



ASSOCIATION OF CEMENTITIOUS MATERIAL PRODUCERS

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**THE EFFICACY OF SOUTH AFRICA'S  
ENVIRONMENTAL IMPACT ASSESSMENT REGIME:  
ENVIRONMENTAL GOVERNANCE AND THE  
SUSTAINABILITY OF OUR DEVELOPMENTAL  
GROWTH PATH**

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# ENVIRONMENTAL IMPACT ASSESSMENT REGIME: ENVIRONMENTAL GOVERNANCE

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# 1. INTRODUCTION: Who is the ACMP?

The ACMP acts as an umbrella body for six South African clinker and cementitious material producer companies, specifically guiding and representing their interests in the fields of

- environmental stewardship,
- health and safety practices, and
- community and stakeholder interaction

All members produce cement in **compliance SABS standards**

The ACMP's member companies include:



- ❖ AfriSam: [www.afrisam.com](http://www.afrisam.com)
- ❖ Lafarge South Africa: [www.lafarge.com](http://www.lafarge.com)
- ❖ NPC-CIMPOR: [www.cimpor.com](http://www.cimpor.com)
- ❖ Pretoria Portland Cement Company Ltd: [www.ppc.co.za](http://www.ppc.co.za)
- ❖ Cemlock(Gauteng) Pty Ltd
- ❖ I.D.M. Cement (Pty) Ltd): [www.vibro.co.za](http://www.vibro.co.za)





## **ACMP- Communication partner of the WBCSD-CSI**



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## 2. INTRODUCTION

Our members

- Believe that the EIA process is an important environmental management tool to inform sustainable development
- Appreciate the current progress made by the Department to
  - ❖ Develop Spatial tools (GIS spatial mapping/SEAs/EMFs)
  - ❖ The development of environmental impact assessment management process
  - ❖ Law reform processes: Eg (amendments: exclusion of activities, delisting of small insignificant activities, migration from ECA to NEMA, etc)
  - ❖ To identify the desired future state for the EIAM system

**Challenge:** The current *implementation process* does not take into account internationally documented scientifically sound published information to inform **sectoral approaches**, particularly for screening purposes to improve EIA processes

### Consequence

- Request for the same information at each site level
- Delays in decision-making by Authorities
- Same predictable concerns raised during the public participation process as well during the appeals process.

### Opportunities

Thus, in general there are opportunities for complementary approaches to be adopted

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## 3. Sectoral approach

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"> <li>• Same information requested at each site level.</li> <li>• Same predictable concerns raised during the public participation process as well during the appeals process.</li> </ul>	<p>The Department adopt sectoral guidelines to facilitate a uniform regulatory approach</p> <ul style="list-style-type: none"> <li>• <b>WBCSD-CSI</b></li> <li>• <b>Technology: BAT</b></li> <li>• <b>SOPS</b></li> <li>• <b>Emission standards</b></li> <li>• <b>Basel Convention: AFRs</b></li> </ul>  <p>(Internationally documented scientifically sound published information to inform sectoral approaches for cement production)</p>



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## 4. Consistency across authorities

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Interpretation of definitions by different Authorities</li><li>• Consistent decision making: In many instances the interpretation and the implementation of the EIA regulations varies significantly from one competent Authority to another. A comparison of EIA requirements letter and/or Records of decisions would best illustrate this.</li></ul>	<ul style="list-style-type: none"><li>• The EIA Companion Guideline addressed much of this.</li><li>• The Department adopts sectoral guidelines to facilitate a uniform regulatory approach.</li></ul>



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## 5. Co-operative governance & Integrated decisions

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Agreements between Authorities for integrated processes are currently managed on a case by case basis. Limited engagement for Authorities during EIA processes.</li><li>• Provisions in NEMA allowing for the issuing of integrated decisions are not being implemented</li></ul>	<ul style="list-style-type: none"><li>• MOUs or SLAs need to be developed<ul style="list-style-type: none"><li>• to determine levels of engagement between Authorities, particularly where the EIA is a prerequisite to other decisions i.e. Water Use, Land Use etc.</li><li>• MOUs or SLA to required for integrated decisions.</li></ul></li><li>• Need to reduce permit reporting complexities.</li></ul>



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## 5. General Authorisation “like” approach

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Environmental improvement projects are delayed unnecessarily by application processes often resulting in preventable harm to the environment.</li><li>• Additional financial burden of EIA process may result in improvement project not being implemented.</li></ul>	Develop sector or activity specific mechanism to allow improvement project to proceed with environmental authorisation.



