

Environmental Law and Environmental Management
Virtual SHEQ Workshop



Facilitated by Lucinda van Rensburg

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What Acts and Regulations do I look at regarding Environmental Management as a SHEQ practitioner?

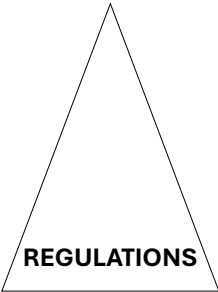
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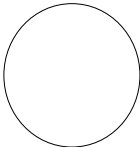
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REGULATIONS




ACT












PERMITS/NORMS AND STANDARDS/AUTHORISATIONS

Body of Law

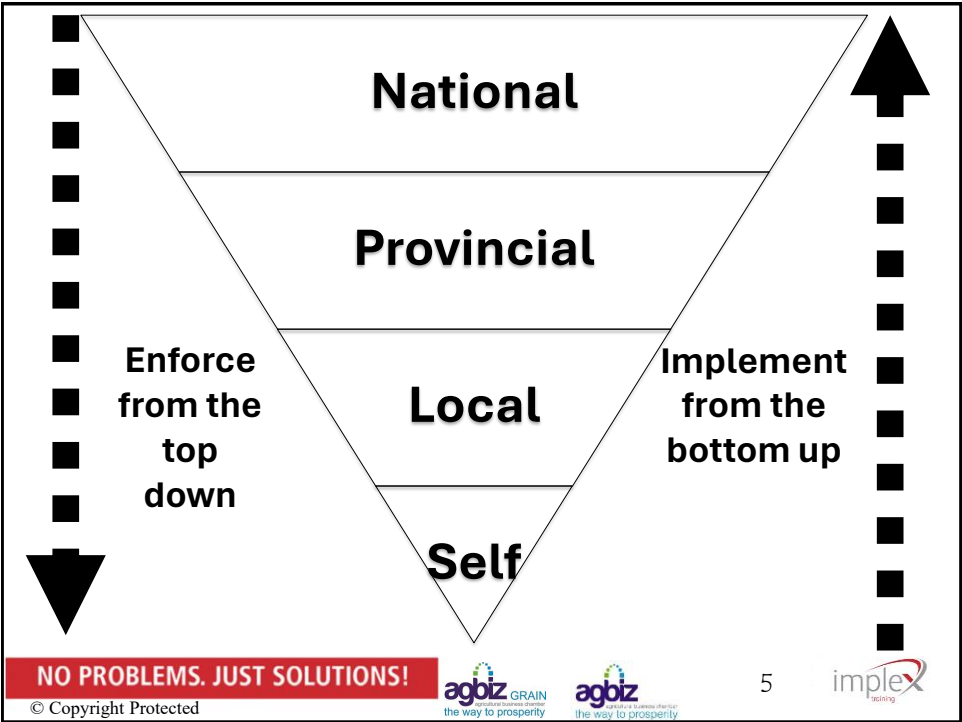
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Hierarchy




Start with Constitution

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Constitution of the Republic of South Africa, 1996

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S24 Right to the Environment

Everyone has the right:

- (a) to an environment that is not harmful to their health or well-being and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
 - (i) prevent pollution and ecological degradation
 - (ii) promote conservation and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development

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S24 Environmental Right

Who? → Everyone

What? → (a) Right to environment
(b) Right to have environment protected

By whom? → Government (DFFE) = custodian

For whom? → Present Generation – short term
Future Generation – long term

How? → Reasonable Legislative Measures → (i) Prevent pollution
(ii) Promote conservation
(iii) Sustainable Development

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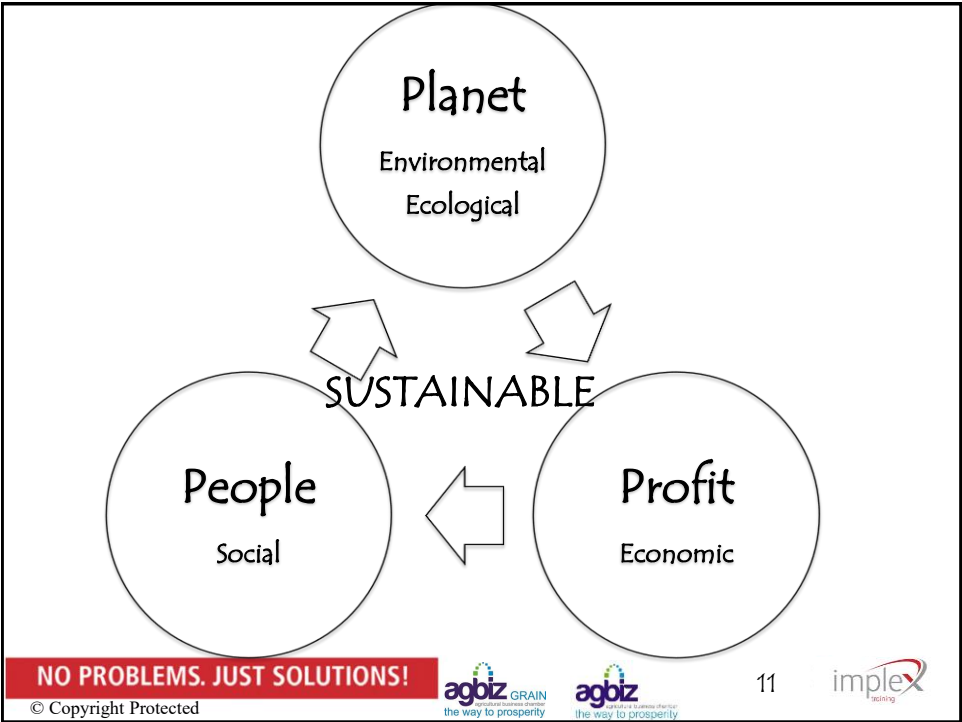
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ENVIRO LAW FAMILY

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Hierarchy



Start with Constitution



Then look at NEMA

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National Environment Management Act,
Act 107 of 1998

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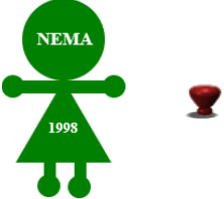


