

## National Environmental Management Act 107 of 1998

### 24N: Environmental Management Programme

(1) The Minister, the Minister responsible for mineral resources or an MEC may require the submission of an environmental management programme before considering an application for an environmental authorisation.

(1A) Where an environmental impact assessment has been identified as the environmental instrument to be utilised as the basis for a decision on an application for environmental authorisation, the Minister, the Minister responsible for mineral resources or an MEC must require the submission of an environmental management programme before deciding an application for an environmental authorisation.

(2) The environmental management programme must contain-

(a) information on any proposed management, mitigation, protection or remedial measures that will be undertaken to address the environmental impacts that have been identified in a report contemplated in subsection 24 (1A), including environmental impacts or objectives in respect of-

- (i) planning and design;
- (ii) pre-construction and construction activities;
- (iii) the operation or undertaking of the activity in question;
- (iv) the rehabilitation of the environment; and
- (v) closure, if applicable;

(b) details of-

- (i) the person who prepared the environmental management programme; and
- (ii) the expertise of that person to prepare an environmental management programme;

(c) a detailed description of the aspects of the activity that are covered by the environmental management programme;

(d) information identifying the persons who will be responsible for the implementation of the measures contemplated in paragraph (a);

(e) information in respect of the mechanisms proposed for monitoring compliance with the environmental management programme and for reporting on the compliance;

(f) as far as is reasonably practicable, measures to rehabilitate the environment affected by the undertaking of any listed activity or specified activity to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development; and

(g) a description of the manner in which it intends to-

- (i) modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
- (ii) remedy the cause of pollution or degradation and migration of pollutants; and
- (iii) comply with any prescribed environmental management standards or practices.

**[Note:** Sub-s. (2) has been substituted by s. 6 of the National Environmental Management Laws Amendment Act 2 of 2022, a provision which will be put into operation by proclamation.]

(3) The environmental management programme must, where appropriate-

(a) set out time periods within which the measures contemplated in the environmental management programme must be implemented;

(b) contain measures regulating responsibilities for any environmental damage, pollution, pumping and treatment of polluted or extraneous water or ecological degradation which may occur inside and outside the boundaries of the operations in question;

(c) develop an environmental awareness plan describing the manner in which-

(i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; and

(ii) risks must be dealt with in order to avoid pollution or the degradation of the environment.

(4) .....

(5) The Minister, the Minister responsible for mineral resources or an MEC may call for additional information and may direct that the environmental management programme in question must be adjusted in such a way as the Minister, the Minister responsible for mineral resources or the MEC may require.

(6) The Minister, the Minister responsible for mineral resources or an MEC may at any time after he or she has approved an application for an environmental authorisation approve an amended environmental management programme.

(7) The holder and any person issued with an environmental authorisation-

(a) must at all times give effect to the general objectives of integrated environmental management laid down in section 23;

(b) must consider, investigate, assess and communicate the impact of his or her prospecting or mining on the environment;

(c) must manage all environmental impacts-

(i) in accordance with his or her approved environmental management programme, where appropriate; and

(ii) as an integral part of the prospecting or mining, exploration or production operation, unless the Minister responsible for mineral resources directs otherwise;

(d) must monitor and audit compliance with the requirements of the environmental management programme;

(e) must, as far as is reasonably practicable, rehabilitate the environment affected by the prospecting or mining operations to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development; and

(f) is responsible for any environmental damage, pollution, pumping and treatment of polluted or extraneous water or ecological degradation as a result of his or her operations to which such right, permit or environmental authorisation relates.

(8) Notwithstanding the Companies Act, 2008 (Act 71 of 2008), or the Close Corporations Act, 1984 (Act 69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment, whether advertently or inadvertently caused by the company or close corporation which they represent, including damage, degradation or pollution.