INVITATION

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

INVITATION TO PARTICIPATE IN THE PUBLIC PARTICIPATION PROCESS

THE NATIONAL ENVIRONMENTAL CONSULTATIVE AND ADVISORY FORUM APPOINTED IN TERMS OF SECTION 3A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 0F 1998) (NEMA) TO ADVISE THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT ON MATTERS ARISING FROM 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 (Act No. 108 of 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 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) (NEM:AQA) was promulgated to provide reasonable measures for the protection and enhancement of the quality of air in the Republic of South Africa, to prevent air pollution and ecological degradation, and to secure ecological sustainable development while promoting justifiable economic and social development.

Section 21 of NEM:AQA 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 has or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage. These identified activities are known as Listed Activities and companies require an Atmospheric Emission Licence (AEL) to conduct them. Section 21 further requires the establishment of Minimum Emission Standards (MES) for specified pollutants or a 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 led 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 of the Republic of South Africa, 1996 (Act No. 108 of 1996) and the socio-economic conditions in the country.

Owing 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 NECA 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 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 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 on the 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	10:00-14:00	Witbank	Duvha Power Station **Kendal Power Station**
Tuesday, 15 November 2022	10:00-14:00	Hendrina	Hendrina Power Station Komati Power Station Arnot Power Station
Tuesday, 15 November 2022	10:00-14:00	Saldanha Bay	Green Oil and Lubricants
Wednesday, 16 November 2022	10:00-14:00	Kriel	Kriel Power Station Matla Power Station
Wednesday, 16 November 2022	10:00-14:00	East London	Port Rex Power Station
Thursday, 17 November 2022	10:00-14:00	Ermelo	Camden Power Station Tutuka Power Station
Friday, 18 November 2022	10:00-14:00	Amersfoort	Majuba Power Station
Monday, 21 November 2022	10:00-14:00	Pietermaritzburg	Hulamin Pietermaritzburg
Tuesday, 22 November 2022	10:00-14:00	Vanderbijlpark	Arcelormittal Vanderbijlpark WorksLethabo Power Station
Wednesday, 23 November 2022	10:00-14:00	Standerton	Grootvlei Power Station Tutuka Power Station
Thursday, 24 November 2022	10:00-14:00	Lephalale	Matimba Power Station Medupi Power Station

Should I&APs require assistance in accessing the documentation or obtaining further information and/or to submit comments and written presentations, please contact Dr Vincent Gololo on 012 399 9203 or at vgololo@dffe.gov.za.

INVITATION

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

ISIMEMO SOKUBAMBA IQHAZA KWINQUBO YOMPHAKATHI

ISIGCAWU SEZEMVELO SOKUXHUMANA NESOKULULEKA SIKAZAWELONKE SIQOKWE NGOKWESIGABA 3A SOMTHETHO WOKUNGAMELA EZEMVELO KAZWELONKE KA-1998 (UMTHETHO NO. 107 KA-1998) UKUZE SELULEKE UNGQONGQOSHE WEZAMAHLATHI, EZOKUDOBA NEZEMVELO MAQONDANA NOKUMISWA NOKUHLEHLISWA KWEZIMISO ZAMAZINGA AMANCANE ABEKELWE UKUSATSHALALISWA KWEZINGCOLISIMOYA KANYE NOKUFAKWA KWEZICELO ZOKUNIKEZELA NGEZIMVUME ZESIKHASHANA ZOKUSABALALISA IZINGCOLISIMOYA EMKHATHINI

IsiGaba 24 soMthethosisekelo ka-1996 waseRiphabhuliki YaseNingizimu Afrika (uMthetho Nombolo 108 ka-1996) sihlinzeka ngamalungelo aqinisekisa ukuphepha kwemvelo ukuze kubhekelwe impilonhle yabantu futhi kuqikelelwe nanokuthi isizukulwane samanje nesangamuso sihlomula ngokufanele. Ukufezekisa la malungelo kwindikimba yomoya osezingeni elingcono, kusungulwe uMthetho Wezemvelo Kazwelonke Ongamela Umoya Oyikhwalithi ka-2004 (uMthetho Nombolo 39 ka-2004). Lo Mthetho, usungulwe ngenhloso yokuhlinzeka amazinga omoya asezingeni elingcono kanye nokuqikelela umoya oyikhwalithi eNingizimu Afrika ukugwema ukungcoliseka komoya nokuncipha kwezinga lokuphilisanana kwemvelo futhi nokuqinisekisa ukusimama kwemvelo. Ngakolunye uhlangothi lo Mthetho, uqhakambisa intuthuko yenhlalo kanye neyezimali ezweni.

IsiGaba 21 soMthetho Womoya Oyikhwalithi Ongamela Ezemvelo Kazwelonke siphoqa uNgqongqoshe obhekele imvelo ukuba ashicelele uhlu lwemisebenzi ezoba yingxenye yokuphumelelisa ukusabalala kwezingcolisimoya emkhathini ngendlela ephephile nenganabungozi. UNgqongqoshe ukholelwa ekutheni ukusabalala kwezingcolisimoya kunomthelela oyingozi, obandakanya izimo zempilo, zenhlalo, zemali ,zemvelompiliswano kanye nezinto ezingamagugu ezihlomulisa amasiko. Imisebenzi enomthelela ekungcoliseni umoya yaziwa njengemiSebenzi Esohlwini, ngakhoke izinkampani kufanele zibe neZimvume Zokusabalalisa Izingcolisimoya Emkhathini ukuze kulawuleke le nqubo. IsiGaba 21 siphinde siphoqe ukuqaliswa kwamaZinga Amancane Okusabalalisa Izingcolisimoya noma inhlanganisela yamakhemikhali eyingxenye yezinto noma yemisebenzi esohlwini eholela ekungcoliseni umoya.

Izinkampani ezihluleka ukuhlangabezana namaZinga Amancane Amiselwe Ukusabalalisa Izingcolisimoya ngokuhambisa nezikhathi ezibekwe ngokusemthethweni, zingafaka izicelo maqondana nokuhlehlisa izikhathi ezibekiwe, kusiKhulu Somoya Oyikhwalithi Kuzwelonke. Izicelo zokugcina eziqondene nokuhlehliswa nokumiswa kweziMvume Zokusabalalisa Izingcolisimoya Emkhathini zagcina ukuthunyelwa kusikhulu esiqondene ngonyaka ka-2019. Ngemuva kwalokho, lesi sikhulu sabe sesinikezela ngeZimvume Zesikhashashana Zokusabalalisa Izingcolisimoya Emazingeni Amancane kwabanye abafakizicelo ngakolunye uhlangothi abanye abafakizicelo banqatshelwa ukuthola izimvume. Lokhu kwabangela ekutheni kube nezikhalazo kanye nemibuzo mayelana nonqamulajuqu wokunikezela ngezimvume. Kwaphinde kwaphoqa ukuba uNgqongqoshe abheke izizathu ezahlukahlukene ezibangela ukungqubuzana kwezinqumo mayelana nokunikezelwa kanye nokunqatshelwa kwezimvume, ngokwesigaba 23 soMthethesisekelo WaseNingizimu Afrika ka-1996 (uMthetho Nombolo 108 ka-1996) kanye nangokwezimo zenhlalakahle nezezimali ezweni.

UNgqongqoshe ubona ukuthi kufanele kubekhona inqubo yokuxhumana ukuze kuxazululwe ingxagnxatheka yezinkinga edalwe ukufakwa kwezicelo ezahlukahlukene eziphathelene nokumiswa nokuhlehliswa kwezimiso zezikhathi ezibekelwe ukuSabalalisa Izingcolisimoya Ngokwamazinga Amancane. Okungenani kufanele kubekhona inqubo yokunikezelwa ngeziMvume Zesikhashana Zokusabalalisa Izingcolisimoya Emkhathini . UNgqongqoshe oyibamba ngokoMthetho Wokungamela Ezemvelo Zikazwelonke ka-1998, (uMthetho Nombolo 107 ka- 1998) (NEMA), uphakamisa ukuba isiGaba 3A soMthetho Wokungamela Ezemvelo Kuzwelonke usungule isiGcawu esizobhekela ukweluleka nokuxhumana mayela nezemvelo ezweni lonke. Inhloso yesiGcawu Sokweluleka Nesokuxhumana Ngezemvelo Sikazwelonke ukulawula inqubo yokuxhumana phakathi kwezinhlangothi ezinentshisakalo kanye nalezo ezithintekayo, nokubuyekeza kanye nokwethula ucwaningo olwenziwe. Lokhu kuzosiza ukubuyekeza izinqumo ezithathwe maqondana nezimvume kanye nokuhlanganisa umbiko oqondene nomphumelo wesigcawu. Umbiko uzohlinzeka uNgqongqoshe ngezixazululo eziphathekayo ekuxazululeni izinkinga mayelana nokungathobeli iziMiso Zamazinga Amancane Okusabalalisa Izingcolisimoya, okubandakanya izikhalazo nezicelo ezifakiwe zokunikezela ngeziMvume Zesikhashana Zokusabalalisa Izingcolisimoya Emkhathini.