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This Act

includes the schedules, and regulations and any notice issued under the Act




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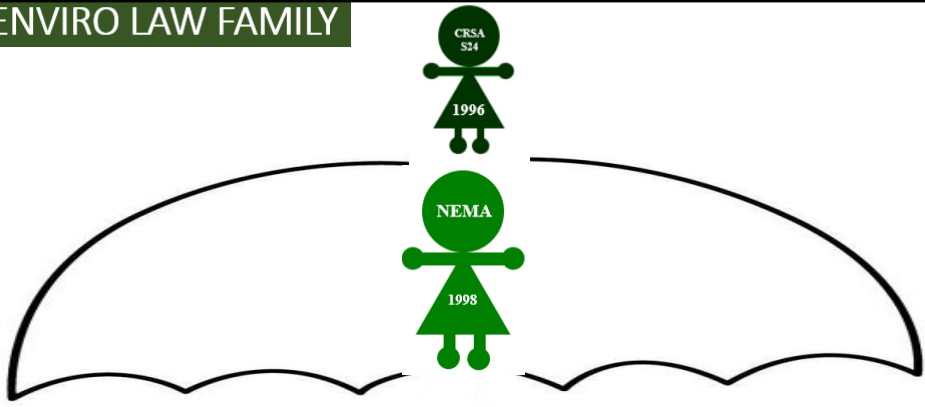
 

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Hierarchy



Start with Constitution



Then look at NEMA



Read with applicable SEMA's

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specific environmental management act (SEMA) means

- Environment Conservation Act, 1989 (Act 73 of 1989)
- National Water Act, 1998 (Act 36 of 1998)
- National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)
- National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
- National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
- National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)
- National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
- World Heritage Convention Act, 1999 (Act 49 of 1999),
- AND includes any regulation or other subordinate legislation made in terms of any of those Acts



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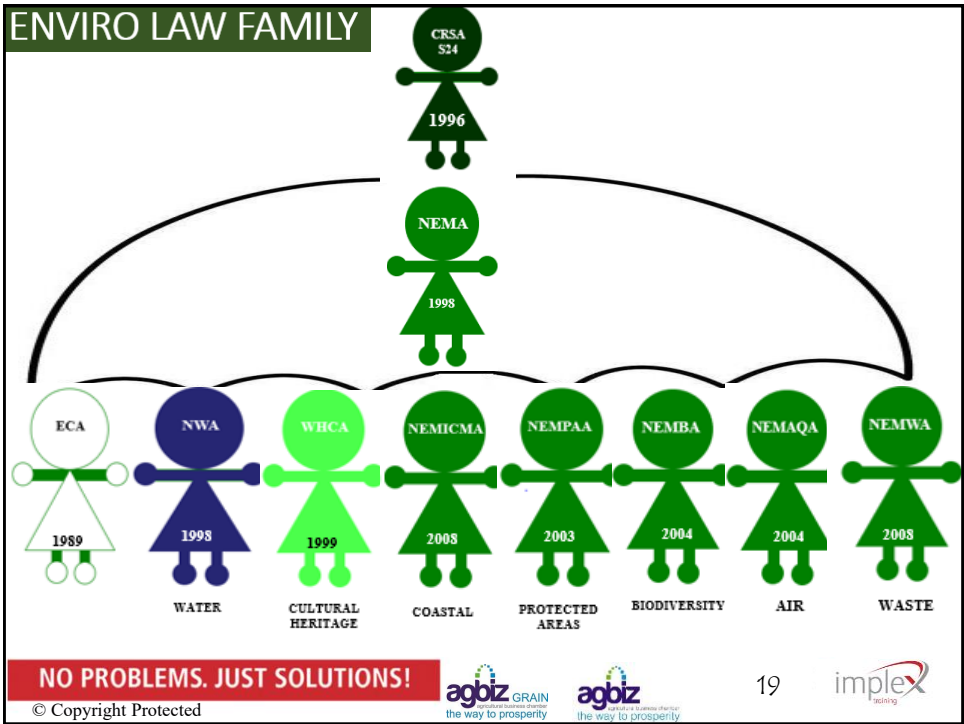
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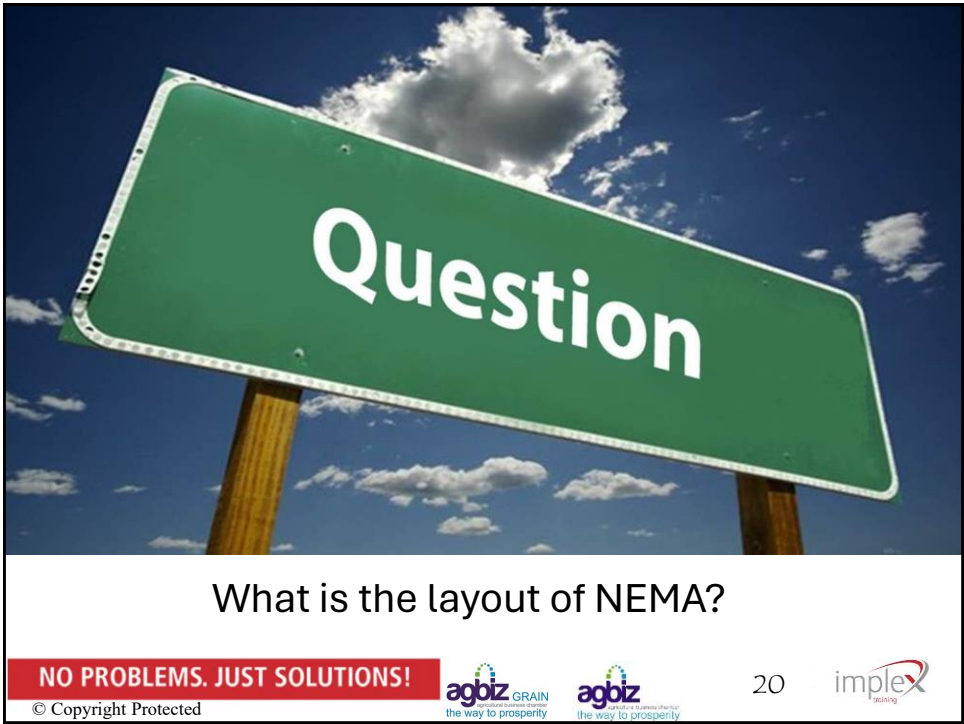
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NEMA

- Chapter 1 National Environmental Management Principles (S2)
- Chapter 2 Institutions (S3A)
- Chapter 3 Procedures for Cooperative Governance (S11 – S16A)
- Chapter 4 Fair Decision Making and Conflict Management (S17 – S22)
- Chapter 5 Integrated Environmental Management (S23 – S24S)
- Chapter 6 International Obligations and Agreements (S25 – S27)

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NEMA

- Chapter 7 Compliance and Enforcement
 - Part 1 Environmental hazards, access to information and protection of whistleblowers (S28 – S31)
 - Part 2 Application and enforcement of Act and any Specific Environmental Management Act (S31A – Q)
 - Part 3 Judicial Matters (S32 – S34H)
- Chapter 8 Environmental Management Cooperation Agreements (S35)
- Chapter 9 Administration of Act and SEMAS (S36 – S47D)
- Chapter 10 General and Transitional Provisions (S49 – S53)

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Fines and liability when it comes to environmental non-compliance?

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forestry, fisheries
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REPUBLIC OF SOUTH AFRICA



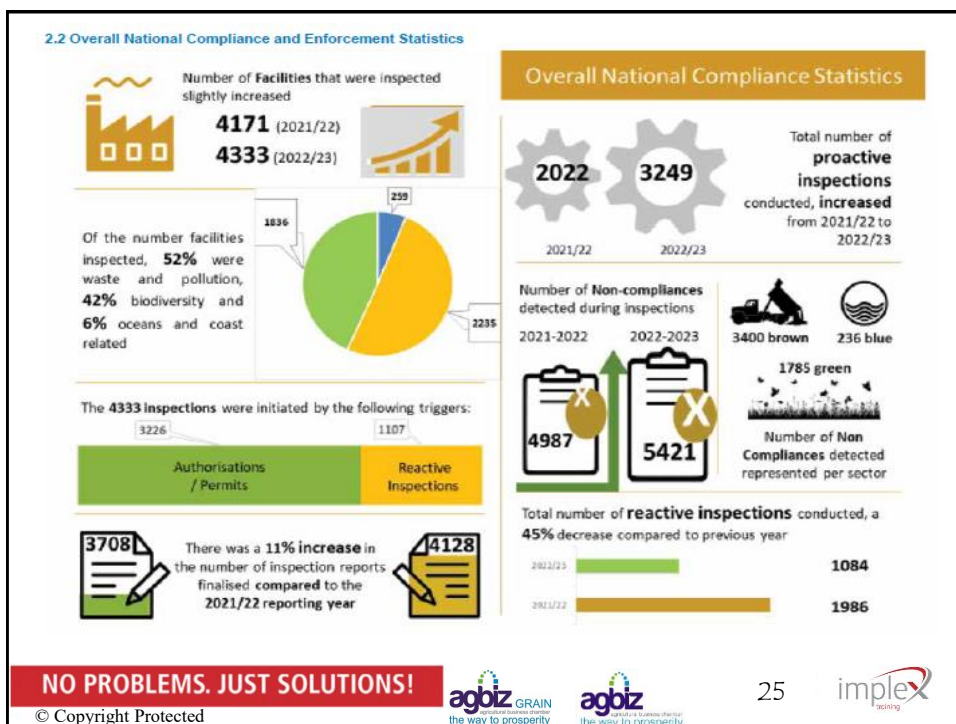


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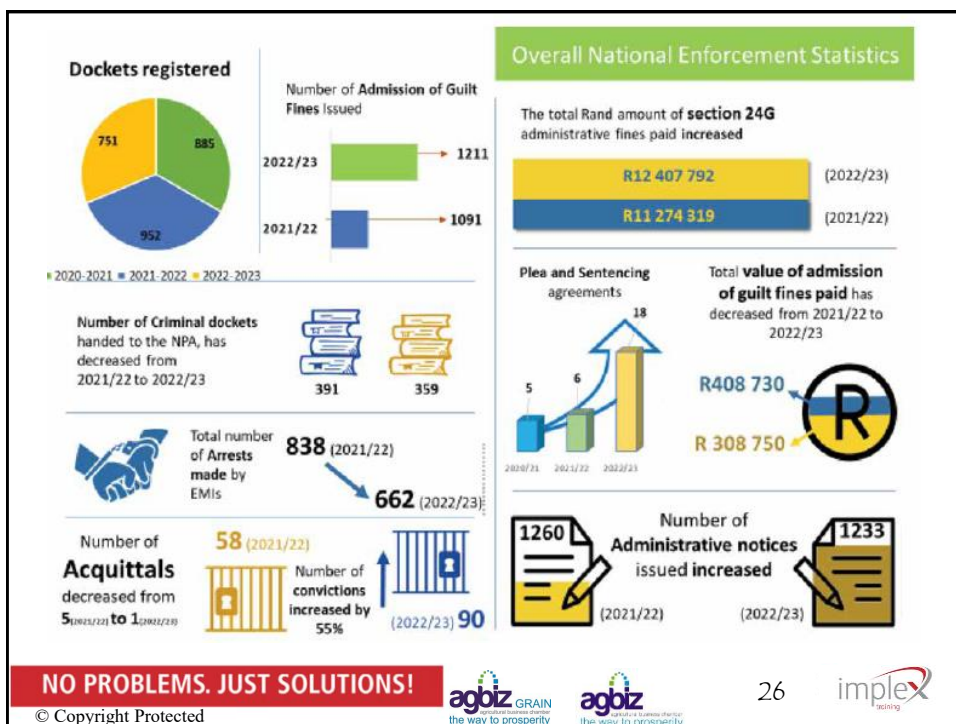


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How do I conduct my Environmental Risk Assessment, what are the key factors I look at?

