



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Ref: O2/1/5/2

NATIONAL COUNCIL OF PROVINCES

(For written reply)

QUESTION NO. 318 {CW322E}

INTERNAL QUESTION PAPER NO. 15 of 2022

DATE OF PUBLICATION: 20 May 2022

Mr A Arnolds (Western Cape: EFF) to ask the Minister of Forestry, Fisheries and the Environment:

When will (a) businesses and/or (b) entities that are large polluters be compelled to adhere to emission requirements instead of being granted exemption and allowed to continue to operate at higher emission levels?

318. THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT REPLIES:

- a) The National Air Quality Officer (NAQO) of the Department of Forestry, Fisheries and the Environment (DFFE) is the competent authority on applications relating to the air quality Minimum Emission Standards (MES) under the National Environmental Management Act: Air Quality Act (NEMAQA).
- b) The NAQO has not granted any big polluters exemption from complying with air quality MES. Instead, a number of polluters were granted postponements to comply with MES by 2025 or granted suspension of the timeframes to comply with the MES in the cases where the facilities are to be decommissioned by 2030.
- c) The MES came into existence in 2010, many years after some of the largest polluters had been in existence. These facilities were not designed and built with strict emission limits in mind as the legal framework at the time did not require them to comply with strict emission limits.

In order to allow these facilities to put in place the necessary investments and technologies to retrofit their operations towards complying with the emission limits, a temporary regulated framework was made for qualifying facilities to postpone immediate compliance with the standards to future dates, not exceeding five years. This is the postponement arrangement that ends in 2025, beyond which all facilities are expected to comply with the strict new plant emission standards. The compliance to strict emission limits has been suspended for those facilities scheduled for decommissioning by 2030. This category of facilities must comply with the existing plants' standards until they have been decommissioned.

- d) Aggrieved applicants and Interested and Affected Parties have submitted appeals to me, as the Minister responsible for the affairs of the DFFE, against the decisions taken by the NAQO in relation to the various applications for postponements and suspensions to comply with the MES. These appeals are still pending.
- e) The appeals raise varying and conflicting grounds of appeals against the decisions of the NAQO: those seeking to appeal against the NAQO's decisions to grant the applications, and those seeking to appeal against those applications that had been refused.
- f) The DFFE is at an advanced stage to establish a consultative and advisory forum in terms of section 3A of the National Environmental Management Act, Act 107 of 1998 (NEMA) that will hear all inputs into the various matters arising from air quality and compliance with the minimum emission standards. All stakeholders and interested and affected parties can participate in the forum to achieve a meaningful resolution on issues arising from the state of the air quality, the applications for suspension and/or postponement of compliance with the MES and the issuance of Provisional Air Emission Licences. The consultations will include all appellants, stakeholders and interested and affected parties. The consultative and advisory forum will deal with matters that have a bearing on the environment, in particular air quality, the health of the country's citizens, as well as issues relating to the energy supply and sustainable development within the country.

- g) The Directorate: Appeals and Legal Review of the DFFFE have sent out communication to inform appellants that the consideration and determination of their appeals against the decisions of the NAQO have been held in abeyance pending the outcome of the consultative and advisory forum.

Regards



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MS B D CREECY, MP

MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 31/05/2022