



# **Black Soldier Fly Industry: Air Emission and Fertilizer Regulations Online Event Tue, 07 February 2023 Mr Victor Loate**



# Purpose of Presentation

- To provide an overview on environmental legislations regarding the management of Licensing of listed Activities;
- Atmospheric Emission Licenses (AELs)
- Amendments to the listed activities and associated minimum emission standards: Category 10 : Animal matter processing
- AEL Link to EIA

# General Comment

- Contrary to the editorial comments in your event programme, Atmospheric Emission Licenses (AELs) requirement does not exist as a legal restrictions nor is a (Barrier) which may prevent or obstruct and affect BSF industry growth in South Africa.
- Environmental consideration: For this event, our participations/presentation considered the requirements **if any** resulting in impact of operation that talks to associated emissions/Air Quality Act and to provide guidance.

# Purpose of Atmospheric Emission Licenses (AELs)

- To control and manage air pollution in the country
- To ensure an environment that is not harmful to health and well-being of humans and environment
- To ensure that ambient standards are not exceeded

# Atmospheric Emission Licenses (AELs)

- Atmospheric Emission Licenses (AELs) requirement were implemented on the 1 April 2010 after promulgation of Air Quality Act (AQA) in 2004
- AELs are based on section 21 of AQA which contains listed activities
- Section 21 has up to date 10 categories and 46 subcategories

# Section 21 of the AQA

- Section 21 of the AQA requires the Minister to publish a list of activities which result in atmospheric emissions and which he/she reasonably believes have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage.
- Once identified, these activities are known as Listed Activities and any activity that has been identified as a “Listed Activity” requires an Atmospheric Emission License (AEL) or provisional AEL in order to operate.

# Section 21 of the AQA

- Section 21 of the AQA also requires the establishment of minimum emission standards for specified pollutants or mixtures of substances emitted by the identified activities. In this regard, the permissible amount, volume, emission rate or concentration of the pollutant or mixture of pollutants must be specified as well as the manner in which measurements of such emissions must be carried out.

# Whose eligible to apply for an AEL and where?

- A facility can apply for an AEL if they are operating a listed activity
- AEL process usually run parallel to EIA process, and this is where public participation is highly recommended
- AEL application is accompanied by a processing fee (Legislated amounts)
- Lodge the application with local licensing authority (Metros or District Municipalities) where the facility is located



# Whose eligible to apply for an AEL and where?

- Please be aware that Metros or DM can delegate licensing function to Province , if not fully capacitated
- Licensing authorities contacts available on South African Air Quality Information System - SAAQIS website  
([www.saaqis.environment.gov.za/](http://www.saaqis.environment.gov.za/))
- SAAQIS provides a common platform for managing air quality information in South Africa

# SAAELIP

- Government has developed the South African Atmospheric Emission Licensing and Inventory Portal (SAAELIP).
- At this stage – has the integrated System for National Atmospheric Emission Licensing (**SNAEL**) and National Atmospheric Emission Inventory System (**NAEIS**)

## Aim

- Improved service delivery and to ensure transparent governance

# SNAEL

- The System for National Atmospheric Emission Licensing (SNAEL) provides licensing authorities with the ability to achieve the following:
  - Process and issue (provisional) AEL applications online;
  - Monitor the status of online licence applications;
  - Process licence fees and record payments for each application; and,
  - Manage online compliance reporting for licence holders.
- SNAEL allows license holders to electronically submit and track AEL applications, submit emission compliance reports and access historical reports.

# NAEIS

- An online atmospheric emissions reporting system for operators to submit air emission inventories for their facilities.
- The purpose of NAEIS is to maintain a database containing information about significant sources of atmospheric emissions (including greenhouse gas emissions) in South Africa
- Reporting of emissions to NAEIS is prescribed in the National Atmospheric Emission Reporting Regulation, Gazette Number 38633 of 2015.

# SAEELIP

- **For the Licensing Authority:**
  - One entry point to both systems
  - Use of existing NAEIS account credentials
  - Migration of existing NAEIS AEL holder information to SNAEL
  - A singular platform to monitor AEL emissions reporting & NAEIS emission inventory reporting
- **For the regulated community:** Same as above
  - A singular platform for AEL emissions reporting & NAEIS emission inventory reporting

# SAAELIP

- For the general public
  - View AEL information
  - View emissions inventory reports for specific geographic areas
- The main objectives of the SNAEL were to:
  - Standardise the processing and issuing of AEL and reduce administrative burden
  - Improve service delivery in the processing of AEL
  - To provide a “*Cradle to Grave*” System for management of AELs

# SAAELIP (Summary)

## ATMOSPHERIC EMISSION LICENCES

**For All Atmospheric Emission Licencing Authorities SAAELIP provides the ability to:**

- Process and issue Atmospheric Emission Licence applications online;
- Schedule licensing related inspections and track inspection results;
- Manage online compliance reporting;
- Facilitate communication with the AEL holders on the status of emission reports.

