

9th Annual Air Quality Governance Lekgotla. Gateway Hotel, uMhlanga, KZN Province , 7th October 2014

Breakaway session 6A: Air Emission licenses: Challenges
and experiences from a compliance monitoring point of
view



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**Legal Authorisations and Compliance
Inspectorate**

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Presentation overview

- **Conditions which (RC) facilities are battling with.**
- **Sampling requirements**
- **Start up, shutdown and maintenance conditions**
- **Is it a monitoring requirement or a guideline?**
- **Ambiguous and discretionary conditions**
- **Challenges that it presents to CM**
- **Purpose of the breakaway**



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Conditions which (RC) facilities are battling with.

- ***Minimum Control Efficiency***

Inspected facilities have no records to demonstrate compliance,

Facilities rely on manufacturers specifications and use visual inspection to check the quality of what is coming out of the stack.

Is this condition practical and can it be met?



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Conditions which (RC) facilities are battling with.

- ***Minimum utilization***

Only two of the inspected facilities attempted and mostly not done, calculations used are different ,

Records to prove down time could not be produced.

Suggestion: consider producing a guideline on what to consider and when



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Sampling requirements

- ***Point source – minimum emission rates***, the AEL requires that sampling must be conducted annually or biannually.

Once off sampling is not representative of annual emissions and it is only presents conditions for the actual sampling day. The representation is distorted and might point to efficient system when in fact there are serious challenges .

The monitoring is also dependent on the availability of service provider and not



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Sampling requirements

7.2. Point source – maximum emission rates (under normal working conditions)

Point Source Code	Pollutant Name	Maximum Release Rate			Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By	Average Period	
PS1	PM	50	Immediate	24hrs	Continuous
PS4	H ₂ S	5	Immediate	1 hr	Continuous
PS6	PM	250	Immediate	24hrs	continuous



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Sampling requirements

- Certain conditions requires facilities complies after a particular date and there are no provisions provided for to ascertain whether or not they are making the required progress towards meeting the limits. Does it mean that that facilities will have years of free ride ahead of the set date?



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Sampling requirements

7.2. Point source – maximum emission rates (under normal working conditions)

Point Source Code	Pollutant Name	Maximum Release Rate	
		(mg/Nm ³)	Date to be Achieved By
P1 **	Particulate	100	1 April 2015
**	SO ₂	3500	1 April 2015
**	NO _x	1100	1 April 2015
P2 **	Particulate	100	1 April 2015
**	SO ₂	3500	1 April 2015
**	NO _x	1100	1 April 2015



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Is it a monitoring requirement or a guideline?

- ***Raw materials and products – raw materials used.*** i.e. power generation coal 241 000 (Maximum permitted consumption rate/ quantity)
- Is this for monitoring or a statement?
- Some licensing authorities advise that it is not necessary to check.



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Is it a monitoring requirement or a guideline?

6. RAW MATERIALS AND PRODUCTS

6.1. Raw materials used

Regulated

Raw Material Type	Maximum Permitted Consumption Rate (Quantity)	Units (Quantity/Period)
Power Generation		
Coal	241 000	tons/annum
HFO Oil	20 000	tons/annum
Bisulphite Works		
Sulphur	73000	tons/annum



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Discretionary conditional

- Some requirements are left at the discretion of the facility or RC,
- Where applicable? Who decides when is it applicable?



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Discretionary conditional

Furthermore, the licence holder is to investigate and, monthly, report to the licencing authority in a summarised format on the total number of complaints logged. The complaints must be reported in the following format with each component indicated as may be necessary:

- (a) Source code / name;
- (b) Root cause analysis;
- (c) Calculation of impacts / emissions associated with incidents and dispersion modelling of pollutants, where applicable;
- (d) Measures implemented or to be implemented to prevent recurrence; and
- (e) Date by which measures will be implemented.



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The challenge we have as CM?

- Prevents from testing the efficacy of the legislation and licence requirements
- There is no work to do for Inspectors tasked to check compliance.
- It create to much work for enforcement and burdens our courts



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Purpose of the breakaway

- We are meant to discuss and develop process on how to deal with outstanding AEL's, late applications and those that have not applied for AELs.
- Bag logs or outstanding AELs (inwards looking)
- Late applications and non submission of applications (outwards looking)



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- Ngiyabonga/
Nakhensa/
• kealeboga



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