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## 5. Quality of decision and cost of compliance

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Inappropriate or poorly constructed conditions of authorisation can result in significant financial implications and in many instances, facilities being permitted into non-compliance</li></ul>	<p>More consultative process to decision making, tapping into EAP and applicant expertise. This would result in greatly reduced numbers of amendment applications as well as agree timeframes for implementation of specific conditions.</p>



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### 5. Responsiveness to amendments and appeals

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Delays in appeals and amendment processes often result in organisation being unable to secure or commit funding to projects. Impact to the environment often remain</li></ul>	Legislated timeframes to be reviewed and performance to be tracked.



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## Compliance to legislated timeframes

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Limited adherence to legislated timeframes, no recourse for applicants.</li></ul>	<ul style="list-style-type: none"><li>• Stricter controls to ensure timeframes are adhered to.</li><li>• Online tracking of applications and transparent performance reporting.</li></ul>



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### 5. Application and common understanding of waste policies

ISSUE	RECOMMENDATION
<p>EIA decision making in the context of national policies is often compromised.</p> <p>The HTTTP policy issues are once again required for inclusion in all applications</p>	<p>The Department consider mechanisms of how best to apply the HTTT policy in terms of EIA and associated applications and just not as a reference to adopt the standards included in the policy.</p> <p>The HTTTP policy was informed by a robust public participatory process and has also been referred to by many international experts</p> <p>The intent of the HTTT policy was to facilitate decision-making during the EIA process</p>

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## 6. Independent Environment Assessment Practitioners (EAPs)

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"> <li>• Sectoral capacity building of EAPs: The technical competence with regards to issues at industry process level best resides in Industry and much time is spent to empower EAPs on the processes</li> <li>• Best available technologies, emission standards etc. are in many instances well documented internationally.</li> </ul>	<p>The services of an Independent EAPs is fully supported.</p> <ul style="list-style-type: none"> <li>• Their role in the public participation process must not be compromised</li> <li>• Their role to inform on the environmental impacts of the technology and/or processes being adopted must not be compromised</li> <li>• The EIA report must be more consolidated and emphasis placed on impacts/outcomes rather than details of technologies / processes so that the intent of the report to ensure appropriate environmental management is well understood by both the Reviewing Officer as well as the neighbouring communities.</li> <li>• The purpose and need for independent EAPs must be carefully considered: there must be scope for Industry to provide it's own technical reports on processes (flow diagrams, etc.) as this is best understood by the internally trained and experienced personnel. It is understood that, if required, the Department would have the right for requesting supporting references and Specialist studies.</li> </ul>



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### 7. Alignment of regulatory requirements with regards to the different permit requirements

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• The intent of the Department is recognized but there are some challenges.</li><li>• There are major lags between the issuing of the different permits</li><li>• Time taken for Renewal and/or amendments of permits(waste, air) is a challenge to implementation.</li></ul>	<ul style="list-style-type: none"><li>• Issue of EIA-RODs , Air Quality permits and Waste permits must be harmonised.</li><li>• The specific details required may result in future amendments of the Records of decision:<ul style="list-style-type: none"><li>• Pragmatic approach to consider if it should trigger an EIA, particularly in instances where emission standards are already set.</li></ul></li></ul>



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### 8. Compliance timeframes

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Delays in finalising both applications and appeals</li><li>• The drivers of sustainable development must inform these processes to ensure that business decisions are not compromised.</li></ul>	Authorities comply with timeframes and a web based register be included on DEA website to monitor status of both delayed applications and delayed appeals



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## 9. Review of list of activities: an example