## NAEIS

**For All Atmospheric Emission Licencing Authorities the SAAELIP provides the ability to:**

- Manage online reporting of emission inventories as mandated under the National Atmospheric Emission Reporting Regulations Gazette No 38633 of 2015
- Track the status of submitted emission reports

# SAAEELIP (Summary)

## ATMOSPHERIC EMISSION LICENCES

### For Industry and Consultants:

- Apply and submit an Atmospheric Emission Licence online;
- Track the status of an application;
- Submit emission compliance reports online;
- Track historical versions of all applications and emissions reports.

### For the General Public:

- Provide the public with information about air pollutants permitted in Atmospheric Emission Licences for specific industries

## NAEIS

### For Industry and Consultants:

- Submit and manage emission inventory reports online;
- Track the status of an emission reports;
- Track historical emission inventory reports.

### For the General Public:

- Provide the public with a summary of the National Emission Inventory Report of significant pollutants



# Licensing of listed Activities

- Chapter 5 of AQA deals with the licensing function.
- Licensing authorities issues the Atmospheric Emission License /provisional AEL to the applicant before the operation begins.
- An AEL application must be accompanied by the processing fee. **Kinds of applications that requires the processing fee to be paid:**
  - New application ; Renewal of AEL
  - Review of AEL and Transfer of AEL

# Consequences of unlawful conduct of listed activity resulting in atmospheric emission (section 22A)

- Provides for the application process for the unlawful conduct of listed Activity
- After consideration of all reports and information, the Licensing Authority may refuse or issue an AEL

# Consequences of unlawful conduct of listed activity resulting in atmospheric emission (section 22A)

- Before the LA may issue or refuse an application in terms of section 22A, an applicant must pay an administrative fine, which may not exceed R5 million and which must be determined by the licensing authority
- Draft regulations for the determination of fine was published for public comments on 25 September 2015

# Amendments to the listed activities and associated minimum emission standards

- Category 10 : Animal matter processing
- There was a settlement reached (legal) to amend the category. Look into establishment of BAT to manage malodorous substances
- We have shared the Minister's intention to amend the Notice on Listed Activities and Associated Minimum Emission Standards.
- There was an agreement at the recent Air quality governance lekgotla that we must Develop measures for the management of odour and improve Category 10

# ODOUR MANAGEMENT

- Section 35 of the National Environmental Management: Air Quality Act (Act No. 39 of 2004) (NEMAQA) empowers the Minister or the Member of Executive Committee (MEC) to prescribe measures for the control of offensive odours emanating from specified activities. The Act also instructs the occupier of any premises to take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.

# AEL Link to EIA

# Legislative Provisions for AEL – EIA Collaboration

- Although AQA directly links the Atmospheric Emission Licensing process to the environmental impact assessment (EIA) process and provides various regulatory tools aimed at promoting cleaner production, much work has been done to ensure the effective utilisation of these tools.
- The link is there to promote holistic and integrated air quality management through pollution prevention, minimisation at source and impact management.

# Legislative Provisions for AEL – EIA Collaboration

- The National Framework for Air Quality Management in the Republic of South Africa and the Section 21 Notice of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) make provision for the collaboration between the Atmospheric emission licensing (AEL) & EIA processes.



# Legislative Provisions for AEL – EIA Collaboration

## AQA: Section 38 (2)

- *Section 24* of the National Environmental Management Act applies to all applications for atmospheric emission licences, which are subject to an environmental impact assessment in terms of section 24 of the National Environmental Management Act, and both the applicant and the licensing authority must comply with that section and any applicable notice issued or regulation made in relation to that section.

# Legislative Provisions

## AQA: Section 40 (3)

- If the decision on the relevant application for an environmental authorisation has been made in terms of section 24 of the National Environmental Management Act, the licensing authority must decide the application within *60 days* of the date on which the decision on the application for the environmental authorisation has been made.

# Legislative Provisions

## National Framework: Section 5.5.2

- An EA in the EIA process must precede and inform the AEL decision.
- By aligning the public participation of the processes, it is clear that the *interests of the public are served through the more comprehensive public participation requirements of the EIA process*, which may include newspaper advertisements, preparation of Background Information Documents, mail drops, public meetings and on-site notices, *duplication of the public participation process is avoided*.....

# Coordinated & Integrated Permitting System

- The C&IPS seeks to take the EIA – AEL collaboration a step further and establish a formalized interaction between these authorisation processes.
- The Department is in the final stages of developing the C&IPS that will integrate the EIA, WML & AEL authorisation processes.

# Coordinated & Integrated Permitting System

- From an AEL perspective there are three possible integration scenarios:
  - EIA & AEL ; EIA, WML & AEL and WML & AEL
- The Chief Directorates responsible for EIA, Waste Management and Air Quality have drafted standard operation procedures (SOPs) that assist in the operationalization of the C&IPS

# Thank you for your kind attention

**Mr. Victor Loate**

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Thank You