

When NEMA and NEMAQA both apply to an emitting facility: the application process, licence management and resolving non-compliances

Presentation outline:

- 1) Introduction
- 2) Application process
- 3) Licence and authorisation management
- 4) Resolving non-compliances
- 5) Summary



1) Introduction

- NEMA & NEMAQA have same goals: right to an environment that is not harmful to health and wellbeing.
- NEMAQA – protection of ambient air quality. Polluter pays principle.
- NEMA Environmental Authorisation and NEMAQA Atmospheric Emissions Licence: application (assessment) process and activity management are aimed at furthering healthy environment goals.

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2) Process:

- When both NEMA and NEMAQA authorisations needed: new plant and expansion.
- Why do both? Are NEMAQA and regulations not sufficient?
- National Air Quality Management Framework:
 - a) Could be other impacts and not just air quality impacts. NEMA EIA process and assessment requirements are broader.
 - b) NEMA public participation process is more rigorous.
 - c) AQO should factor all available information into their decision on the AEL application.

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2) Process (contd):

Streamline / combine the process:

- Include the AEL application process requirements in the EIA process.
- Ensure all legislated requirements for process, information, public participation under both Acts are met.
- Public participation notices should refer to both application processes.
- Either – more rigorous, 2-phase “Scoping –EIA” application: new plant; or simpler, single-phase “Basic Assessment” application: expansion.
- The Scoping Report should reference the AEL application process and preliminary information available on the AEL application.
- The EIA and Basic Assessment Report need specialist Air Quality Impact Assessment Report, and technical information for AEL application.

2) Process (contd):

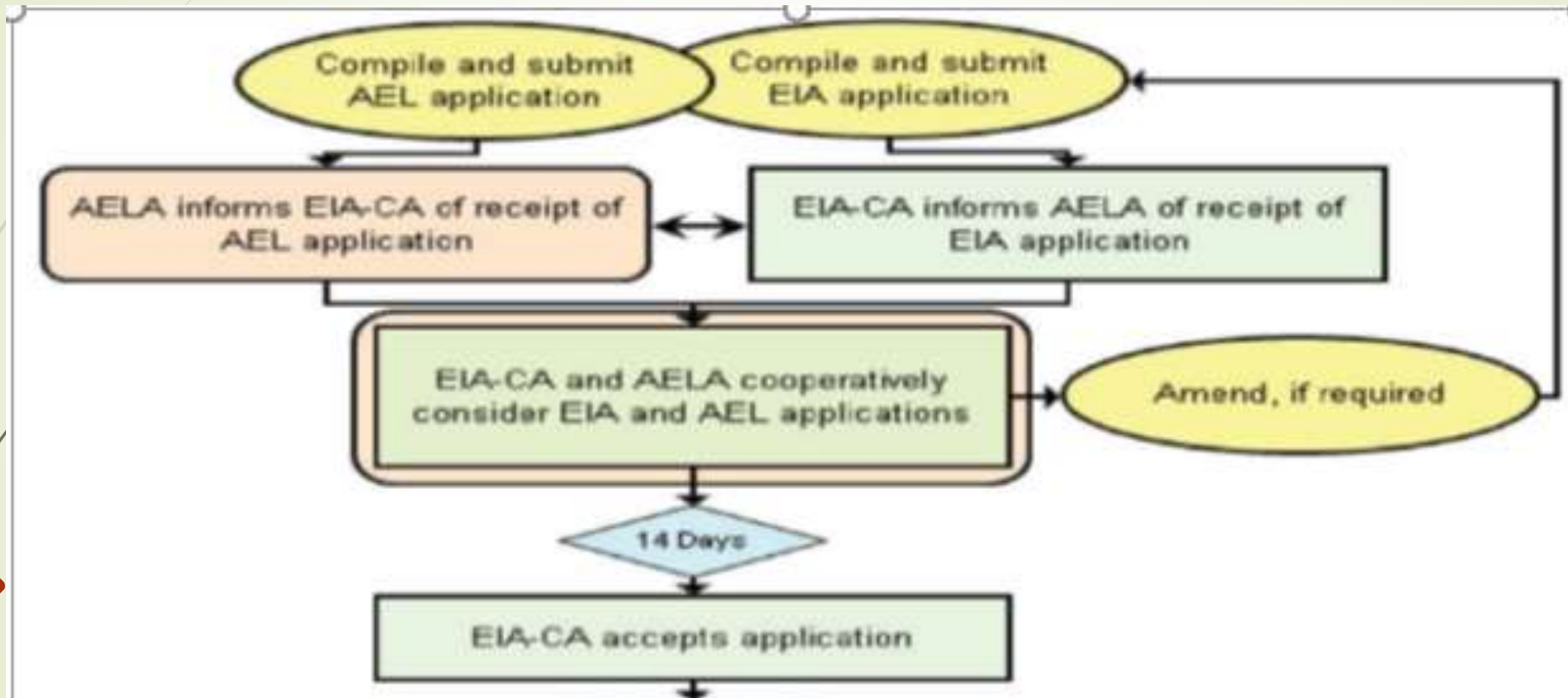
Online AEL application system - practical restrictions.

