	Average Period	
Stack 1 (U1;U2;U3); Stack 2 (U4;U5&U6)	1.1	PM	125	1 April 2015-31 March 2020	Monthly	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
		SO ₂	3500	1 April 2015	Daily	00:00-24:00
			2800	1 April 2020-31 March 2025	Daily	00:00-24:00
			500	1 April 2025	Daily	00:00-24:00
		NO _x	1600	1 April 2015-31 March 2020	Daily	00:00-24:00
			750	1 April 2020	Daily	00:00-24:00

Notes:

- The station is scheduled to decommission between 2030 and 2034 according to the 50 year life span
- All minimum emission standards are expressed on a daily average basis, under normal conditions of 273K, 101.3 KPa, 10% oxygen.

26. In this regard, we request the following:

- 26.1. Kriel’s emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 26.2. Kriel’s decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. In terms of the AEL, Kriel is scheduled to be decommissioned between 2020-2034.

Kusile

27. We are aware that no postponement of MES compliance was sought in relation to Kusile. However, its plans to ensure compliance with its AEL emission standards (i.e. the MES) and its decommissioning plans remain relevant and of importance to our clients.

28. In terms of condition 7.2 of Kusile's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By	Average Period	
Stack 1a	PM	50	Immediately	24 hours	00:00-24:00
	SO ₂	500	Immediately	24 hours	00:00-24:00
	NOx expressed as NO ₂	750	Immediately	24 hours	00:00-24:00
Stack 1b	PM	50	Immediately	24 hours	00:00-24:00
	SO ₂	500	Immediately	24 hours	00:00-24:00
	NOx expressed as NO ₂	750	Immediately	24 hours	00:00-24:00
Stack 1c	PM	50	Immediately	24 hours	00:00-24:00
	SO ₂	500	Immediately	24 hours	00:00-24:00
	NOx expressed as NO ₂	750	Immediately	24 hours	00:00-24:00
Stack 2a	PM	50	Immediately	24 hours	00:00-24:00
	SO ₂	500	Immediately	24 hours	00:00-24:00
	NOx expressed as NO ₂	750	Immediately	24 hours	00:00-24:00
Stack 2b	PM	50	Immediately	24 hours	00:00-24:00
	SO ₂	500	Immediately	24 hours	00:00-24:00
	NOx expressed as NO ₂	750	Immediately	24 hours	00:00-24:00
Stack 2c	PM	50	Immediately	24 hours	00:00-24:00
	SO ₂	500	Immediately	24 hours	00:00-24:00
	NOx expressed as NO ₂	750	Immediately	24 hours	00:00-24:00

Emission limits are based on 6% O₂
N refers to normal conditions 0 °C and 101.325 kPa

29. In this regard, we request the following:

- 29.1. Kusile's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL, providing a detailed outline of how Eskom will achieve compliance; and
- 29.2. Kusile's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement applications state when Kusile will be decommissioned. However, the 2013 IEP Report states that it is scheduled to be decommissioned in 2054 after a 40 year life span.¹⁰

¹⁰ GG 36690 dated 24 July 2013

Lethabo

30. In terms of condition 7.2 of Lethabo's AEL:

S21 Category	Appliance	Minimum Emissions Standards (mg/Nm ³)			Averaging Period
		Pollutant	2015	2020	
Subcategory 1.1 Solid Fuel Burning Appliance	Unit 1 to unit 6	PM	100	50	Monthly from 01/04/2015 and daily from 1 January 2016
Subcategory 1.1 Solid Fuel Burning Appliance	Unit 1 to Unit 6	SO ₂	3500	2500	daily
Subcategory 1.1 Solid Fuel Burning Appliance	Unit 1 to Unit 6	NO _x	1100	1100	daily

*2015 limits are applicable from 1 April 2015 until 31 March 2020

*2020 limits are applicable from 1 April 2020 to 31 March 2025

*All minimum emission standards are expressed on a daily average basis (unless indicated otherwise), under normal working conditions of 273 K, 101.3 KPa, 10 % oxygen and dry gas

31. Although these dates are not stated in the AEL, the relevant MES apply as follows:

- 31.1. SO₂: 500mg/Nm³ from 1 April 2025; and
- 31.2. NO_x: 750mg/Nm³ from 1 April 2025.

