

Clean up Mpumalanga's toxic air, organisations demand

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A power station in Mpumalanga. Picture: Witbank News

Two bodies are taking government and the department of environment, forestry and fisheries to court over air pollution in the province.

With a little less than two weeks on the job, Minister of the Environment, Forestry and Fisheries Barbara Creecy has walked into a maelstrom of court action around air pollution.

Her predecessors have seemingly failed to address air quality concerns.

Two organisations have joined forces to drag government and Creecy's department to court over its failure to ensure clean air.

The groups claim pollution from coal-fired power plants in the Highveld priority area violate the right to a healthy environment under the constitution.

Environmental justice group groundWork and Mpumalanga community organisation Vukani Environmental Justice Movement in Action have launched landmark litigation demanding that government clean up the air in the Mpumalanga Highveld.

There is an adage: give someone enough rope and they will hang themselves.

And in the 522-page court papers seen by The Citizen, there is a lot of rope with knots Creecy, who had not been able to respond by the time of going to press, will have to unpick.

In November 2007, then minister of environmental affairs Marthinus van Schalkwyk declared in the Government Gazette “the Highveld as a priority area, hereafter referred to as the Highveld priority area (HPA), in terms of section 18(1) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

“I believe that the ambient air quality within the HPA exceeds, or may exceed, ambient air quality standards, alternatively, that a situation exists within the HPA, which is causing or may cause a significant negative impact on air quality in the area, and that the area requires specific air quality management action to rectify the situation.”

The area stretches from as close as Ekurhuleni, east of Johannesburg, to the far, far, north in Mpumalanga.

Van Schalkwyk’s declaration has never been overturned or challenged. Nor, it appears, acted on.

In his founding affidavit, groundWork trust director Bobby Peek said he understood the department of environmental affairs was busy procuring a service provider to study the HPA again.

“It is anticipated that this study will take at least two years to complete which, in itself, will overshoot the 2020 deadline for the majority of goals in the Highveld plan,” Peek said.

“What is needed in the HPA, at this stage, is not the collection of additional source apportionment data, but rather the implementation and enforcement of the implementation plan and air quality laws to reduce emissions from significant emitters already known to government.”

One “significant emitter” is Eskom.

In February, the debt-ridden utility was caned in a report by internationally renowned air quality consultant Dr Ranajit Sahu for “nearly 3 200 exceedances of applicable daily atmospheric emissions licenses limits for particulate matter, sulphur dioxide, and oxides of nitrogen”, which Eskom strenuously denied.

However, at last check, Eskom was applying for a fourth postponement of compliance with air quality legislation.

For the time being, the trustees of groundWork trust and Vukani have joined forces in their action against Creecy, the national air quality officer and the president of South Africa.

“GroundWork and the communities we represent have consistently been highlighting the issue of air pollution and its negative impacts on human health, and our lived experience is that government is not holding the big polluters to account,” Peek said.

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