Work around this by:

- Involving Air Quality Officer at the earliest, pre-application authority consultation stage of EIA process.
- Scoping phase – unlikely to be enough technical information to complete an AEL application.
- But give both AQO as well as EIA authority the opportunity to comment on the Scoping Report.
- For EIA phase, applicant must have decided on infrastructure and technology to use, because this will be assessed in specialist AQIA, and in EIA Report.
- Suggest include draft version of AEL application in EIA Report, and ensure that AQO as well as EIA authority have opportunity to comment.
- NEMA EA issued first, then AQO decides on the AEL.

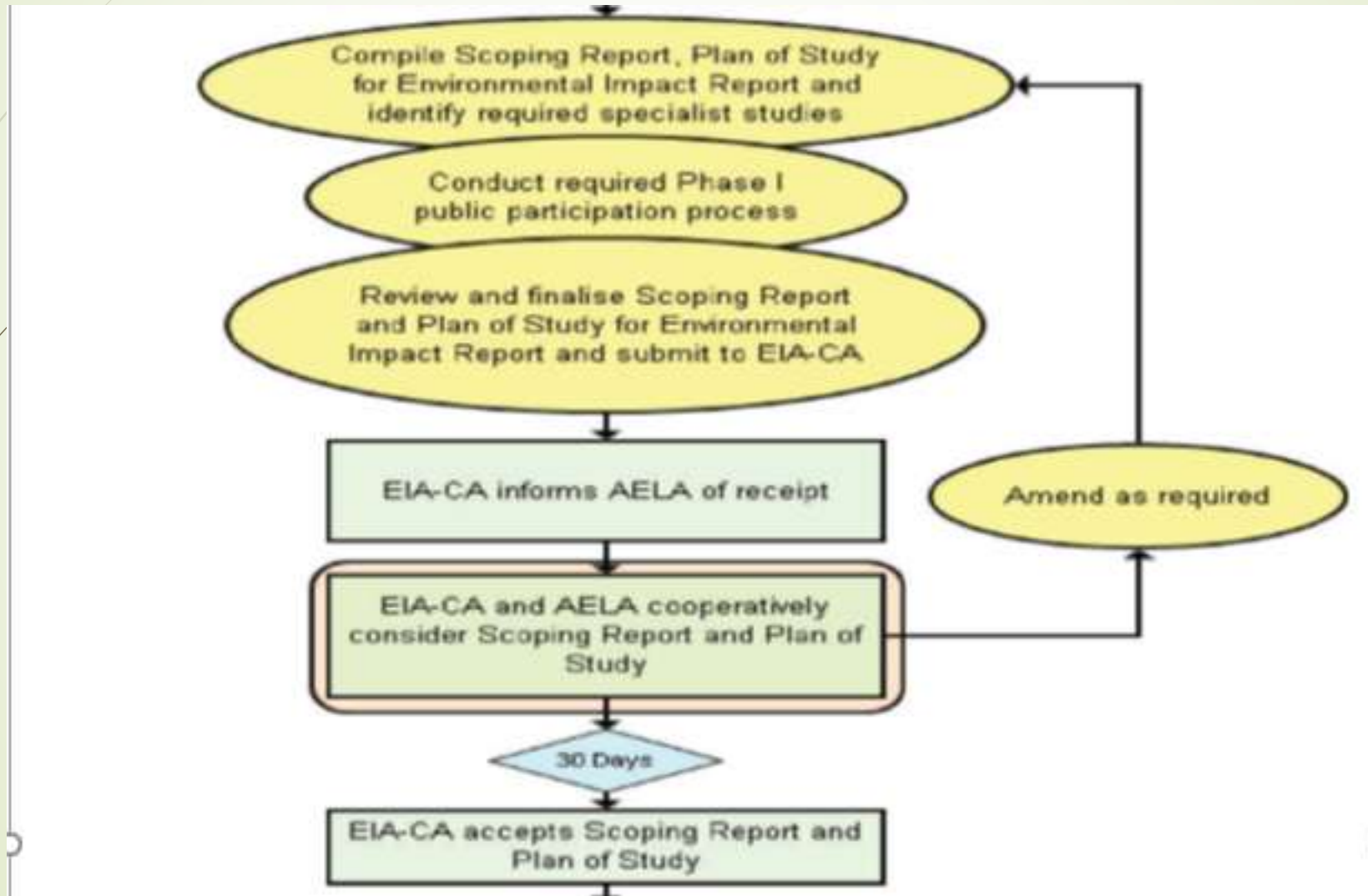
2) Process (contd) – from National Air Quality Management Framework:

Pre-application and application stage



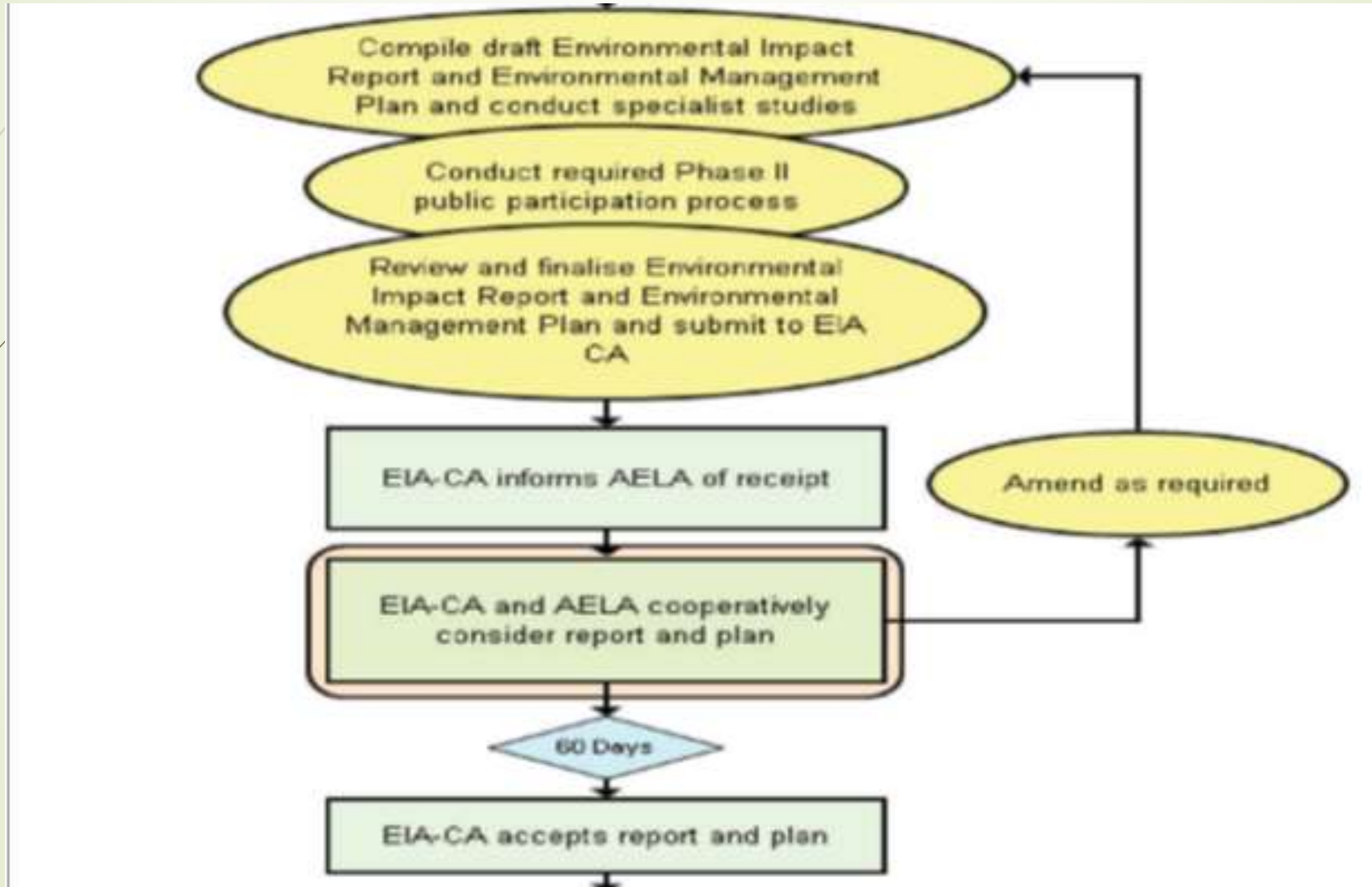
2) Process (contd) – from National Air Quality Management Framework:

Scoping phase

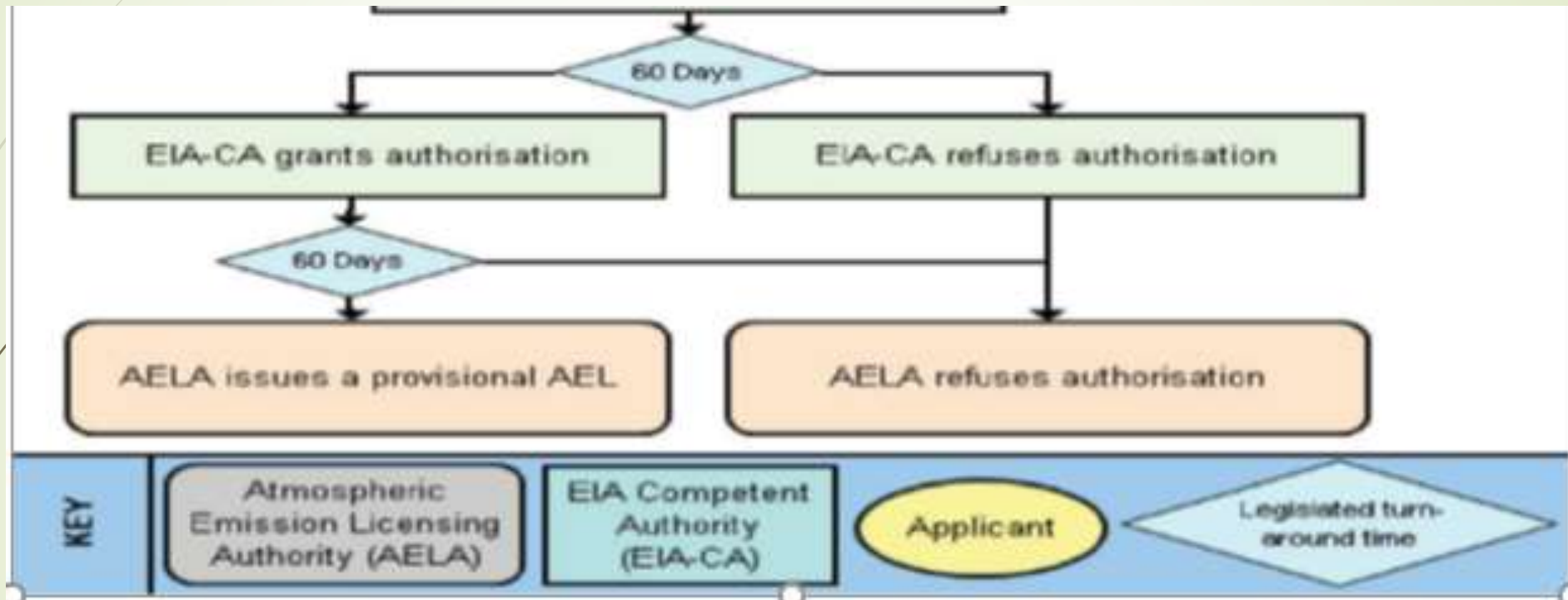


2) Process (contd) – from National Air Quality Management Framework:

EIA phase



2) Process (contd) – from National Air Quality Management Framework:
Authority decision-making stage



3) Licence and authorisation management:

- Provide same information to EIA authority and to AQO.
- Same mitigation measures.
- Compliance reporting on recommended conditions of authorisation – same format and frequency.
- Suggest spreadsheet and Outlook calendar reminders for key compliance items: due dates, format of proof required, who to submit proof to and how to submit.

4) Resolving non-compliance:

- When both authorisations are in place, you should advise both authorities of planned maintenance, or any kind of upset that occurs.
- Keep EIA case officer and AQO contact details handy.
- Notify authorities of any planned infrastructure, process, input, etc. changes.
- And prudent to seek opinion from authorities if any changes are planned that could possibly bring about a capacity expansion: will an EIA be required?
- Emergency incidences.

5) Summary:

- More onerous to undertake both applications and manage both authorisations.
- But application process can be streamlined.
- And compliance reporting can be dovetailed as much as possible.
- Key to be cautious and request authority advice on applicability of NEMA or NEMAQA to any new plant or plant changes.

Q&A?

Contact

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