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Understand what is the Environment that must be protected

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NEMA S1 Definitions: Environment

- The surroundings within which humans exist and that are made up of:
 - Land, water and atmosphere of the earth
 - Micro-organisms, plant & animal life
- Any part of the above and the interrelation between them
- Physical, chemical and aesthetic and cultural properties and conditions of the above that influence human health and well-being

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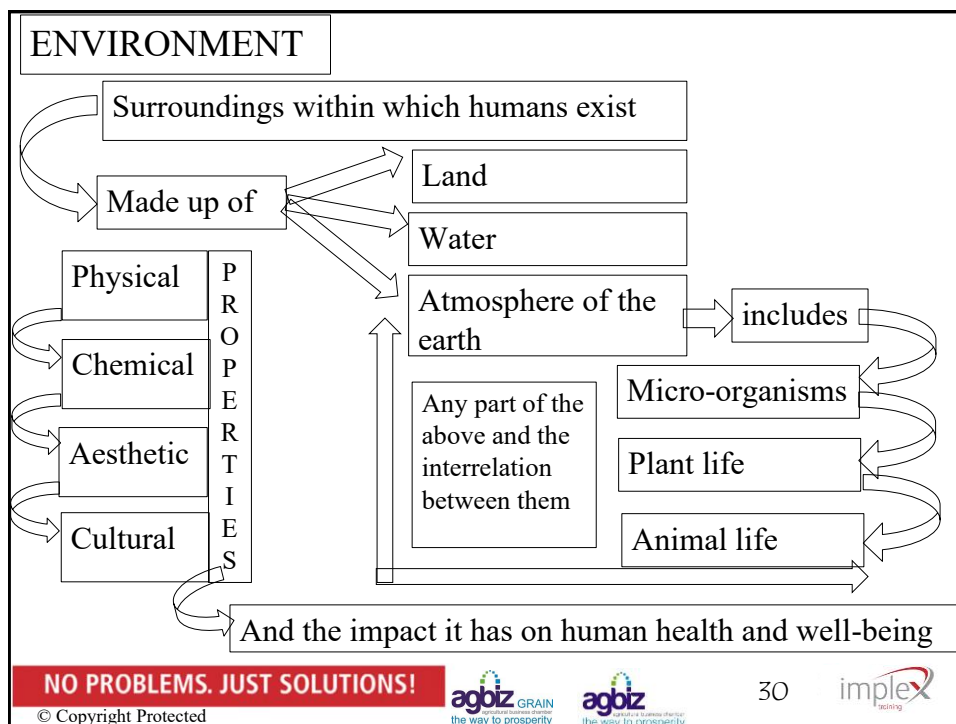
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Understand what is pollution that must be prevented

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NEMA S1 Definitions: Pollution

- Any change in the environment caused by
 - Substances
 - Radioactive or other waves or
 - Noise, odour, dust or heat
 - Emitted from any activity
 - Including storage or treatment of waste or substances
 - Whether engaged in by any person/State organ
- Where that change has an adverse effect on
 - Human health or wellbeing
 - Or on the composition, resilience and productivity of natural or managed ecosystems or on materials useful to people
 - Or will have such an effect in future

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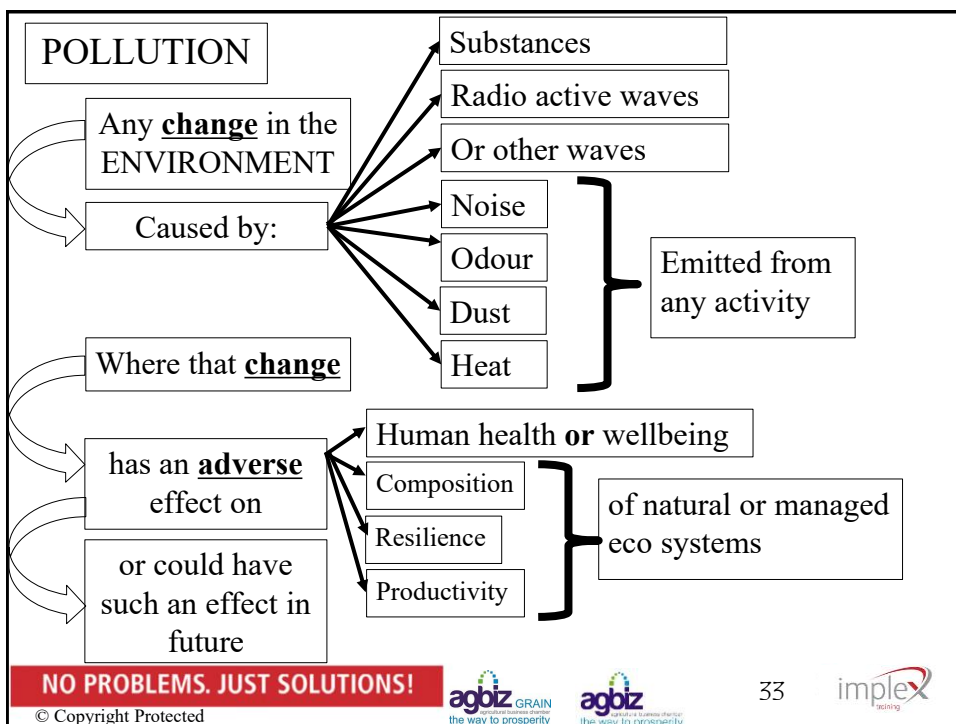
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Step 3

Understand the requirement for integrated environmental management

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NEMA S23 General Objectives Integrated Environmental Management

- Promote the integration of the principles of environmental management (NEMA S2)
 - 1) Sustainable Development (People, Planet, Profit)
 - 2) Best Practicable Environmental Option (BPEO)
 - 3) Precautionary Principle (assume worst case unless contrary is proven)
 - 4) Preventative Principle (avoid minimise, remedy)
 - 5) Cradle to Grave (life cycle responsibility)
 - 6) Polluter Pays (cleanup and remediation)
 - 7) Inclusive Participation (indigenous knowledge practitioners)
- Into the making of all decisions which may have a significant effect on the environment

