

GREATER MIDDELBURG RESIDENTS ASSOCIATION

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Dear Advocate de Lange

THE POTENTIAL OR UNINTENDED CONSEQUENCES OF THE PROPOSED AMENDMENTS TO THE LISTED ACTIVITIES

1. Greater Middelburg Residents' Association (GMRA) is a community-based organisation within the Highveld Priority Area. We hereby forward our objections and concerns regarding the publication of the proposed draft amendments to the National Environmental Management: Air Quality Act, 2004 (AQA) section 21 list of activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage (listed activities).
2. GMRA was formed on the basis of the following principles:
 - 2.1. community well-being and empowerment must be promoted through education, the raising of awareness, sharing of knowledge, information, experience and other appropriate means;
 - 2.2. that all decisions must consider the interests, needs and values of all stakeholders, by recognising all forms of knowledge (traditional and ordinary);
 - 2.3. that participation of all stakeholders be ensured/promoted on issues of governance; and

2.4.that people must have the opportunity to develop skills, capacity and understanding necessary to achieve effective, efficient and equitable participation.

3. We make this submissions based on these principles, but also in terms of the rights afforded in section 24 of the Constitution of the Republic of South Africa, 1996.
4. As indicated above, Middelburg forms part of the Highveld Priority Area (HPA), which is associated with poor air quality, and elevated concentrations of criteria pollutants occur due to the concentration of industrial and non-industrial sources.
5. Current emissions within the HPA are already high and SA's ambient air quality standards are well below those set by the World Health Organisation. Many people in Middelburg and neighbouring towns already suffer from air pollution-related diseases. These numbers are increasing. A relaxation of the section 21 standards will mean that communities living and working in this area will not be able to breath clean and safe air.
6. Once implemented, a priority area's air quality management plan (AQMP) is intended effectively and efficiently to bring the air quality into sustainable compliance with National Ambient Air Quality Standards, within agreed timeframes.
7. The HPA AQMP has to achieve and maintain compliance with the air quality standards across the area using the Constitutional principle of progressive realisation of air quality improvement as its primary motive.
8. The HPA AQMP has identified the section 21 listed activities as a means to lower air pollution. Section 21 contains the minimum emission standards in respect of a substance or mixture of substances resulting from a listed activity, including: the permissible amount, volume, emission rate or concentration of that substance or mixture of substances that may be emitted; and the manner in which measurements of such emissions must be carried out. All activities listed in section 21 of the AQA require an atmospheric emission licence (AEL).
9. All holders of registration certificates under the Atmospheric Pollution Prevention Act, 1965 (APPA) have to convert their registration certificates to AELs. Holders should have lodged renewal application in terms of section 47 of the AQA by 31 March 2010; failing which, their certificate expires (in terms of section 60(2)(d)(i)).
10. But this process is not on track and many holders have failed to comply with the deadline. The effect is that many industries are now operating illegally – ie without a licence or valid permit. The proposed relaxation of section 21 standards will make this situation worse and further delay compliance.
11. Over the past few years, government has done a lot of monitoring of environmental pollutants and GMRA and other community-based organisations

within the HPA have also undertaken monitoring. What was common is that there are numerous exceedences of ambient air quality standards. Current standards need to be tightened to ensure less damage and harm both to human health and to the environment. We also discovered that there are some environmental pollutants for which standards have not been set, but that do need to be regulated, because of their negative impact on human health and the environment.

12. It has come to our attention that the key problem in our area is low levels of compliance with air quality legislation, as well as the reluctance of industry to use appropriate abatement technology to mitigate the atmospheric emissions. Industries within the HPA need to be analysed to determine their emissions and action taken against those who do not meet the standards. Those industries operating illegally must be strongly penalised.
13. It is important to consider the bioaccumulative effect of emissions, as well as the levels of concentration. We object to any relaxation or non-regulation of the current section 21 listed activities, but submit that they must be tightened in keeping with international guidelines to protect human health.
14. The concentration of industry in Middelburg and surrounding towns dictates that we need to ensure that new industry that might contribute further to the already poor air quality has stricter standards before commencement of their activities and issuance of AELs.
15. The current high levels of exceedences of emission standards and ambient air quality standards clearly shows that, if the section 21 emission standards are weakened, this will be disastrous and place the health and wellbeing of communities at risk.
16. It is essential that:
 - 16.1. all spheres of government execute their responsibility as provided in the AQA;
 - 16.2. all stakeholders participate equitably and effectively in environmental governance processes;
 - 16.3. current standards be strengthened and air quality reports be made public, so that the community can also identify non-compliant industries;
 - 16.4. environmental pollutants like mercury, xylene, ethylbenzene, carbon dioxide, toluene, and hydrogen sulphide be strictly regulated as they have adverse impacts on the environment and human health;
 - 16.5. the bioaccumulative impact, deposition and concentrations of emissions must be taken into account to tighten standards
17. In these circumstances, we submit our objection to the proposed amendments to the listed activities and insist that all interested and affected parties be given an effective and equitable opportunity to participate in this process by the Department of Environmental Affairs.

Yours sincerely

GREATER MIDDLEBURG RESIDENTS' ASSOCIATION

Per: 

Thomas Mnguni