



NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 36 OF 2004

THE IMPLICATIONS AND THE REQUIRED RESPONSE TO THE ACT AT A MANAGEMENT AND OPERATIONAL LEVEL

A COMPREHENSIVE ONE DAY WORKSHOP

THURSDAY, 3 JUNE 2010 IN JOHANNESBURG

NEW AIR QUALITY LEGAL REGIME FOR SOUTH AFRICA

On **1 April 2010** the National Environmental Management: Air Quality Act 36 of 2004 (NEM:AQA) became fully operational. Those sections of NEM:AQA that had not previously been in operation came into effect on this date in terms of Government Notice 220 of 26 March 2010. The relevant sections are:

- Section 21 - dealing with the **listing of activities which result in atmospheric emissions**, together with associated **minimum emission standards**;
- Section 22 - dealing with the consequences of listing of such activities, specifically **the requirement for an atmospheric emission licence for conducting a listed activity**;
- Sections 36-49 - which set out the **process and requirements for the licensing of listed activities** under the Act;
- Sections 51(1)(e), 51(1)(f) and 51(3) - dealing with various **offences** in terms of the Act;
- Section 60 - dealing with the **repeal of legislation**. With this section coming into effect, **the Atmospheric Pollution Prevention Act 45 of 1965 (APPA) was repealed**. However, this repeal is subject to the transitional provisions contained in the NEM: Air Quality Act 39 of 2004;

- Section 61 - dealing with the **transitional arrangements in respect of registration certificates issued in terms of the Atmospheric Pollution Prevention Act 45 of 1965.**

Also on 1 April 2010 listed activities, which will now require a NEM:AQA atmospheric emission licence came into effect in terms of Government Notice 248 of 31 March 2010, which:

- provides for a fundamentally different in approach from the scheduled processes under APPA;
- sets minimum emission standards for the listed activities;
- determines specific compliance timeframes for "new plants" and "existing plants";
- allows for the submission of motivations for the postponement of compliance timeframes; and,
- determines new emission monitoring and reporting requirements.

These developments finally realise the long-anticipated change in the South African air quality regulatory regime from APPA to NEM:AQA. Notwithstanding this fact, the transitional provisions of the NEM:AQA ensure that the "old order" legal regime will remain relevant for some time, and it is essential for industry to have a clear understanding of the implications of these developments, at both a management and operational level, in order to plan for, and respond to, the new air quality legal obligations.

THE WORKSHOP

With a view to allowing for management and operations to plan for, and accommodate the changes in the law in the context of authorisations and budgeting associated with existing and future operations, the workshop will:

- raise awareness around the recent developments; and
- highlight key areas where appropriate management and operational strategy, planning and responses are now required to ensure ongoing and sustainable legal compliance;

The Workshop will be presented following an informal and interactive approach, with attention to attendees' practical experience and areas of concern. Focus will be on the following key issues:

- The recent developments - immediate and future implications for operations and timeframes for compliance.

- Transitional provisions, provisional atmospheric emission licences, the atmospheric emissions licence application form, timeframes and various mechanisms for the transition from an APPA registration certificate to a NEM:AQA atmospheric emission licence.
- Listed activities and minimum emissions standards - consideration of the "new plant" and "existing plant" provisions and associated timeframes for compliance.
- The new compliance monitoring and reporting requirements.
- What if you cannot comply with the timeframes - the requirements for an application for a postponement?
- Environmental impact assessments in the new air quality legal regime.

PROPOSED WORKSHOP PROGRAMME

SESSION 1: Introduction and Background (8:30 - 10:30)

- Introduction and scene-setting.
- Atmospheric Pollution Prevention Act of 1965 - out with the old.
- NEM: Air Quality Act of 2004 - in with the new.
- The new atmospheric emission licensing system.
- The relationship with other legislation - EIA and waste legislation.

SESSION 2: The transitional provisions (10:45 - 11:45)

- Aspects of APPA that will still remain relevant.
- The status of your existing APPA Registration Certificate and compliance with its conditions.
- Mechanisms to effect the conversion of your APPA Registration Certificate.
- What to do and when to do it? .

