



Ms Ndomupe Dhemba  
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Our ref: CER33.5/RH  
Date: 1 July 2013

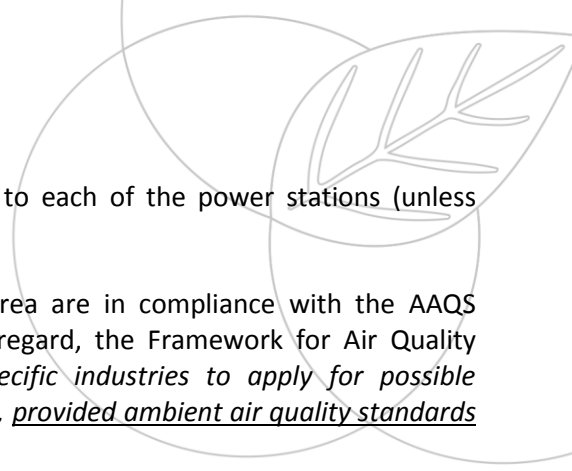
**URGENT**

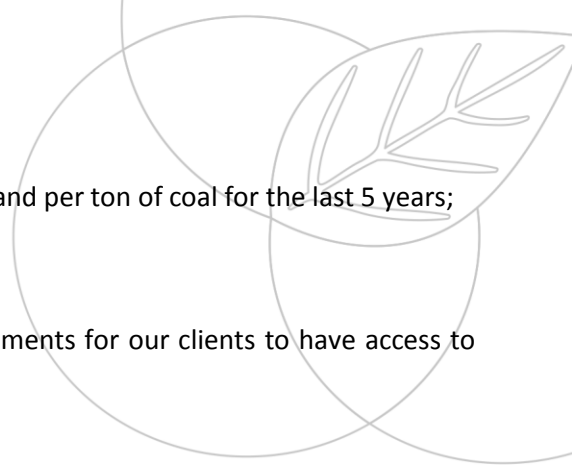
Dear Ms Dhemba

**ESKOM'S APPLICATION FOR EXEMPTION FROM MINIMUM EMISSION STANDARDS (MES) AND POSTPONEMENT OF THE MINIMUM EMISSION STANDARDS TIMEFRAMES FOR ESKOM POWER STATIONS  
REQUEST FOR DOCUMENTS**

1. We address you on behalf of groundWork, Earthlife Africa Johannesburg (ELA), and the following community groups: Middelburg Environmental Justice Network; Greater Middelburg Residents' Association; Guqa Community Service Centre; Southern Africa Green Revolutionary Council; Greater Delmas Civic Movement; and Schoongesicht Community Movement. Our clients are interested and affected parties in Eskom's applications for exemption from and postponement of the MES time-frames. groundWork is a non-profit environmental justice service and developmental organisation aimed at improving the quality of life of vulnerable people in South Africa (and increasingly in Southern Africa), through assisting civil society to have a greater impact on environmental governance. ELA is a non-profit organisation, which seeks a better life for all people without exploiting other people or degrading the environment. Earthlife seeks to encourage and support individuals, businesses and industries to reduce pollution, minimise waste and protect South Africa's natural resources.
2. Our clients will, in due course, provide comments on the Background Information Document (BID), Atmospheric Impact Reports and applications by Eskom for postponements of and/or exemptions from the minimum emission standards set out in section 21 of the National Environmental Management: Air Quality Act, 2004 (AQA).
3. In order for our clients to participate meaningfully and make submissions in the process, to interrogate the bases for the applications, and in keeping with their rights in terms of the Promotion of Administrative Justice Act, 2000 (PAJA), we have been instructed to request copies of the documents set out in paragraph 5 below in relation to each of Eskom's power stations. In other words, our clients also request copies of the documents relating to Kusile, Ankerlig and Gourikwa - in relation to which no postponements or exemptions are sought – for comparative purposes.
4. Our clients are already in possession of atmospheric emission licences (AEL) for Kusile (provisional), Duvha, Kriel and Matla. We understand from Eskom that the appeal decision in relation to the Medupi provisional AEL is still pending, and that this AEL will be made available to us once it is available.