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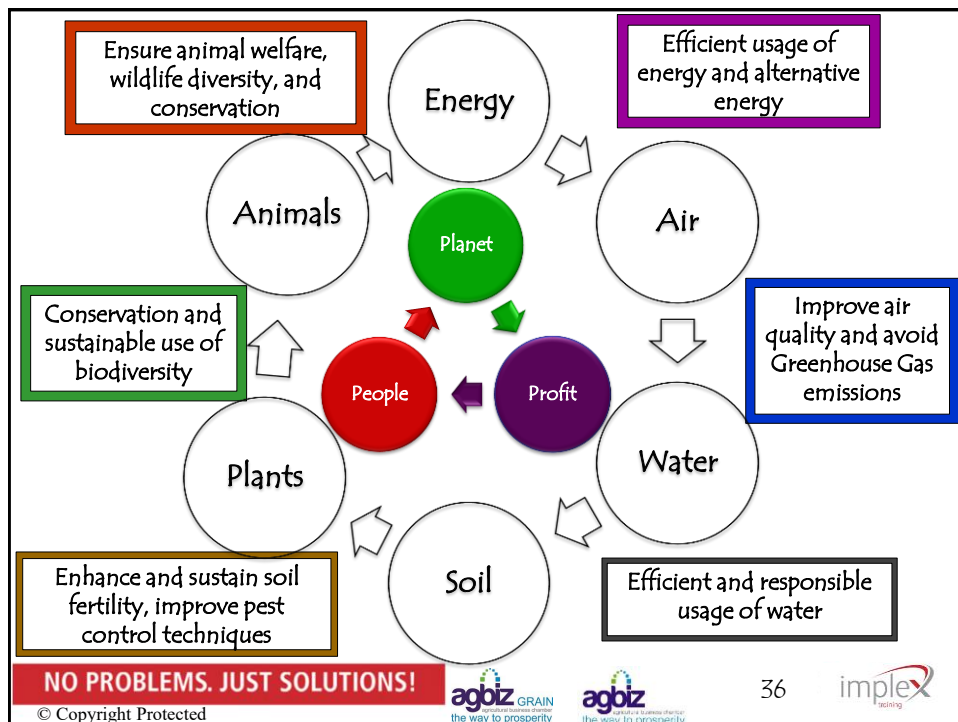
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Understand your duty of care towards the environment

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NEMA S28(1) Duty of Care

- Every person who causes, has caused or may cause
- Significant pollution or degradation of the environment
- Must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring,
- Or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped
- To minimise and rectify such pollution or degradation of the environment.

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Who is responsible?

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S28(2) Responsible person

- Without limiting the generality of the duty
- The persons on whom an obligation is imposed to take reasonable measures
 - Include an owner of land or premises, a person in control of land or premises or a person who has a right to use the land or premises
 - On which or in which
 - Any activity or process is or was performed or undertaken
 - Any other situation exists
- Which causes, has caused or is likely to cause significant pollution or degradation of the environment

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What are reasonable measures?

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S28(3) Measures

- Investigate, assess and evaluate the impact on the environment (ERA)
- Inform and educate employees about the environmental risks of their work and the way their tasks must be performed to avoid causing significant pollution or degradation of the environment
- Cease, modify or control any act, activity or process causing the pollution or degradation
- Contain or prevent the movement of pollutants or the causant of degradation
- Eliminate any source of the pollution or degradation
- Remedy the effects of the pollution or degradation

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Consider applicable environmental aspects
and impacts

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Why are we doing an ERA?

- If it is as part of the Environmental Impact Assessment process, NEMA S24 – must be done in accordance with the prescribed requirements
- If it is to satisfy the requirements of a Management System, such as ISO 14001, the methodology is flexible but must meet the requirements of the management system
- If it is to be legally compliant, the methodology is flexible and must be aligned with the NEMA S28 Duty of Care

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Example

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ISO 14001 EMS

ISO 14001:2015(E) - Environmental management systems — Requirements

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ISO 14001:2015(E) - Environmental management systems — Requirements

- **Environment** = surroundings in which an organisation operates, including air, water, land, natural resources, flora, fauna, humans and their interrelationships
- **Environmental aspect** = an element of an organisation's activities or products or services that interacts or can interact with the environment
 - An environmental aspect can cause (an) environmental impact(s)
 - A significant environmental aspect is one that has or can have one or more significant environmental impact(s)

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ISO 14001:2015(E) - Environmental management systems — Requirements

- **Environmental impact** = a change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects
- **Prevention of pollution** = the use of processes, practices, techniques, materials, products, services or energy to avoid, reduce or control (separately or in combination) the creation, emission or discharge of any type of pollutant or waste, to reduce adverse environmental impacts
 - Prevention of pollution can include source reduction or elimination; process, product or service changes; efficient use of resources; material and energy substitution; reuse; recovery; recycling, reclamation; or treatment of environmental aspects

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ISO 14001:2015(E) - Environmental management systems — Requirements

- **Life cycle** = consecutive and interlinked stages of a product (or service) system, from raw material acquisition or generation from natural resources to final disposal
 - The life cycle stages include acquisition of raw materials, design, production, transportation/delivery, use, end-of-life treatment and final disposal

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Environmental aspects

- Within the defined scope of the environmental management system
 - Determine the environmental aspects of activities, products and services that can be control and influenced
 - And their associated environmental impacts, considering a life cycle perspective
- When determining environmental aspects, consider:
 - Change, including planned or new developments, and new or modified activities, products and services;
 - Abnormal conditions and reasonably foreseeable emergency situations

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Environmental aspects

- Determine aspects that have or can have a significant environmental impact (significant environmental aspects) by using established criteria
- Communicate significant environmental aspects among the various levels and functions of the organisation, as appropriate
- Maintain documented information on:
 - Environmental aspects and associated environmental impacts;
 - Criteria used to determine its significant environmental aspects;
 - Significant environmental aspects
- Take note: significant environmental aspects can result in risks and opportunities associated with either adverse environmental impacts (threats) or beneficial environmental impacts (opportunities)

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Typical Environmental Impacts in an Agricultural Business Environment like Silo's

- | | |
|---|--|
| <ul style="list-style-type: none"> • AIR • Quality • Gases/odorous substances from fermenting grains • Fumigants used in pest control • Fine grain dust • Noise pollution • Dust explosions • Veld fires • Fire outbreaks | <ul style="list-style-type: none"> • WATER • Water use / demand • Effluent generation • Water quality |
| <ul style="list-style-type: none"> • SOIL • Pest and insect infestation • Pest control | <ul style="list-style-type: none"> • WASTE • Organic • General • Hazardous |
| | <ul style="list-style-type: none"> • ENERGY • Power consumption |
| | <ul style="list-style-type: none"> • DEGRADATION • Soil erosion • Loss of biodiversity |

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What are the key fundamentals when I build and put together an Environmental Management System?

