



Legal, Authorisations,
Compliance and Enforcement

12TH ANNUAL AIR QUALITY GOVERNANCE LEKGOTLA

COMPLIANCE MONITORING– LESSONS LEARNT AND SUGGESTIONS FOR IMPROVEMENT



environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



PRESENTATION OUTLINE

- BACKGROUND
- FEEDBACK & LESSONS LEARNT
 - Compliance status
 - PAELs
 - Emissions Monitoring
 - AEL Conditions
 - Exemptions
 - Dust Management
- AQO/LA & EMI ROLE
- CONCLUSION



BACKGROUND

Proactive Inspections

- Jointly on prioritised sectors
 - a. Ferro
 - b. Refineries
 - c. Cement
 - d. Pulp and Paper
 - e. Hazardous Waste Disposal/Treatment Facilities
- Priority areas & facilities with postponement decisions



BACKGROUND Cont.

Reactive Inspections

- Compliance and Enforcement Blitz
 - St Helena Bay Fishmeal Plants
 - HCRW
- NEMA Section 30 Incidents
- Complaints – Environmental Crimes Hotline
(referred to LA)



COMPLIANCE STATUS

- Compliance to MES
 - Generally low compliance status
 - 5 of 21 facilities inspected proactively fully compliant
 - sampling and analysis not in line with AQA S21 Listing Notice
 - validity of continuous monitoring data- no recording for extended periods while plant is operating
- Non-compliance vs harm to environment
 - e.g. limit $10\text{mg}/\text{Nm}^3$ vs measured $12\text{mg}/\text{Nm}^3$
 - intermittent exceedance



PAELs

- PAELs – Commissioning
 - Existing plants operating with PAELs
 - Mostly Fishmeal Plants and HCRW Sectors
 - 5 years validity?
 - PAELs renewed after expiry
- PAELs: New Power Generation Plants
 - commissioning, synchronisation, commercialisation, operation
 - Different stages of development under 1 authorisation



EMISSIONS MONITORING

Quality, reliability and accuracy of monitoring results

- Methods and standards in AQA S21 Listing Notice
- Non-compliance to AQA S21 Listing Notice not an offence: if not an AEL condition

4.3. SAMPLING AND/OR ANALYSIS REQUIREMENTS

Measurement, calculation and/or sampling and analysis shall be carried out in accordance with **any nationally or internationally acceptable standard**. A different method may be acceptable to the licensing authority as long as it has been consulted and agreed to the satisfactory documentation necessary in confirming the equivalent test reliability, quality and equivalence of analyses.



AEL CONDITIONS

Contradicting conditions

7.3.3 PM emissions should be below the limit value within 72 hours of synchronising with the grid. Normal start up, upset and maintenance shall not exceed a period of 72 hours. Should normal start up, maintenance, upset and shut down conditions exceed a period of 72 hours, section 30 of the National Environmental Management Act, 107 of 1998 (as amended) shall apply.



AEL CONDITIONS

10. REPORTING OF ABNORMAL RELEASES AND EMERGENCY RESPONSES

The holder must prevent deviations from normal operating conditions that would result in pollution exceeding specified limit values. If any conditions exist that will result in excessive emissions or nuisance must be immediately reported to the Air Quality Officer. Section 30 NEMA incidence must also be reported to the Air Quality Officer within 24 hours. Where excessive emissions occur, which could cause adverse health and environmental impacts or nuisance, urgent corrective measures must