Ukubandakanywa komphakathi kuzobandakanya imihlangano yomphakathi kanti izinhlangothi ezinentshisakalo kanye nezithintekayo zizoba nethuba lokuphawula nokwethula imibono yazo. Izinhlangothi ezinentshisakalo kanye nezithintekayo zinethuba lokwethula imibono maqondana nale nqubo kanye nezicelo eziphathelene nokuhlehliswa nokumiswa kwezimiso zeziMvume Zesikhashana Zokusabalalisa Izingcolisimoya Emkhathini. Amadokhumenti aqondene atholakala kwi-webhusathi yoMnyango Wezamahlathi, Ezokudoba Nezemvelo ku-**https://www.dffe.gov.za/event/deptactivity/minimumemissionstandards_publicconsultations** noma ku-https://saaqis.environment.gov.za/ kanye nakuzikhungo ezithintekako ezibalulwe ngezansi.

Zonke izinhlangothi ezinentshisakalo kanye nezithintekayo zimenywa emhlanganweni womphakathi njengoba kubekwe ngezansi. Ikheli lendawo yomhlangano lizokhishwa kwiwebhusaythi yoMnyango Wezamahlathi, Ezokudoba Nezemvelo (**https://www.dffe.gov.za/event/deptactivity/minimumemissionstandards_publicconsultations**) kanye nakuwebhusayiyhi yase-SAAQIS (https://saaqis.environment.gov.za)

USUKU	ISIKHATHI	INDAWO	ISIKHUNGO ESITHINTEKAYO
uMsombuluko, 14 Novemba 2022	10:00-14:00	Witbank	Duvha Power Station (isikhungo esiphehla ugesi i-Duvha) Kendal Power Station (isikhungo esiphehla ugesi iKendal)
uLwesibili, 15 Novemba 2022	10:00-14:00	Hendrina	Hendrina Power Station (isikhungo esiphehla ugesi iHendrina) Komati Power Station (isikhungo sokuphehla ugesi iKomati) Arnot Power Station (isikhungo esiphehla ugesi i-Arnot)
uLwesibili, 15 Novemba 2022	10:00-14:00	Saldanha Bay	Green Oil and Lubricants (isikhungo esisebenza ngo-oyili oluhlaza)
uLwesithatu 16 Novemba 2022	10:00-14:00	Kriel	Kriel Power Station (isikhungo esiphehla ugesi iKriel) Matla Power Station (isikhungo esiphehla ugesi iMatla)
uLwesithathu, 16 Novemba 2022	10:00-14:00	East London	Port Rex Power Station (isikhungo esiphehla ugesi iPort Rex)
uLwesine, 17 Novemba 2022	10:00-14:00	Ermelo	Camden Power Station (isikhungo esiphehla ugesi iCamden) Tutuka Power Station (isikhungo esiphehla ugesi iTutaka)
uLwesihlanu, 18 Novemba 2022	10:00-14:00	Amersfoort	Majuba Power Station (isikhungo esiphehla ugesi iMajuba)
uMsombuluko, 21 Novemba 2022	10:00-14:00	Pietermaritzburg	Hulamin Pietermaritzburg
uLwesibili, 22 Novemba 2022	10:00-14:00	Vanderbijlpark	Arcelormittal Vanderbijlpark WorksLethabo Power Station (isikhungo esiphehla ugesi)
uLwesithathu, 23 Novemba 2022	10:00-14:00	Standerton	Grootvlei Power Station (isikhungo esiphehla ugesi iGrootvlei). Tutuka Power Station (isikhungo esiphehla ugesi iTutuka)
uLwesine, 24 Novemba 2022	10:00-14:00	Lephalale	Matimba Power Station (isikhungo esiphehla ugesi iMatimba) Medupi Power Station (isikhungo esiphehla ugesi iMedupi)

Uma iziNhlangothi Ezinentshisekelo nalezo Ezithintekayo zidinga usizo ukuhlola amadokhumenti noma ukuthola ulwazi olwengeziwe ukuze zikwazi ukuveza imibono noma zibeke izethulo ezibhaliwe, zicelwa ukuba zixhumane noDokotela uVincent Gololo ngocingo ku-012 399 9203 noma nge-imeyili ku-vgololo@dffe.gov.za.