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ISO 14001:2015(E) – EMS

- Leadership
 - Leadership and commitment
 - Environmental Policy
 - Organisational roles, responsibilities and authorities
- Planning
 - Actions to address risks and opportunities
 - Environmental objectives and planning to achieve them
- Support
 - Resources
 - Competence
 - Awareness
 - Communication
 - Documented information

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ISO 14001:2015(E) – EMS

- Operation
 - Operational control and planning control
 - Emergency preparedness and control
- Performance evaluation
 - Monitoring, measurement, analysis and evaluation
 - Internal audit
 - Management review
- Improvement
 - Nonconformity and corrective action
 - Continual improvement

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What we look at when we conduct Environmental
Legal Compliance Audits

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General Enviro Compliance

- Right to the Environment and Duty of Care
- Protected Disclosures
- Integrated Environmental Management
- Environmental Impact Assessment and New Activities / Management of Change
- Right to Refuse to Perform Environmentally Hazardous Work
- Environmental Incidents
- Duty of Care and Remediation of Environmental Damage and Environmental Incidents
- Legal and Other Requirements

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Specific Enviro Compliance

- Waste Management
- Water Management
- Air Pollution Control
- Dangerous and Hazardous Substances Control
- Public Health Control
- Fauna, Flora and Pest Control
- Ambient Noise Control

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What are typical Environmental incidents?

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Control of Incidents

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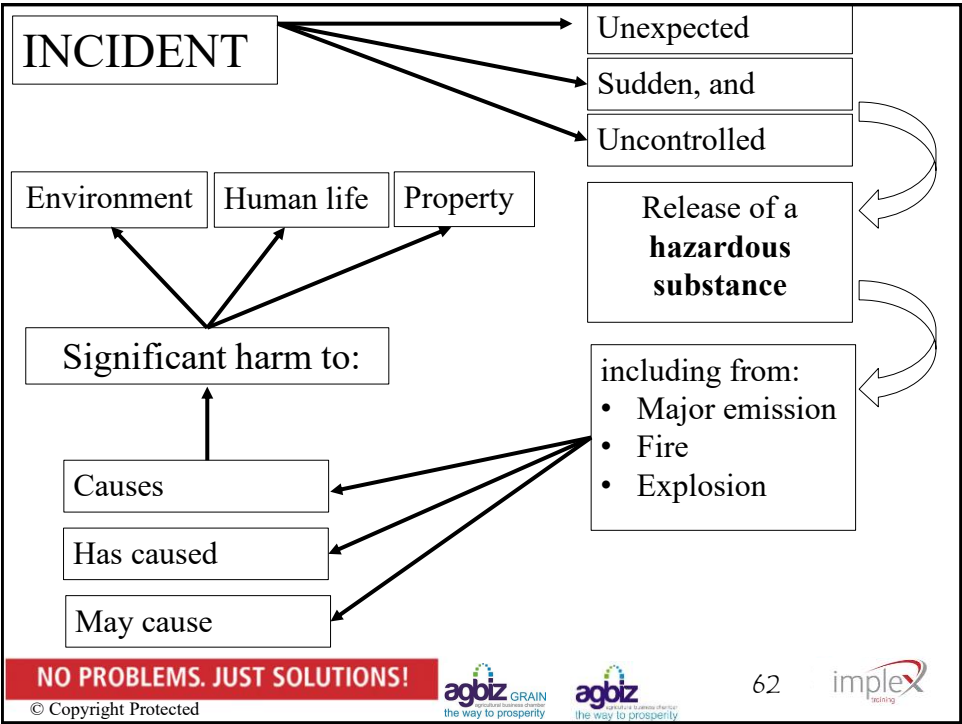
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S30(1)(a) incident

means an unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property





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ANNEXURE 3 ALPHABETICAL LIST OF HAZARDOUS SUBSTANCES			
NO.	NAME	CAS CODE	RQ FINAL
1	(4-Chloro-2-methylphenoxy) acetic acid	94-74-6	100
2	1-(2-(2,4-Dichlorophenyl)-2-(2-propenyloxy)ethyl)-1H-imidazole	35554-44-0	10
3	1-(2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl)-methyl-1H-1,2,4-triazole	60207-90-1	1000
4	1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone	43121-43-3	100
5	1,1-Dimethoxyethane	534-15-6	10
6	1,1,1,2-Tetrachloroethane	630-20-6	50
7	1,1,1-Chlorodifluoroethane (Chlorodifluoroethane)	593-70-4	10
8	1,1,1-Trichloroethane	71-55-6	500


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How do I report any Environmental incidents?

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Who must report? S30(1)(b) responsible person



Includes any person who

- i. Responsible for the incident
- ii. Owns any hazardous substance involved in the incident
- iii. In control of any hazardous substance involved in the incident at the time of the incident

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Where to report to? S30(1)(c) relevant authority



- i. Municipality with jurisdiction over the area in which an incident occurs
- ii. PHoD or any other provincial official designated for that purpose by the MEC in a province in which an incident occurs
- iii. DG - DFFE
- iv. Any other DG of a national department