SESSION 3: Listed Activities & Minimum Emission Standards (11:45 - 12:30)

- Relationship with APPA scheduled processes - key differences and implications.
- The "new plant" and "existing plant" provisions and associated timeframes for compliance.

SESSION 4: Listed Activities & Minimum Emission Standards (13:30 - 15:00)

- The new compliance monitoring and reporting requirements.
- What if you cannot comply with the timeframes?
- The Place for EIAs in Air Quality Control - NEMA and the NEM: Air Quality Act.
- Strategic planning for EIA/Registration Certificates/Atmospheric Emission Licences.
- Identifying and responding to the new risks.

SESSION 5: Interactive Discussion - Questions and Answers (15:00 - 15:30)

TEA BREAK 10:30 - 10:45

LUNCH WILL BE SERVED FROM 12:30 - 13:30

WORKSHOP PRESENTERS

IMBEWU Sustainability Legal Specialists (Pty) Ltd is a Johannesburg (South Africa) based legal specialist consultancy providing services to the South African and international markets. IMBEWU employs five lawyers all specialising in an aspect of environmental, climate change or health & safety law.

Michael Vermaak (Senior Environmental Legal Consultant) holds a BSc (Honours) degree in plant sciences and geography and an LLB degree and has specialised in environmental law for twelve years. This background reinforces his interest in the practical "on-the-ground" application of environmental law and the challenges of achieving and sustaining compliance in the highly fragmented and dynamic South African environmental legal regime. His interests are reflected in his focus on environmental legal compliance evaluations ("audits") and risk assessments, having undertaken such evaluations at a wide range of industrial and mining operations throughout South Africa. Other key areas of interest include environmental permitting, licensing and authorisation processes, strategising for multiple authorisation processes for large scale projects and the alignment and streamlining of process and public participation requirements. Michael has also presented training courses and presentations on a range of environmental legal issues.



Andrew Gilder BA LLB LLM (Marine & Environmental Law), is an admitted attorney and practices through Warburton Attorneys. Andrew is also a Director of IMBEWU Sustainability Legal Specialists (Pty) Ltd and drives its Climate Change and Clean Development Mechanism (CDM) Specialist Consultancy Unit. Andrew has drafted and co-drafted various academic papers, including the interaction of the international and South African climate change legal regimes which have been published, both locally and internationally. He is a regular speaker on a wide range of issues related to the climate change international regime. Andrew is a Senior Associate at Warburton Attorneys.



COSTS

Cost per person: R3 500.00 (Excluding VAT).

Three or more persons from the same organisation/company: R3000.00 per person (Excluding VAT).

There is also the possibility of having the workshop presented only to your organisation. This customised package may be more cost effective for your organisation. For more information on the "customised package option", please contact Michael Vermaak or Andrew Gilder directly on 011 214 0660 or michael@imbewu.co.za / andrew@imbewu.co.za

DATES, TIME AND LOCATION

Date: Thursday, 3 June 2010

Time: 08:00 - 15:30

Location: The venue will be at IMBEWU's offices: 53 Dudley Road, Corner Bolton Avenue, Parkwood, Johannesburg.

BOOKING ARRANGEMENTS

To book, please fill in the booking form (attached to this email) and email/fax/post it back to us. Please note that only duly completed and signed booking forms will be considered as completed bookings.

Email: admin@imbewu.co.za / fax: 011 880 6577

On receipt of your booking form, we will issue an invoice which will be payable within ten days of the date of the invoice, if the respective attendance at the training is to be secured.

Please note that your booking will only be confirmed on receipt of your payment

For more information, please contact Lulu Dutton: 011 214 0660 / admin@imbewu.co.za

Booking form must be submitted before the 28 May 2010. IMBEWU reserves the right to cancel or postpone the workshop.

IMBEWU specialises in the development of customised and focused legal training courses pertaining to sustainability related topics. IMBEWU provides in-house training courses, aimed at addressing specific topics or issues, as selected by the client. Each course is developed in accordance with the client's needs and expectations and in consideration of the audience capabilities and expected outcomes. Courses vary in scope, depth and duration in accordance with the client's brief

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