32. In this regard, we request the following:

- 32.1. Lethabo's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL and MES from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 32.2. Lethabo's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement decision letter give an indication of when Lethabo will be decommissioned. However the postponement application dated February 2014 provides that Lethabo is scheduled to be decommissioned between 2035 and 2040 (according to the 50 year life span), or between 2045-2050 (according to the 60 year life span).

Majuba

33. In terms of condition 7.2 of Majuba's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By	Average Period	
Stack 1-2 U1 – U6	PM	100	1 April 2015	24 hours	00:00-24:00
	SO ₂	3500	1 April 2015	24 hours	00:00-24:00
	NO _x	1500	1 April 2015	24 hours	00:00-24:00

34. Although these dates are not stated in the AEL, the relevant MES apply as follows:

- 34.1. SO₂: 500mg/Nm³ from 1 April 2020;
- 34.2. PM: 50mg/Nm³ from 1 April 2020; and
- 34.3. NO_x: 750mg/Nm³ from 1 April 2020.

31. In this regard, we request the following:

- 34.4. Majuba’s emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL and MES from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 34.5. Majuba’s decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement decision letter give an indication of when Majuba will be decommissioned. However, the postponement application dated February 2014 provides that Majuba is scheduled to be decommissioned between 2046 and 2051 (according to the 50 year life span), or between 2056-2061 (according to the 60 year life span).

Matimba

35. In terms of condition 7.2 of Matimba’s AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By	Average Period	
U1, U2 & U3	SO ₂	3500	01 April 2015	Daily	Continuous
		500	01 April 2025	Daily	Continuous
	NO _x	1100	01 April 2015	Daily	Continuous
		750	01 April 2020	Daily	Continuous
	PM	100	01 April 2015	Daily	Continuous
		50	01 April 2020	Daily	Continuous
U4, U5 & U6	SO ₂	3500	01 April 2015	Daily	Continuous
		500	01 April 2025	Daily	Continuous
	NO _x	1100	01 April 2015	Daily	Continuous
		750	01 April 2020	Daily	Continuous
	PM	100	01 April 2015	Daily	Continuous
		50	01 April 2020	Daily	Continuous

36. In this regard, we request the following:

- 36.1. Matimba’s emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 36.2. Matimba’s decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement decision letter provide an indication of when Matimba will be decommissioned. However, the postponement application dated February 2014 provides that Matimba is scheduled to be decommissioned between 2037 and 2041 (according to the 50 year life span), or between 2047-2051 (according to the 60 year life span).

Matla

37. In terms of condition 7.2 of Matla's AEL:

Point Source Code	Sub-Category	Pollutant Name	Maximum Release Rate			Duration of Emissions
			(mg/Nm ³)	Date to be Achieved By	Average Period	
Stack 1 (U1;U2;U3) & U4	1.1	PM	200	1 April 2015-1 March 2020	Daily	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
U5 & U6	1.1	PM	100	1 April 2015- 31 March 2020	Daily	00:00-24:00
			50	1 April 2020	Daily	00:00-24:00
Stack 1 (U1;U2;U3), U4, U5, U6	1.1	SO ₂	3500	1 April 2015	Daily	00:00-24:00
			2600	1 April 2020-31March 2025	Daily	00:00-24:00
			500	1 April 2025	Daily	00:00-24:00
		NO _x	1200	1 April 2015-31 March 2020	Daily	00:00-24:00
			750	1 April 2020	Daily	00:00-24:00

Note: All minimum emission standards are expressed on a daily average basis, under normal conditions of 273K, 101.3 KPa, 10% oxygen and dry gas

38. In this regard, we request the following:

- 38.1. Matla's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 38.2. Matla's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement decision letter provide an indication of when Matla will be decommissioned. However, the postponement application dated February 2014 provides that it is scheduled to be decommissioned between 2029 and 2033 (according to the 50 year life span), or between 2039 and 2043 (according to the 60 year life span).

