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13 December 2021

**RE: APPLICATION FOR SUSPENSION OF THE NEW PLANT MINIMUM EMISSIONS STANDARDS COMPLIANCE TIMEFRAMES AND ATMOSPHERIC EMISSION LICENCE (AEL) VARIATION REQUEST FOR THE PORT REX POWER STATION IN EAST LONDON, EASTERN CAPE PROVINCE**

**Notice of Decision (DFFE Reference EC/ES-PR/BCM/20200901)**

Eskom Holdings SOC Ltd submitted an application for suspension of the New Plant Minimum Emissions Standards compliance timeframes and Atmospheric Emission Licence (AEL) Variation Request for the Port Rex Power Station in East London, Eastern Cape Province.

**DECISION**

Eskom Holdings SOC Ltd hereby notifies all registered interested and affected parties in terms of the Environmental Impact Assessment (EIA) Regulations (Government Notice (GN) No. R. 982 of 4 December 2014) (as amended), promulgated in terms of the National Environmental Management Act (NEMA) (Act No. 107 of 1998), and the requirements of the National Environmental Management: Air Quality Act (NEM:AQA) (Act No. 39 of 2004), as amended, that the application has been processed and the National Air Quality Officer (NAQO) has, with concurrence of the Atmospheric Emission Licencing Authority, made a decision dated 30 October 2021, as follows:

S21 Category	Appliance	Suspension Sought	Emission Standards			Decision
			Minimum Emission Standard (mg/Nm <sup>3</sup> )			
			Pollutant	2015	2020	
<b>Subcategory 1.2:</b> Liquid Fuel Combustion Installations	6 Units	2020-2030	PM	75	50	Suspension of compliance timeframe with the minimum emission standards for new plant is granted from 1 April 2020 to 31 March 2030 with a limit of <b>75mg/Nm<sup>3</sup></b> during this period.
			NO <sub>x</sub>	1100	250	

S21 Category	Appliance	Suspension Sought	Emission Standards			Decision
			Minimum Emission Standard (mg/Nm <sup>3</sup> )			
			Pollutant	2015	2020	
						this period. The requirement to comply with the minimum emission standards for new plant as stated in the 2015 postponement decision with a limit of <b>600mg/Nm<sup>3</sup></b> from 1 April 2020 to 31 March 2025 thus remains in place.

\* All minimum emission standards are expressed on a daily average basis, under normal conditions of 273 Kelvin, 15% oxygen and 101.3 kPa.

#### **AEL Variation Request:**

This decision will have to be reflected in Eskom's Atmospheric Emission License (AEL) to be of force and effect. Therefore, Eskom will liaise with the relevant AEL Authority in this regard as soon as possible so that the required amendments, variations, and additions to the AEL can be affected.

#### **Further details of the decision are outlined below:**

- Eskom is required to submit a quarterly progress report on the implementation of the compliance road map and commitments made in support of the suspension application for Eskom Port Rex Power Station. The reports must be submitted to the National Air Quality Officer and the Licensing Authority following the department's financial year.
- Furthermore, the AEL will not be renewed beyond the suspension date as stipulated in the table above.
- The decommissioning plan for Eskom Port Rex Power Station must be submitted to the Department a year from the date of issue of this decision.

A full copy of the Decision, has been included with this notification letter and a copy can also be requested by sending an email to (jacquid@nemai.co.za; 011 781 1730), or downloaded from the Nemai Consulting website: <https://nemai.co.za/eskoms-acacia-and-port-rex-power-station-final-mes-suspension-applications/>

#### **RIGHT TO APPEAL**

As interested and affected parties, your attention is drawn to the appeal procedure in Chapter 2 of the NEMA National Appeal Regulations (NAR), 2014 (published under Government Notice (GN) R993 in Government Gazette No. 38303 dated 08 December 2014). A copy of the appeal Regulations is included with this notification letter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal in writing to the appeal administrator (**Table 1**) and a copy of the appeal to the applicant, any registered IAP, and any organ of state with interest in the matter within 20 days from 6 January 2022.

The appeal period will, therefore, run from 6 January 2022 until 25 January 2022.

**Table 1: Contact Details for Lodging of Appeals**

**Appeals must be submitted in writing in the prescribed form to both contacts provided**

The Director: Appeals and Legal Review

**by Email:** [appeals@environment.gov.za](mailto:appeals@environment.gov.za)

**by Hand:** Environment House, 473 Steve Biko, Arcadia, Pretoria, 0083

**by Post:** Private Bag X447, Pretoria, 0001

To obtain the prescribed appeal form and guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

If you require further information, please do not hesitate to contact the undersigned.

Yours Sincerely,

**Nemai Consulting**



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