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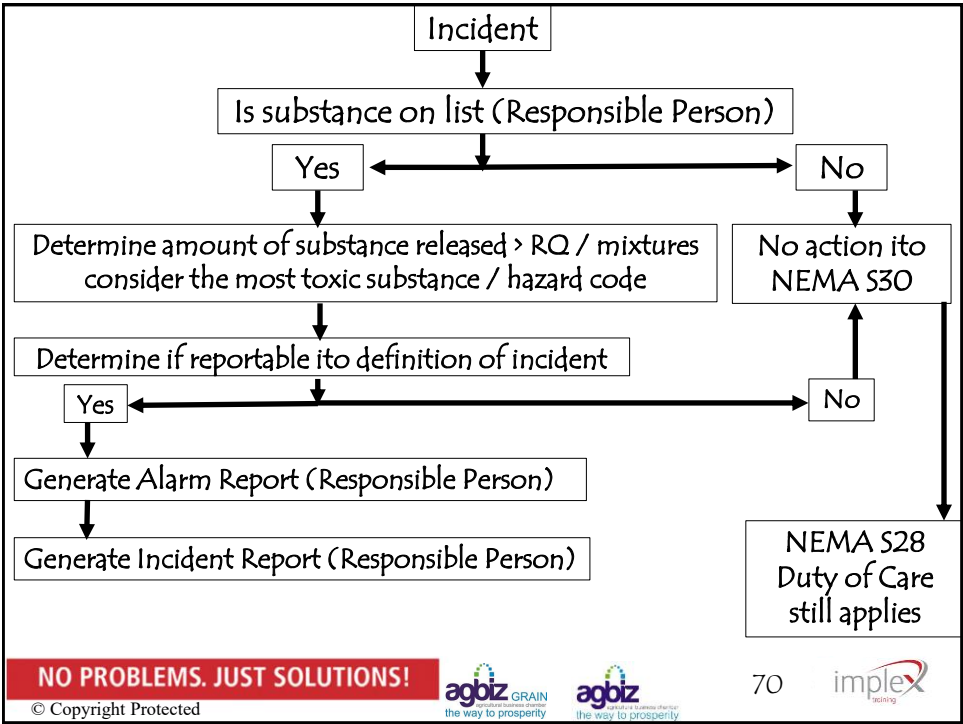
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ACTION NO.	ACTION	RESPONSIBILITY	REFERENCE
1	Initial reporting of the incident to the authorities	Responsible Person	Section 30(3)
2	Containing and minimising the effects of the incident to the environment, health, safety and property of persons	Responsible Person	Section 30(4a)
3	Undertaking clean up procedures	Responsible Person	Section 30(4b)
4	Remedying the effects of the incident	Responsible Person	Section 30(4c)
5	Assessing the immediate and long-term effects of the incident on the environment and public health	Responsible Person	Section 30(4d)
6	Initial evaluation reporting within 14 days of the incident	Responsible Person	Section 30(5)
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Guideline, Annexure 2

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 environmental affairs Department: Environmental Affairs REPUBLIC OF SOUTH AFRICA 	Document Type:	INCIDENT REPORT	
	Title for the incident:		
	Date of the incident :		
Reference:		Initial Submission Date:	
Revision No.:		Compiled by:	

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ANNEXURE 2: INCIDENT REPORT TEMPLATE

This form provides a template for the emergency incident report required in terms of section 30(5) of the National Environmental Management Act (Act No. 107 of 1998) (as amended) (hereinafter "NEMA") in which the responsible person or, where the incident occurred in the course of that person's employment, his or her employer, must, within 14 days of the incident, report to the Director General, provincial head of department and municipality such information as is available to enable an initial evaluation of the incident, including: (a) the nature of the incident; (b) the substances involved and an estimation of the quantity released and their possible acute effect on persons and the environment and data needed to assess these effects; (c) initial measures taken to minimise impacts; (d) causes of the incident, whether direct or indirect, including equipment, technology, system, or management failure; and (e) measures taken and to be taken to avoid a recurrence of such incident.

In terms of section 30(1)(a) of NEMA, an "incident" means an unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property. In line with section 24 of the Constitution of the Republic of South Africa (Act No. 108 of 1996), "serious" is taken to be a measure of the impact of an incident where such an incident has had, could have had, is having, or will have a negative impact on human health or well-being.

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1. RESPONSIBLE PERSON			
In terms of section 30(1)(b) of NEMA, the "responsible person" includes any person who: (i) is responsible for the incident; (ii) owns any hazardous substance involved in the incident; or (iii) was in control of any hazardous substance involved in the incident at the time of the incident			
1.1 Name:		1.2 Designation:	
1.3 Postal Address:		1.4 Physical Address:	
1.5 Telephone (B/H):		1.6 Telephone (A/H):	
1.7 Fax:			
1.8 E-mail:			
1.9 Nature of Business:			

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2. EMERGENCY INCIDENT SUMMARY INFORMATION					
Mark the appropriate boxes					
2.1 Fire:		2.2 Spill:		2.3 Explosion:	
2.5 Injuries		2.6 Reportable injuries:		2.7 Hospitalisation:	2.8 Fatalities:
2.9 Open water impacts:		2.10 Ground water impacts:		2.11 Atmospheric impacts:	2.12 Soil impacts:
2.13 Own emergency response involved		2.14 Fire prevention services involved		2.15 Government hazardous materials emergency response involved	2.16 More than 1 governmental emergency response service involved
2.17 Emission of non-toxic substances at low concentrations		2.18 Emission of non-toxic substances at high concentrations		2.19 Emission of toxic substances at low concentrations	2.20 Emission of toxic substances at high concentrations
2.21 No evacuation required		2.22 Immediate area evacuated		2.23 Immediate surrounds evacuated	2.24 Evacuation of the general public
25. Others					

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3. INITIAL INCIDENT REPORT				
<p>In terms of section 30(3) of NEMA, the responsible person or, where the incident occurred in the course of that person's employment, his or her employer must forthwith after knowledge of the incident, report through the most effective means reasonably available: (a) the nature of the incident; (b) any risks posed by the incident to public health, safety and property; (c) the toxicity of substances or by-products released by the incident; and (d) any steps that should be taken in order to avoid or minimise the effects of the incident on public health and the environment to: (i) the Director General, (ii) the South African Police Services and the relevant fire prevention service; (iii) the relevant provincial head of department or municipality; and (iv) all persons whose health may be affected by the incident.</p>				
3.1 Description	3.2 Date:	3.3 Time:	3.4 Medium:	3.5. Name and contact details:
Relevant fire prevention service: (in case of fire)	[sub-mission date]	[sub-mission time]	[Fax, phone, SMS, letter, etc.]	[Who was the report made to?]
LOCAL :				
PROVINCIAL: (Those deal with Environmental issues)				
DIRECTOR GENERAL: (Department of Environmental Affairs)				
Any other Director General of National Department, E.g. Department of Water Affairs				

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4. INCIDENT DETAILS	
<p>In terms of NEMA section 30(5)(a) and (d), the responsible person must report on the nature of the incident as well as the causes of the incident, whether direct or indirect, including equipment, technology, system, or management failure</p>	
4.1 Location of the incident	[Provide physical address of the location where the incident happened including the GPS co-ordinates]
4.2 Incident start date and time:	4.3 Incident duration:
4.4 Duration of exposure:	
4.5. Incident description:	
<p>Background of the incident:</p> <p>Operation:</p> <p>Incident type:</p> <p>Root Cause of the incident:</p> <p>Contributory Factors to the incident:</p> <p>Conclusion:</p>	
4.6 Wind speed and direction	4.7 Ambient air temperature
4.8 Weather conditions	4.9 Other relevant meteorological conditions