EXEMPTIONS

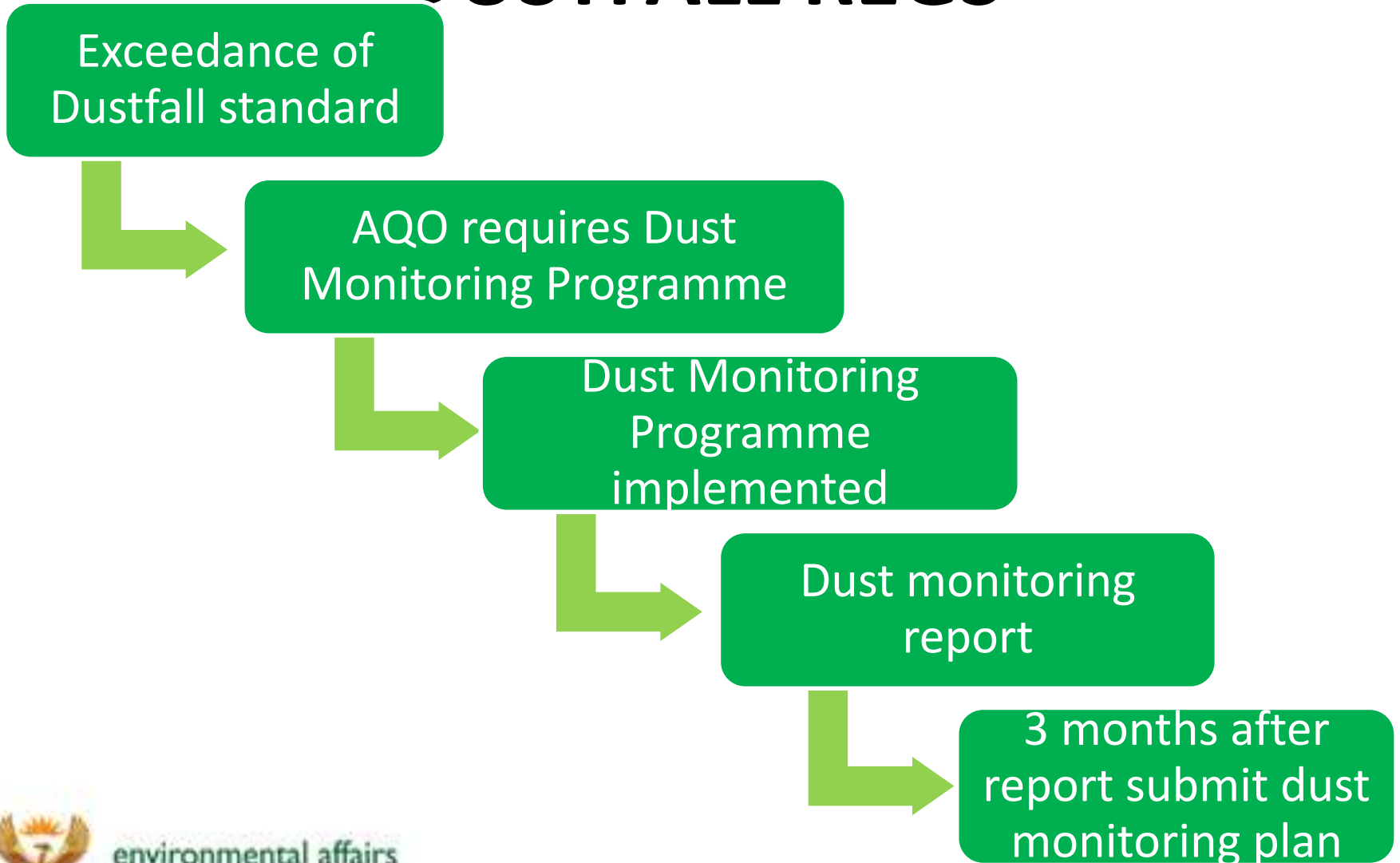
7.2.6. Exemptions from the above mentioned limits (for allocated time periods) can be applied for when SO₃ plant emergency maintenance needs to be done while the unit is on-load, to prevent safety risks to employees. During such times new emission limits must be requested and blanket exemptions will not be allowed.

AQA S59 (1)(a) exemptions

AQA S21 postponements



DUSTFALL REGS



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DUST MANAGEMENT

- Sec 8 of Dust Fallout Regulations-Exceedances of Dustfall standards not an offence
- Offence only once AQO has initiated the process
- Dust Management Plans/ Programmes -AELs
 - Lack of approval of such Plans/ Programmes submitted in compliance to AEL condition
 - Plans not assessed for adequacy in addressing dust issue



LA EMIs

Province	2014-15FY	2015-16FY	2016-17FY
Gauteng	37	43	51
Limpopo	10	22	29
North West	9	13	24
Western Cape	24	30	50
Free State	-	-	22
Eastern Cape	3	4	7
Mpumalanga	-	18	14
KwaZulu-Natal	102	102	102
Northern Cape	-	4	4
Totals	185	236	303

Source : Draft 2016/17 NECER



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EMI AND AQO/LA OFFICIAL

- 2 Hats
 - Conflicting roles(Referee and Player)
 - Relationship with facilities
- Capacity to perform both functions??



CONCLUSION

- Ensure that PAELs are lawful
- Capacity to perform AQ Licensing and EMI role
- Improvement on ongoing monitoring
 - review of compliance reports
 - approval of plans (e.g. dust management plans; improvement plans etc.)
- Improvement of AEL conditions





Thank You

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