

New environment minister imposes stricter sulphur dioxide limit than Sasol sought, but company can still pollute far above legislated limits

Nearly 4 months after previous Minister of Forestry, Fisheries and the Environment, Barbara Creecy, granted Sasol's appeal request to emit sulphur dioxide (SO₂) at levels well above the legislated health-based minimum emission standards (MES), the current Minister, Dion George, has provided his decision on the outstanding aspect of Sasol's SO₂ MES appeal. He refused Sasol's request to retain the very weak SO₂ limit in its current atmospheric emission licence (AEL), but nevertheless granted it a limit that does not require Sasol to take any steps to reduce its SO₂ pollution.

On 4 April, following its appeal of a July 2023 decision by the National Air Quality Officer (NAQO), Minister Creecy granted Sasol permission to use an "alternative" load-based emission limit to measure SO₂ from the 17 coal-fired boilers at its Secunda operations, allowing it an emission limit of 503 tonnes of SO₂ per day from 1 April 2025 until 31 March 2030.

Just Share had opposed Sasol's appeal, submitting expert evidence that showed that granting the appeal would result in approximately 50-130% higher negative impacts on human health than if Sasol complied with the legislated SO₂ MES of 1000 mg/Nm³.

Just Share argued that the provision on which Sasol relied to seek an "alternative emission limit" - paragraph 12A of the List of Activities - does not empower it to pollute at levels higher than the legislated limit beyond 31 March 2025.

Just Share also reiterated that the 1000 mg/Nm³ SO₂ limit is substantially weaker than the equivalent standards in developing countries like India and China and that Sasol had had significant time within which to come into compliance.

Sasol had, in addition, asked for a different load-based limit to apply from 1 April 2030 (with no end date), but this request was not addressed in Minister Creecy's decision. Although Creecy indicated that the indulgence she had granted to Sasol was for a "limited period", she did not impose a firm deadline for compliance with the legislated MES limit of 1000 mg/Nm³. She appeared to leave this to the discretion of the NAQO, indicating that this should be exercised "to bring emitters into compliance as soon as is reasonably possible."

Conditions of granting of appeal

Minister Creecy recognised "the health risks associated with the occasional but very high exceedances of SO₂". In keeping with a recommendation from the National Environmental Consultative and Advisory (NECA) Forum to mitigate against these risks, Creecy indicated that, in addition to the load-based limit, Sasol should be subject to a daily concentration-based SO₂ limit.





She invited submissions on the concentration-based limit, on which the NECA Forum would then advise her before she made a decision.

Creecy stated that her decision to grant Sasol's appeal was subject to certain conditions, and was to be held in abeyance pending her decision on the appropriate concentration-based limit. It is this decision that has now been taken by Minister George.

In its submissions on the concentration-based limit, Sasol sought to retain the current SO₂ limit in its AEL: 2000 mg/Nm³. The AEL standard is double the legislated MES - in other words, half as strict. Sasol had previously obtained a postponement of SO₂ MES compliance until 31 March 2025.

Just Share persisted with our argument that not only was there no basis to grant Sasol a limit weaker than the already significantly weak MES of 1000 mg/Nm³ post 31 March 2025, but that this would be unlawful.

Minister George's decision

On 26 July, Minister George provided his decision on the concentration-based limit to be applied together with the load-based limit approved by Minister Creecy in April. He decided that the limits should be 1700 mg/Nm³ for the west stack of boilers and 1400 mg/Nm³ for the east stack, incorrectly stating that this was "aligned with the recommendation" of Just Share's expert.

This comment is difficult to understand, given that George's appeal decision also clearly notes that Just Share argued that there was no reasonable justification to grant Sasol an MES limit weaker than 1000 mg/Nm³, and that Just Share disputed that granting a weaker emission limit would be legally permissible.

Instead, Just Share had pointed out that, based on Sasol's 2019 and 2023 emissions data, it was already easily able to comply with the 1400 and 1700 mg/Nm³ limits, **without any measures to mitigate emissions**. We stated that since Sasol's proposed 2000 mg/Nm³ limit is 30% and 15% above even the highest observed current daily concentrations at the east and west stacks, respectively, allowing it to retain its AEL limit of 2000 mg/Nm³ would permit substantial SO₂ emissions increases.

George also pointed out in his decision that Sasol had failed to substantiate its requested limit of 2000 mg/Nm³, stating: "It is concerning to me that Sasol has not provided me and the NECA Forum with complete information to justify its requested limit. Any decision that I make must be supported by accurate and complete information".

Incomplete information and next steps

All parties have 180 days within which to challenge the appeal decisions through judicial review. To inform Just Share's decision in this regard, we require access to various reports that were taken



into account in making the appeal decisions. The documents which have not been provided to us include:

- the opinion of Prof Halton Cheadle on the interpretation of paragraph 12A;
- the report/s of Dr Lisa Ramsay, who provided the NECA Forum with technical assistance;
- the submissions and additional information provided by the NAQO after her responding statement;
- the reports of the NECA Forum that informed Minister Creecy and Minister George's decisions;
- the [reports of the SO₂ expert panel established in September 2019](#) to "provide strategic and technical guidance towards effective management of SO₂ emissions from old and existing plants"; and
- additional information Sasol provided to Minister Creecy regarding its "investment in energy efficiency projects".