

Media Statement for Minister's announcement of decisions for applications for postponement of compliance time- frames for minimum Air Quality Emission Standards

24 February 2015

The Department of Environmental Affairs has reached decisions regarding applications for postponement of timeframes for compliance with the Minimum Emission Standards in terms of section 21 of the National Environmental Management Air Quality Act 39 of 2004.

Facilities that are not able to comply with the minimum emission standards for air quality in South Africa, are enabled, in accordance with the National Air Quality Act, to apply for postponement of the timeframe for compliance.

A total of 37 applications from a range of facilities such as Eskom, Sasol, Anglo American Platinum, PPC, and a number of refiners, were received. Of these, the Department of Environmental Affairs has processed 35 applications, and are still awaiting additional documentation from 2 applicants.

As a Department, we are the main role player in ensuring that the Constitutional right of South Africans to an environment that is not harmful to health and well-being is always taken into consideration, while ensuring that socio-economic growth is not hampered.

In particular, the objects of the Air Quality Act (AQA) are:

1. To protect the environment by providing reasonable measures for –
 - the protection and enhancement of the quality of air in the Republic;
 - the prevention of air pollution and ecological degradation; and
 - securing ecologically sustainable development while promoting justifiable economic and social development; and
2. Generally to give effect to Section 24(b) of the Constitution of the Republic of South Africa, 1996 in order to enhance the quality of ambient air for the sake of securing an environment that is not harmful to the health and well-being of people.

The Department together with Atmospheric Emission Licensing Authorities embarked on a comprehensive process to ensure fulfillment of these objectives of the AQA.

The Section 21 Notice of the AQA presents an opportunity for any listed activity or industry to submit an application for the postponement of the compliance timeframes to the National

Air Quality Officer at the National Department of Environmental Affairs. Such postponement of the compliance timeframes may be granted for a period not exceeding 5 years, per postponement. These postponements provide an opportunity for industry to take the necessary action and retrofit their plants to enable them to comply with the standards in the near future.

It is important to note that an application for postponement must include:

- An air pollution impact assessment compiled in accordance with the regulations prescribing the format of an Atmospheric Impact Report (as contemplated in Section 30 of the AQA), by a person registered as a professional engineer or as a professional natural scientist in the appropriate category;
- A detailed justification and reasons for the application; and
- A concluded public participation process undertaken as specified in the National Environmental Management Act (107) of 1998 Environmental Impact Assessment (EIA) Regulations.

The industries, therefore, made applications and had to comply with these regulatory requirements. The Department has considered all applications lodged according to the legal framework. The Department did not follow a blanket approval approach. Each application was considered on its own merits. I will shortly invite the National Air Quality Officer to outline the technical processes that were followed to reach these decisions.

It is important to note that air quality problems in South Africa are not limited to industrial emissions. Although industrial pollution sources make continuous and significant contributions, there are other significant sources of pollution, for example, domestic coal combustion, mechanically generated dust and motor vehicles. This complexity was carefully considered in reaching decisions for these applications.

General approach undertaken:

The following considerations were made in respect of the general approach to all applications.

Particulate matter

Postponements, where applicable, were only granted for the period between 2015 and 2020 and not beyond. This is because national ambient air quality standards for PM₁₀ and PM_{2.5} became stricter on 01 January 2015 and so there is a need to conduct further atmospheric impact assessments after this period.

Sulphur dioxide

Applications were made for a number of facilities. For the 2015 period, postponements were not necessary as emission reports indicated that most facilities are operating in compliance with the 2015 standards. For most plants, postponements were however granted from 2020 to enable the facilities to invest towards future compliance where possible and also because some plants are due to be decommissioned around those time lines.

Oxides of nitrogen

A number of applicants requested postponements regarding compliance for Oxides of Nitrogen (NO_x). Careful analysis was conducted and postponements where feasible were granted, although in some specific cases it was found that most facilities already operate in compliance with the 2020 standards. It must be noted that Oxides of Nitrogen are not directly problem pollutants in South Africa, but deserve close monitoring as they are a precursor to ozone, for which we measure exceedences in the National Priority Areas.

In closing, I want to state that in all cases, the applicants were strictly required to submit **compliance road-maps** that indicate when they envisage to have completed their tasks regarding investments in pollution control technologies and they submitted this information. As such the decisions made were in view of planned future compliance. As I close, I want to reiterate the Department's commitment to its constitutional mandate that gives effect to Section 24 (b) to enhance the quality of ambient air for the sake of securing an environment that is not harmful to the health and well-being of people, while ensuring that our South African socio-economic growth is not hampered. Our responsibility is to ensure a balance of the three pillars of sustainable development, namely socio-economic growth, consideration of impacts on people and protecting and conserving the environment for future generations. We - the Department of Environmental Affairs, government as a whole, and society - must work together in managing these emissions in such a manner that we realise socio-economic growth, and at the same time, protect our source of life, the environment.

Before I hand over to the National Air Quality Officer to take us through the technical presentation that shows the details of the decisions per application made, I would like to indicate overall that, in certain cases we did not have to grant any postponements, while in some cases we granted postponements, and in other cases we were not able to grant postponements, to ensure that the quality of air in South Africa is not compromised.

Links to supporting documents:

Please follow the link below to retrieve the presentation made by the National Air Quality Officer:

[>> Decisions on applications for postponement of compliance time-frames: AQA S21](#)

Please follow the link below to retrieve the Summary postponement

[>>Summary postponement](#)

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