

A DISCUSSION TOWARDS ISSUANCE OF A NEMA ALIGNED INTEGRATED ENVIRONMENTAL AUTHORISATION IN LINE WITH SECTION.24L

12TH AIR QUALITY GOVERNANCE LEKGOTHLA 2-3 OCTOBER 2017

PREPARED BY
SABELO MALAZA



Legal , Authorizations, Compliance and Enforcement



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

PRESENTATION OUTLINE

- BACKGROUND AND PURPOSE
- CURRENT STATUS
- CHALLENGES TO BE OVERCOME
- DISCUSSIONS TO BE HAD



BACKGROUND AND PURPOSE

- **NEMA S24L :Alignment of environmental authorisations**
- S24L(1) A competent authority empowered under chapter 5, to issue an environmental authorisation and any other authority empowered under a specific environmental management Act may agree to issue an integrated environmental authorisation.
- (2) An integrated environmental authorisation contemplated in subsection (1) may be issued only if
- (a) the relevant provisions of NEMA and the other law or specific environmental management Act have been complied with; and
- (b) the environmental authorisation specifies the –
 - i. provisions in terms of which it has been issued; and
 - ii. relevant authority or authorities that have issued it.

NEM: Air Quality Act has an enabling provision in a form of S.36(6)

NEM: Waste Act has an enabling provision in a form of S.43(1)

PURPOSE: STIMULATE A DISCUSSION THAT WILL USHER AN INTEGRATED AUTHORISATION PERMIT (EIA, WASTE & AIR)

CURRENT STATUS

- The DEA has been implementing the integrated permitting system with the Waste Act and there has been limited success.
- At the heart of the failure is DWS being defined as a commenting authority EIA Regs 2014, when they are in fact a decision making authority.
- The Regs provides DWS with a month commenting period.
- Net result is that almost all the integrated permits issued, non have been issued within the legislated time frame.
- as we think about incorporating air quality aspect, we need to think through the following challenges:



CHALLENGES

1. Fee Structure: The Integrated Authorisations (IA) currently being issued follow the National Environmental Management: Regulations for consideration and processing of applications for environmental authorisations, 2014. The AELs have a different fee structure which is set in terms of the NEMAQA and charges per activity and not per application.

2. Validity period: The Integrated Authorisations currently issued by the DEA do not prescribe a validity period. However, section 41 of the NEMAQA provides that if an application for an atmospheric emission licence has been granted in terms of section 40(1)(a), the licensing authority must first issue a provisional atmospheric emission licence to enable the commissioning of the listed activity and such a licence is valid for a year.

The NEM:WA equally provides for review and renewal of a waste management licence. Section 51(1) of the NEM:WA provides that a waste management licence must specify the period for which the licence is issued and period within which any renewal of the licence must be applied for as well as the periods at which the licence may be reviewed, if applicable. Section 53 requires a licensing authority to review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary.

It is evident from the two Acts above that the licence must stipulate the period or intervals for review or renewal

CHALLENGES cont...

3. Delegation for sign off:

The delegation to sign off sits with the head of impact assessment, Waste and air quality depending on how the different institutions are structured.

For the IPS to work the delegations have to be reviewed.

4. Time frames: which timeframes to follow (One environment system) ? Mindful of current challenges DWS.

5. Administrative systems: Impact assessment is ideally an entry, how do we connect to DWS and Air quality has a online application system.

THANK YOU



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA