



The Northern branch of the National Association for Clean Air (NACA) met on Friday, 22 May 2009 at the Kempton Park Council Chambers for a breakfast seminar to discuss the topic of the repeal of the APPA and the status of ambient and source emission standards.

NACA Branches Convene with New Air Quality Act in Mind

By: Donovan White (Staff Writer) and Mieke van Tienhoven (Scientific and Technical Director - NACA)



Over the past few months, the National Association for Clean Air (NACA) branches have been active in organizing knowledge-sharing sessions – particularly concerning the implementation of the new Air Quality Act. The National Environmental Management: Air Quality Act 2004 (Act no. 39 of 2004) will be replacing the Atmospheric Pollution Prevention Act 1965 (Act no. 45 of 1965), and will affect all industries currently in possession of a Registration Certificate under the APPA legislation. In addition, several new industrial processes have been included in the list of activities requiring licenses.

On Monday 21 September 2009, The KwaZulu-Natal branch hosted three presentations by the Air Quality group within the KZN Department of Agricultural Affairs. The speakers described the progress with regards to air quality management initiatives in KZN province. Jethan Kalidass presented the results from the department's ambient air quality monitoring network, while Bonga Sithole described the emission inventory for KZN. The final speaker, Ntokozo Ngubu, outlined the province's response to climate change. In all, there was considerable interest in the event, with about 60 people attending.

The Northern branch of NACA, which is largely made up of Gauteng members, met on Friday, 22 May 2009 at the Kempton Park Council Chambers for a breakfast seminar to discuss the topic of the repeal of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965) (APPA) and the status of ambient and source emission standards. A light breakfast was followed by a warm welcome and opening of the seminar by

the chairperson of the NACA Northern branch, Mr. Jan Bodenstein with these words: "The time has come in South Africa to focus on air quality management".

The first speaker, Ms Anna Mieke van Tienhoven, outlined the NACA objectives of promoting the clean air cause, the prevention of air pollution in South Africa, and the accumulation and dissemination of useful information. In addition, she said that NACA represents the interests of South African clean air, both nationally and internationally, by engaging with bodies such as the International Union of Air Pollution Prevention and Environmental Protection Associations (IUAPPA), the Air Pollution Information Network for Africa (APINA) and the Northern Integrated Pollution Control Forum (NIPCF). NACA aims to educate the South African public on air quality issues by arranging seminars and workshops on topical issues, and publishing the NACA Journal. The Clean Air Journal, which is the official publication of NACA, is being revitalized and



- “We need more locally relevant research on air pollution effects – particularly on the semi-natural and natural environments” - **Micky Josipovic**.

Clarification was sought on compliance timeframes for the implementation of the new emission standards for listed activities.

will be expanded to appeal to a wider range of readers by offering both scientific publications and a more news focused content. Ms van Tienhoven also highlighted the capacity-building initiatives in air quality management that NACA is currently developing in association with the University of Johannesburg, although it is intended that these courses can be implemented at any appropriate tertiary educational institute. For more information on these, one should contact Bev Terry at bev@naca.org.za.

The second speaker of the morning was Mr. Olebogeng Sydney Matshediso, the Deputy Director for Atmospheric Norms and Standards, Chief Directorate for Air Quality Management and Climate Change within the Department of Environmental Affairs. Mr Matshediso enlightened the attendees as to how the new Air Quality Act would be implemented. In his presentation he stated that the “most effective regulatory tools for controlling industrial emissions is a traditional ‘command and control’ governance tool”. “Expect stricter standards”, he said as he outlined the contents of the Draft Schedule for section 21 of the Air Quality Act

As background information, Mr Matshediso outlined South Africa’s role in meeting

international environmental commitments. South Africa is a signatory to the U.N’s Framework Convention on Climate Change (UNFCCC) and its implementing mechanism, the Kyoto Protocol. As South Africa is a developing country, South Africa has no binding obligations to these conventions, but has made a commitment to improving the environmental future of the planet. “The act is an obligation of the Minister (of environmental affairs). The Minister must ensure or specify how challenges are to be connected.” The previous legislation did not place any emphasis on the receiving environment, and under the new atmospheric regulations, the receiving environment will be prioritized, particularly where poor air quality has “detrimental effects on the environment including health, social conditions, economic conditions, ecological conditions and cultural heritage”.

Mr Matshediso stressed that Government has “transitional and other arrangements in place for existing industrial plants to meet greener standards”. The suggested procedures by Government to ensure cleaner air in South Africa will obviously have effects on the industrial sector. The categories of industrial processes to be classified as “listed activities” together with their associated minimum emission standards, were originally published in February 2008. (A total of nine categories have since been published for comment in the Government Gazette 32434 of 24 July 2009 – ed.). The implementation process of this Act would include a final notice which was originally planned for 11 September 2009. . Within three years of publication of these minimum standards and the repeal of APPA (Atmospheric Pollution Prevention Act, 1965 (Act no 45 of 1965), holders of APPA registration certificates will have to apply for the conversion to AELS’s (Atmospheric Emission Licenses – which is a compliance certificate to the new emissions standards). The AEL’s will set new conditions and new compliance time frames in which emission limits are to be achieved. Mr Matshediso warned that this would be a “critical period” for both industry and Government.



Bev Terry,(NACA Administration Manager) Hanlie Liebenberg-Enslin (NACA President), Jan Bodenstein (NACA Northern Branch Chair Person) Olebogeng Sydney Matshediso (Deputy Director for Atmospheric Norms and Standards, DWEA) and Anna Mieke van Tienhoven (NACA Scientific and Technical Director)



The Pro creeping out of the new legislature is that one will be able to hold the government accountable to these regulations as the government may be taken to the constitutional court

A benefit of the new legislation is that there is greater accountability – both for industry and for Government – if air quality is not acceptable.

Compliance assessments would be done through continuous or periodic emission monitoring, and tests will be required to be performed by SANAS accredited laboratories. The Environmental Management Inspectorate or “Green Scorpions” will be responsible for ensuring compliance with emission standards. Reporting requirements will be specified in the standard itself or gazetted as part of the Atmospheric Emission Licensing regulations.

Under the new Air Quality Act, one of the measures to reduce air pollution is through the declaration of Priority Areas. Two such areas have been declared to date – the Vaal Airshed Priority Area, and the Highveld Priority Area. As an example, the Highveld Priority Area corresponds, largely, to a region formerly known in air quality management circles as the Eastern Transvaal Highveld and, more recently, the Mpumalanga Highveld. The area is contained within two provinces (Gauteng and Mpumalanga), one metropolitan municipality (Ekurhuleni), three district municipalities (Sedibeng, Nkangala and Gert Sibande) and nine local municipalities. Within the Highveld Priority Area, there is sufficient evidence that proposed national ambient air quality standards are being exceeded, that a variety of emission sources are contributing to the air pollution problem and that specific air quality management action is required to rectify the situation.

Within a priority area, there are a number of implications for industry. These include:

- Establishment of, and participation in, a Multi-Stakeholder Reference Group (NGO’s, industry and authorities)
- A priority area air quality management (AQM) plan will be developed within two years of the declaration (including public participation)
- Expansion of the suite of pollutants currently regulated. Currently the major pollutants that are regulated are sulphur dioxide, oxides of nitrogen, particulate matter, carbon monoxide, lead, ozone and benzene.
- The priority area air quality management plan will include a baseline

assessment, problem analysis and intervention strategy for all sources of air pollution in the area

- All significant sources contributing to exceedences of ambient air quality standards will be required to submit a programme to reduce emissions to levels determined through the planning process
- Off-set projects.

Industry involvement will be essential to ensure that air quality standards are no longer exceeded in priority areas, and that pollution reduction is achieved in a cost-effective and timely manner.

Mr Matshediso highlighted one of the benefits of the new air quality legislation is that there is greater accountability – both for industry and for Government – if air quality is not acceptable, and does not meet the minimum standards to protect human health.

During the question session, Mr Mickey Josipovic, from the Department of Geography, Environmental and Energy Studies at the University of Johannesburg, called for consideration of “the semi-natural and natural environments in the standard-setting process” for ambient air quality standards. He further called for greater research efforts to understand local conditions. Members of the audience also sought further clarification on the deadlines for compliance, the declaration of Priority Areas, the focus on human health effects and the possibility of overlap with other legislation such as the Health and Safety Act.

The Eastern Cape branch of NACA also hosted a meeting on the 17th of August this year, which was attended by local councilors, non-governmental organizations and industry representatives. A field visit to some of the ambient air quality monitoring stations in the Coega Industrial Development Zone was followed by a presentation by Algorax on their considerable progress in reducing emissions of particulates. The Eastern Cape branch is actively seeking members in the East London area and a roadshow is planned

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The Environmental
Management
Inspectorate or “Green
Scorpions” will be
responsible for ensuring
compliance with emission
standards

“Tough luck, everyone still needs to meet the minimum standards. Conversion is for every Dick and John.” - **Mr. Olebogeng Sydney Matshediso**

for the 8 October 2009 to inform air quality stakeholders of the role of NACA, and to share information on the emissions licensing process through the Nelson Mandela Metro.

On the same day (8 October 2009), the Western Cape branch of NACA is hosting a series of talks on vehicle emissions monitoring, with speakers from the Sustainability Institute in Stellenbosch and the South African Petroleum Industry Association.

With the changes in the air quality legislation, there is growing interest in air

quality matters, and NACA is actively encouraging discussion and greater participation in events by promoting new branches. At present, NACA is hoping to establish new branches in the Rustenburg area, and in Mpumalanga, providing a forum for knowledge-sharing and debate on locally relevant issues for those with an interest in air quality.

For more details on the seminars or to contact your nearest branch, please email [Beverley Terry on bev@naca.org.za](mailto:Beverley.Terry@bev@naca.org.za) or cell: 071 683 9770.