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Date:
August 2020

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Submitted via E-mail:

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Ref: **ENV20-L177**

Dear Mr Mgadle

RE: FINAL 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 PORT REX POWER STATION

1. Eskom refers to the above matter and herewith requests variation of the Port Rex Power Station Atmospheric Emission License (reference number ECBC_000603) (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. 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 had complied with this request and submitted the required MES application by November 2019 and undertook to submit an updated Atmospheric Impact Report (AIR) and Public Participation report. The draft AIR has since been revised (April 2020).
6. It was 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 – and this was noted with the updated draft AIR (April 2020).
7. With the provision of the additional information Eskom again confirms that it believes the information provided is sufficient for the National Air Quality Officer and the licensing authority to make their respective decisions on the submitted applications.
8. Given the above and in compliance with standard process Eskom is thus submitting variation requests to the relevant authorities impacted by the MES applications.
9. The variation request will be submitted on the South Africa Atmospheric Emission Licencing & Inventory Portal (SAAELIP) for approval once a decision on the postponement application is made.
10. The extent of the amendment sought is as follows:

Current emission limits according to section 7.2 of Port Rex Power Station's Atmospheric Emission License are:

Table 1: Existing emission limits as listed in Port Rex's current AEL

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm ³)	Date to be achieved by	Average period
Particulate Matter	100	20/09/2019	Daily
Sulphur dioxide	3500	20/09/2019	Daily
Nitrogen oxides	1100	20/09/2019	Daily

It is requested that the emission limits in section 7.2 of Port Rex's Atmospheric Emission License be changed to Table 2.

Table 2: Requested emission limits

Pollutant Name	Maximum release rate		
	Limit value (mg/Nm ³) Requested at 273 K, 101.3 kPa, dry and 15% O ₂	Date to be achieved by	Average period
Particulate Matter	75	20/09/2019 until decommissioning	Daily
Sulphur dioxide	500	20/09/2019	Daily
Nitrogen oxides	600	31/03/2020 until decommissioning	Daily

11. It is assumed that the existing valid MES postponement decisions and any other variation or amendment of the AEL will remain in effect.
12. The above request limits are requested at 273 K, 101.3 kPa, dry and 15% O₂.
13. Port Rex 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.
14. The MES Application and this licence variation 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.
15. In terms of Paragraph (12) of the Regulations, the NAQO is required to consult with the Licencing Authority (Buffalo City Metropolitan Municipality) before granting the MES Application. As such, we assume that the official process of consultation and cooperative decision making between the Buffalo City Metropolitan Municipality and the NAQO is either underway or imminent.
16. In terms of section 46 (3) of the Act it is necessary to bring the application for variation to the attention of the public. Nemaï Consulting (Pty) Ltd was appointed by Eskom as the independent Environmental Assessment Practitioner to conduct the Public Participation Process in support of the Suspension Application for Port Rex. The Draft Motivation Report, Draft AIR and variation request was made available for public review and comment for a period of 30 days,

in terms of Environmental Impact Assessment (EIA) Regulations of 2014 (as amended 7 April 2017) of the National Environmental Management Act (Act No. 107 of 1998) (NEMA) and the requirements of NEM:AQA, as well as the DEFF Covid-19 directive (GNR 650).

17. The Department of Environment, Forestry and Fisheries (DEFF) suspended formal public participation during the National State of Disaster and declared Covid-19 Lock-down from 27 March 2020 to 30 April 2020. Press advertisements, site notices and email notification of stakeholders had taken place for the 2nd phase of public participation held from 8 July 2020 to the 7 August 2020. Due to the COVID pandemic, it was not possible to hold physical public meetings but virtual events were available to all stakeholders on request and in line with DEFF guidance in respect of PP during the COVID pandemic – this promoted social distancing during the public participation process, as per the DEFF Covid-19 directive.
18. 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.
19. Should the Buffalo City Metropolitan Municipality 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 or McCourBA@eskom.co.za).

Yours sincerely



Deidre Herbst

ESKOM ENVIRONMENTAL MANAGER