ISSUE	RECOMMENDATION
<ul style="list-style-type: none"><li>• Technology upgrades (for production or for abatement equipment) now requires an EIA application:</li></ul>	<ul style="list-style-type: none"><li>• The Department consider “alternative approval methodologies” for technology upgrades i.e. no footprint or capacity changes. Informed by<ul style="list-style-type: none"><li>• Manufacturer/supplier guarantees for example ( The additional benefit includes mitigating the number of applies required to address s21 compliance timeframes.</li></ul></li></ul>
<p><b>Example:</b> <b>Activity 28:</b> The expansion of or changes to existing facilities for any process or activity where such expansion or changes to will result in the need for a [new, or amendment of, an existing] permit or license in terms of national or provincial legislation governing the release of emissions or pollution, excluding where the facility, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case that Act will apply.</p>	



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### 10. SUSTAINABLE DEVELOPMENT

ISSUE	RECOMMENDATION
<p><b>Sustainable development:</b> This has not been tested as an outcome of the EIA process and it is questionable if <i>for example</i> the opportunities for appropriate climate change response, energy management, waste management, job creation by the applicants have proved to be true.</p> <p>Example: Hierarchy of waste implementation:</p> <p>One of the most important goals of industrial ecology is to make one industry's waste another's raw material (OECD, 2000).</p> <ul style="list-style-type: none"><li>• Within the cement industry the use of wastes as fuel and raw materials is a positive, forward-thinking example.</li><li>• In South Africa less than 1% of energy comes from such waste streams (Internationally up to 75% energy)</li></ul>	<ul style="list-style-type: none"><li>• The EIA process is project based, despite the differences from one project to another there should be a drive to formulate a holistic approach from strategic and policy level to project level, taking strategic needs into account</li><li>• There is general unawareness amongst both Officials and practitioners in respect to taking into consideration an application of the general principles of sustainable development whilst undertaking an EIA. The focus tends to be primarily on the biophysical components undermining the economics and the social aspects of a project.</li><li>• The sustainable development outcomes are fully supported by the ACMP.</li><li>• Indicators to inform sustainable development must be included and monitored</li></ul>



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### SUSTAINABLE DEVELOPMENT (cont.)

ISSUE	RECOMMENDATION
<p>Environment management must be able to allow for trade off for short-term vs long term benefits in the context of sustainable development. In the case of energy, EIAs often compromise this element and the impacts may be profound as stated in the Integrated Pollution Prevention and Control (IPPC) Directive of the EU</p>	<p><b>Climate change priorities:</b> the current EIA process is limited to site specific developments and does not, for example, take into account the trade offs between climate change/energy outcomes vs immediate vicinity impacts</p>

Integrated Pollution Prevention and Control (IPPC) Directive of the EU:

#### “1.3.1 Efficiency

Prudent management of natural resources and the efficient use of energy are two of the major requirements of the IPPC Directive. Therefore, the efficiency with which energy will and can be generated now plays an increasingly important role as an indicator of the environmental impact of a process. Efficiency is not only important as a marker of the careful treatment of natural fuel resources, it is also an indicator of the emissions that are released in producing a unit amount of energy, emissions such as the so-called ‘climate relevant gases’ like CO<sub>2</sub>. One way to achieve this benefit is by optimising the energy utilisation and the efficiency of the energy generating process. Optimising the specific efficiency depends on a variety of factors, including the nature and quality of fuel, the type of combustion system, the operating temperatures of the gas turbine and/or steam turbine, the local climate conditions, the type of cooling system used, etc.”

# CONCLUSION

- The work towards spatial applications and tools (SEAs/EMFs) is commendable
- The current effort to improve systems across all spheres of government is encouraging.
  
- However, in conclusion, we would like to recommend
  - The Development of sectoral norms and standards: include best available technologies and processes
  - There be increased consideration given to adoption of industrial sectoral policies/ EMCAs/ etc that includes best practical environmental option (BPEO): This would address the purpose of EIA.
    - ❖ Application in the first instance at least for screening purposes (intent is not to delist) but to improve efficiency of focused EIAs.
    - ❖ Only appropriate content gaps to be covered by EIA as well issues related to cumulative impacts
    - ❖ The High temperature thermal treatment policy is an example
  - Decisions be informed by the best environmental outcome in the broader context



Thank you!