Medupi

39. In terms of condition 7.2 of Medupi's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By	Average Period	
Stack 1	SO ₂	3500 mg/Nm ³	01 April 2015	Daily	Continuous
		500 mg/Nm ³	01 April 2025	Daily	Continuous
	NO _x	750 mg/Nm ³	01 April 2015	Daily	Continuous
	PM	50 mg/Nm ³	01 April 2015	Daily	Continuous
Stack 2	SO ₂	3500 mg/Nm ³	01 April 2015	Daily	Continuous
		500 mg/Nm ³	01 April 2025	Daily	Continuous
	NO _x	750 mg/Nm ³	01 April 2015	Daily	Continuous
	PM	50 mg/Nm ³	01 April 2015	Daily	Continuous

40. In this regard, we request the following:

- 40.1. Medupi's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL from 1 April 2015 to 1 April 2025, providing a detailed outline of how Eskom will achieve compliance; and
- 40.2. Medupi's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement decision letter provide an

indication of when Medupi will be decommissioned. However, the postponement application dated February 2014 provides that it is scheduled to be decommissioned in 2064 (according to the 50 year life span), or in 2074 (according to the 60 year life span).

Tutuka

41. In terms of condition 7.2 of Tutuka's AEL:

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³) (mg/Nm ³)/mg/Nm ³ expressed as on a daily average under normal conditions of 273K, 101,3-KPa, 10% Oxygen and dry gas	Date to be Achieved By	Average Period	
Stack 1 & 2 [U1 – 6]	PM	350	1 April 2015 to 31 December 2018	Daily	Continuous
		200	1 January 2019 to 31 December 2019	Daily	Continuous
		100	1 January 2020 to 31 December 2020	Daily	Continuous
	SO ₂	3400	1 April 2020 to 31 December 2025	Daily	Continuous
	NO _x	1200	1 April 2015 to 31 March 2020	Daily	Continuous

42. Although these dates are not stated in the AEL, the relevant MES apply as follows:

- 42.1. SO₂: 3500mg/Nm³ from 1 April 2015 and 500mg/Nm³ from 1 January 2026;
- 42.2. PM: 50mg/Nm³ from 1 January 2021; and
- 42.3. NO_x: 750mg/Nm³ from 1 April 2020.

43. In this regard, we request the following:

- 43.1. Tutuka's emission reduction plan and compliance roadmap to ensure compliance with the emission standards as per the AEL and MES from 1 April 2015 to 1 January 2026, providing a detailed outline of how Eskom will achieve compliance; and
- 43.2. Tutuka's decommissioning plan, including the dates when Eskom plans to start the decommissioning process and the required EIA process. Neither the AEL nor the postponement decision letter provide an indication of when Tutuka will be decommissioned. However, the postponement application dated February 2014 provides that it is scheduled to be decommissioned between 2035 and 2040 (according to the 50 year life span), or between 2045-2050 (according to the 60 year life span).

44. In addition, kindly advise us of the decision-making timelines and mechanisms within Eskom's board to ensure compliance with the AELs and MES, and the decommissioning schedule and plans. This, we, assume, would at least include funding for capex and maintenance to comply with the AELs and MES, as well as funding for the EIAs for decommissioning.

45. Kindly confirm receipt of this letter when you receive it and should you require any further information please let us know. Please also let us know what you regard as a reasonable timeframe for your response to this letter. Given the nature of this correspondence and the documents and responses requested, we trust that you will not require a request in terms of the Promotion of Access to Information Act, 2000 to be made.

Yours sincerely

CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

Robyn Hugo

Attorney and Programme Head: Pollution & Climate Change

Direct email: rhugo@cer.org.za