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5. Kindly provide us with copies of the following documents in relation to each of the power stations (unless otherwise specified):
    - 5.1. evidence that ambient air quality standards (AAQS) in the area are in compliance with the AAQS published on 24 December 2009 and 29 June 2012. In this regard, the Framework for Air Quality Management provides that *“provision will be made for specific industries to apply for possible extensions to compliance time frames [in section 21 of the AQA], provided ambient air quality standards in the area are in compliance.”* (our underlining);
    - 5.2. the “previous modeling studies and air quality monitoring” to which reference is made on page 2 of the BID under the heading “power station emissions do not harm human health”;
    - 5.3. all health studies/analysis commissioned by or in the possession of Eskom to support the statement that “power station emissions do not harm human health”;
    - 5.4. the plant specifications of each pollution control device employed per facility; including: the model, make, year manufactured, design efficiency of turbine, and the measured efficiency of each pollution control device;
    - 5.5. the projected lifespan of each facility (i.e. when it is envisaged that each station will be decommissioned);
    - 5.6. the preliminary cost calculations to which reference is made on page 3 of the BID, under the heading “the cost”, as well as the evidence to support these calculations;
    - 5.7. evidence to support the amounts of “70 million cubic metres” and “20%” on page 3 of the BID, under the heading “water availability”;
    - 5.8. evidence to support the comparison (made on page 2 of the BID under the heading “sulphur dioxide”) of the capital and running costs of wet and semi-dry flue gas desulphurisation;
    - 5.9. the source of the coal supplied to each facility;
    - 5.10. the amount of coal burnt per kilowatt hour produced;
    - 5.11. the projected amounts of coal to be burnt:
      - 5.11.1. per kilowatt hour per year for the station’s projected life-span; and
      - 5.11.2. in tons per year for the station’s projected life-span; and
      - 5.11.3. per kilowatt hour per year if:
        - 5.11.3.1. the postponement applications were to be granted; and
        - 5.11.3.2. the exemption applications were to be granted
    - 5.12. the composition of the coal – including the content of ash, mercury, SO<sub>x</sub>, NO<sub>x</sub>, thorium, uranium, arsenic, and other heavy metals;
    - 5.13. the calorific value/energy content of the coal;
    - 5.14. the quantity of ash and sludge waste produced per kilowatt hour and per ton of coal;
    - 5.15. all reports of dispersion modelling and dispersion maps per facility included in the BID;
    - 5.16. the modeling plan to which reference is made at the top of the last column on page 5 of the BID;
    - 5.17. the applicable Atmospheric Pollution Prevention Act, 1965 (APPA) registration certifications for all of the power stations, except for Kusile, Duvha, Kriel, Matla and Medupi;
    - 5.18. the pending AEL application for all of the power stations, except for Kusile, Duvha, Kriel, Matla and Medupi;
    - 5.19. annual reports – reporting on compliance with the APPA certificates and AELs – submitted to the relevant authority for the last 5 years;  
**alternatively**, if there has not yet been a report on compliance in terms of the relevant AEL (or the AEL has not yet been granted):  
 APPA registration certificate compliance reports for the last 5 years;
    - 5.20. Eskom’s ambient air quality monitoring and reports for the last 5 years from all facilities, including for the parameters lead, cadmium, carbon dioxide, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and mercury;
    - 5.21. all emissions data for the last 5 years from all facilities, including for the parameters lead, cadmium, carbon dioxide, carbon monoxide, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and mercury;
    - 5.22. the projected emissions of the substances/parameters set out in 5.21 above per kilowatt hour and per ton of coal over the projected lifespan;



- 5.23. emission volumes/rates of particulate matter per kilowatt hour and per ton of coal for the last 5 years;
  - 5.24. the applicable water use licences; and
  - 5.25. water monitoring reports for the last 5 years.
6. Once we have your response, we can discuss the most suitable arrangements for our clients to have access to these documents.
7. We look forward to hearing from you as soon as possible.

Yours sincerely

**CENTRE FOR ENVIRONMENTAL RIGHTS**

per:

**Robyn Hugo**

Attorney

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