

National Framework where are we going?

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Mandate

- Information management
- Authorizations
- Strategy development
- Compliance and enforcement
- Lessons Learnt 2005-2015
- What we should be doing more or less of
- What we should be doing that we haven't started doing yet
- Other matters that you think are critical to review in the National Framework.



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Information Management

- SAAQIS has provided us with an ***Advanced Modern Systems*** to deal with marshalling air quality data, licensing processes, complaints management and document storage.
- Annual Reporting
- **Is it working 100%?**



Information Management

- NO
- Why?
 1. Basics?
 2. Flexibility
 3. Awareness
 4. Operate in Silo's
 5. Reporting of information to our Political Officer Bearers.

Strategy Development

- In 2005 we inherited a system from APPA.
- APPA was command and control
- New Approach to be informed by science

Air Quality Systems

- Air Quality Monitoring Stations.
- Passive and Intensive Particle Monitoring.
- Comprehensive Emissions Inventories.
- Air Dispersion Modelling.



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Air Quality Management Tools

- Act requires an authority to indicate how they will give effect (tools) to manage air quality.

Do we have *Adequate* tools?

Sustainable Outcome?



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Air Quality Management Plans

- Sec 21 & 23 for Industrial
- Sec 32 for Dust
- Sec 34 for Noise
- Sec 35 for Odours
- Traffic NONE combination of Sec 23 and 26 controlled fuels but they wont control traffic volumes.

Priority Pollutants

- Particle Matter need to be declared Priority Pollutants



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Sustainability Policy

- New approach to our thinking with desire to control pollution.
- Small and micro processes are negatively impacted on by legislative process and are not able to afford to comply with the law eg Brick Manufacturers 20 000 bricks per month. Uses less than a ton of coal to manufacture. Don't generate enough cash flow to afford to comply with the legislative processes.



Sustainability Policy

- Principle polluter pays.
- Designation of process need to consider a nexus of the size of the process, the nature of the pollutants in relation to determining thresholds and obvious .
- Highest Threshold should equate to Sec 21 process.
- Medium threshold equates to sec 23 process

Controlled Fuels

- Poor Quality Fuels are generally cheaper but less efficient resulting in fuel being consumed to achieve the same work however the consequence is greater pollution.
- Need regulations prescribing:
 1. standards for fuels,
 2. restricting certain non intended substances (sulphur in coal, CCA in Wood)
 3. Phasing out certain fuels
 4. Control



Atmospheric Emission License and Public Access to Just Administration

Sec 39 (b) requires that any Licensing authority when issuing a AEL to consider the type of pollution and its impacts on :

- environment, including health,
- social conditions
- economic conditions,
- cultural heritage and
- ambient air quality.

Atmospheric Emission License and Public Access to Just Administration

- The Public Access to Just Administration requires that the Administrative Decisions are:

1. Lawful

2. Procedurally Fair

3. Reasonable

Atmospheric Emission License and Public Access to Just Administration

- Problem: Judicial Minefield application form does not assist in unpacking information with regards to the impacts of the pollution.
- Solution: Guidance document to assist Officers in unpacking this area of Licensing and how to document the reasons



PAJA and Section 23

- PAJA requires that we be procedurally fair.
- Section 23 does not require anything other than registration of the sec 23 activity.
- **Problem** is that authorities are adding in requirements to the process to which they don't have the power.
- **Solution** each Section 23 activity should have a prescribed application form.



Noise

- Sec 34 gives the authority to establish Standards.
- ECA Noise regulations are outdated in their thinking seven decibel noise rule means we have creeping background noise levels.
- Review of Noise Regulations.

Odour

- Occupier is required to take reasonable steps to address offensive odours.
- Problem is how do you determine an offensive odour objectively so that if challenged legally you can prove that the odour is offensive.
- Solution: Need a comprehensive guideline.

Compliance and Enforcement

- Do we have enough EMI?
- Polluter Pays Principle?
- Separate the roles of Regulator and Enforcer?





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