



CIRCULAR: DEA&DP 0020/2017

ALL ORGANISATIONS AND PRIVATE ENTITIES INVOLVED IN THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA"), ATMOSPHERIC EMISSION LICENCE ("AEL") AND WASTE MANAGEMENT LICENCE ("WML") SECTORS IN THE WESTERN CAPE

PROTOCOL FOR THE ADMINISTRATION OF EIA, AEL, WML AND SECTION 24G APPLICATIONS DURING THE FESTIVE PERIOD 2017/18 AND THE AUDIT REQUIREMENTS IN TERMS OF REGULATION 54A(3) OF THE EIA REGULATIONS, 2014

1. The Department hereby informs all stakeholders of the protocol for the administration of Environmental Impact Assessment ("EIA"), Atmospheric Emission Licence ("AEL"), Waste Management Licence ("WML") and section 24G applications over the festive period 2017/18 as well as the audit requirements for environmental authorisation issues under the Environment Conservation Act, 1989 (Act No. 73 of 1989) ("ECA") regulations and the previous National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") EIA Regulations.
2. Regulation 3(2) of the Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014) ("EIA Regulations, 2014") (as amended) promulgated in terms of the NEMA states that:

"For any action contemplated in terms of these Regulations for which a timeframe is prescribed, the period of 15 December to 5 January must be excluded in the reckoning of days".

Therefore, after due consideration of the aforementioned provision of the NEMA EIA Regulations, 2014 and to furthermore ensure a fair appeal and public participation process, the Department hereby informs all stakeholders of the following protocol over the 2017/18 festive holiday period:

2.1. Decisions

- 2.1.1. The Department will strive to issue the last environmental decisions (i.e. Records of Decision, Environmental Authorisation, Atmospheric Emission Licence or Waste Management Licence) in terms of the ECA, the NEMA EIA Regulations (promulgated in 2006, 2010 and 2014), the Section 21 listed activities (promulgated in 2010 and 2013) of the National Environmental Management: Air Quality Act, (Act No. 39 of 2004, as amended) (NEM: AQA), the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and section 24G of the NEMA for this year on Friday, 24 November 2017.
- 2.1.2. However, please note that due to the need to keep to regulatory timeframes and cater for extenuating circumstances, the Department may issue environmental decisions after Friday, 24 November 2017, but no environmental decision will be issued between Friday, 15 December 2017 and Friday, 5 January 2018.
- 2.1.3. The Department will resume with the issuing of environmental decisions on Monday, 08 January 2018.

2.2. Administration of applications

- 2.2.1. The Department recommends that applicants and/or their appointed environmental assessment practitioners ("EAP's") refrain from submitting Application Forms and Reports (Basic Assessment, Scoping and Environmental Impact Assessment Reports) during the period from Tuesday, 05 December 2017 until Friday, 05 January 2018.
- 2.2.2. However, please note that the applicants and/or their EAP may submit reports after Tuesday, 05 December 2017 only in those instances where the Applicant and/or EAP have to meet regulatory timeframes, but not after Friday, 15 December 2017.
- 2.2.3. The Department recommends that the submission of such documents should resume from Monday, 08 January 2018.

2.3. Public Participation Process

2.3.1. To ensure compliance with Regulation 3(2) of the EIA Regulations, 2014 and to facilitate a transparent public participation process ("PPP"), the Department reminds applicants and/or EAP's not to conduct PPP over the festive period, i.e. between Friday, 15 December 2017 and Friday, 5 January 2018.

2.3.2. In exceptional circumstances the applicant and/or EAP may conduct the PPP over the festive period. However, if the applicant and/or EAP wish to conduct PPP during this period, permission must be sought from the Department by means of a motivation prior to conducting the PPP. For example, an exceptional circumstance may include the possibility of the proposed activity being located in a recognised holiday destination, such as a coastal town. If the Department agrees to extend the PPP over the festive period, an additional 30 day period (or equivalent period) must be factored into the PPP so that Interested and Affected Parties ("I&AP's") have sufficient time to partake in the PPP.

2.4. Enquiries

2.4.1. Any enquiries with regard to the above protocol may be directed to:

Mr Zaahir Toefy Director: Development Management (Region 1) Tel: (021) 483 2700 Fax: (021) 483 4372 Email: zaahir.toefy@westerncape.gov.za	Region 1: City of Cape Town and West Coast District Municipal area.
Mr Henri Fortuin Director: Development Management (Region 2) Tel: (021) 483 5842 Fax: (021) 483 3633 Email: henri.fortuin@westerncape.gov.za	Region 2: Breede River/ Winelands District Municipal area and Overberg District Municipal area
Mr Gavin Benjamin Director: Development Management (Region 3) Tel: (044) 805 8600 Fax: (044) 805 8650 Email: gavin.benjamin@westerncape.gov.za	Region 3: Eden District Municipal area and Central Karoo District Municipal area.
Mr Eddie Hanekom Director: Waste Management Tel: (021) 483 2705	Western Cape

Fax: (021) 483 4475 Email: eddie.hanekom@westerncape.gov.za	
Dr Joy Leaner (PhD) Director: Air Quality Management Tel: (021) 483 2798 Fax: (021) 483 3254 Email: joy.leaner@westerncape.gov.za	Western Cape

2.5. Appeals

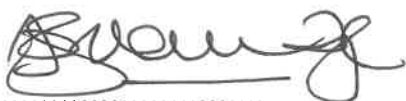
2.5.1. Please note that the content of this Circular does not affect the administration and finalisation of environmental appeal decisions by the Minister of Local Government, Environmental Affairs and Development Planning.

3. Audit requirements

3.1. The EIA regulations, 2014 was amended on the 7 April 2017. These amendments, amongst others, provided for a new provision, that is, Regulation 54A(3) which requires the holder of an environmental authorisation, that is still in effect on 8 December 2014, to submit an environmental audit report to the competent authority by 7 December 2019 and at least every 5 years thereafter for the period which the environmental authorisation is still in effect. This requirement includes environmental authorisations that have been issued in terms of the ECA regulations and the previous NEMA EIA regulations.

Thanking you for your cooperation.

Yours faithfully



.....
MR. PIET VAN ZYL
HEAD OF DEPARTMENT

13.11.2017