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5. POLLUTANTS RELEASED DURING INCIDENT					
In terms of NEMA section 30(5)(b), the responsible person must report on the substances involved and an estimation of the quantity.					
List all the pollutants directly released during the incident (i.e. exclude those pollutants that resulted from mitigation measures, e.g. flaring, treatment, dilution etc.)					
5.1 Substance or mixture of substances	5.2 Reference Number	5.3 Phase eg solid, liquid or gas	5.4 Total Quantity emitted/ released	5.5 Units eg Kg, L etc	5.6 Nature of emission/ release
[The name recognised by any national or internationally recognised chemical referencing system]	[Reference to any national or internationally recognised chemical referencing system]	[solid, semi-solid, liquid or gas]	[the total measured or estimated quantity released into the environment]	[the unit of measure in respect to the quantity]	[Emitted from truck, underground pipe, stack, etc.]

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6. SECONDARY POLLUTANTS RESULTING FROM INCIDENT					
In terms of NEMA section 30(5)(b), the responsible person must report on the substances involved and an estimation of the quantity released.					
List all the pollutants that resulted from mitigation measures, e.g. flaring, treatment, dilution etc.					
6.1 Substance or mixture of substances	6.2 Reference Number	6.3 Phase	6.4 Total Quantity emitted/released	6.5 Unit	Nature of emission
[The name recognised by any national or internationally recognised chemical referencing system]	Reference to any national or internationally recognised chemical referencing system]	[solid, semi-solid, liquid or gas]	[the total measured or estimated quantity released into the environment]	[the unit of measure in respect to the quantity]	[Emitted from truck, underground pipe, stack, etc.]

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7. POLLUTANT CONCENTRATIONS					
In terms of NEMA section 30(5)(b), the responsible person must report on the substances involved and an estimation of the quantity released.					
List all the pollutants detailed in previous section:					
7.1 Substance or mixture of sub- stances	7.2 Reference Number	7.3 Estimated pollutant concentration on different radius			
		7.3.1 10m	7.3.2 100m	7.3.3 500m	7.3.4 >2000m
[The name recognised by any national or internationally recognised chemical referencing system]	[Reference to any national or internationally recognised chemical referencing system]	[estimate the concentration of the pollutant in water, soil and/or air within a 10m radius of the epicentre of the incident] [provide the units used in a case of estimating concentration (e.g. ppm)]	[estimate the concentration of the pollutant in water, soil and/or air within a 100m radius of the epicentre of the incident] [provide the units used in a case of estimating concentration (e.g. ppm)]	[estimate the concentration of the pollutant in water, soil and/or air within a 500m radius of the epicentre of the incident] [provide the units used in a case of estimating concentration (e.g. ppm)]	[estimate the concentration of the pollutant in water, soil and/or air within a > 2000 m radius of the epicentre of the incident] [provide the units used in a case of estimating concentration (e.g. ppm)]

1 Concentration at the plume
2 Concentration that was falling on the ground

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8. INCIDENT IMPACT	
In terms of NEMA section 30(5)(b), the responsible person must report on possible acute effects on persons and the environment and the responsible must provide data needed to assess these effects;	
8.1 Minor injuries	[Describe the number and types of any minor injuries that resulted from the incident or efforts to manage the incident or the impacts thereof]
8.2 Reportable injuries	[Describe the number and types of any injuries requiring statutory reporting that resulted from the incident or efforts to manage the incident or the impacts thereof]
8.3 Hospitalisation	[Describe the number and types of any injuries that required professional medical care that resulted from the incident or efforts to manage the incident or the impacts thereof]
8.4 Fatalities	[Describe the number and cause of any fatalities that resulted from the incident or efforts to manage the incident or the impacts thereof]
8.5 Biological impacts	[Describe any impacts on biological life, other than human life, e.g. fish kills, plant mortality, etc.]
8.6 Impact area	[Describe the area possibly affected by the incident or the impacts thereof including: (i) size of the area; (ii) socio-economic context; (iii) population density; (iv) sensitive environments (if any), etc.]
8.7 Data	Attach relevant impact reports, medical reports, death certificates, post mortem reports, environmental monitoring data, etc. as Annexes C1, C2,... to this report

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9. EXISTING PREVENTION PROCEDURES AND/OR SYSTEMS	
9.1 Foresight	[Briefly describe whether the incident could have, or had, been foreseen, e.g. was it included in any environmental impact assessment, risk assessment, health and safety plan, etc.]
9.2 Procedures and/or systems	Attach any relevant safety, health and environmental plans (including any statutory planning requirements) that detail what actions should be taken in the event of the incident that is the subject of this report
9.3 Procedure and/or systems failures	[Describe any failures or shortfalls in procedures and/or systems that may have contributed to the incident] All procedures and checklist in place and signed off.
9.4 Technical measures	[Describe any technical measures, equipment, 'fail-safe' devices, etc. that are in place to prevent the occurrence of the incident] Communications & discussions in place.
9.5 Technical failure	[Describe any failures of technical measures, equipment, 'fail-safe' devices, etc. that are in place to prevent the occurrence of the incident]

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10. INITIAL INCIDENT MANAGEMENT	
In terms of NEMA section 30(5)(c), the responsible person must report on initial measures taken to minimise impacts.	
10.1 Evacuation	[Describe any evacuation activities including information on the number of people evacuated and whether these people were staff or otherwise]
10.2 Technical measures	[Describe all technical measures taken to address the incident]
10.3 Mitigation measures	[Describe all measures taken to minimize the impact] SOPEP gear activated
10.4 Emergency Services	[Describe any governmental emergency services involvement] SAMSA/TNPA advised

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11. CLEANUP AND/OR DECONTAMINATION			
In terms of NEMA section 30(5)(c), the responsible person must report on initial measures taken to minimise impacts.			
11.1 Cleanup and/or decontamination	[Report on initial cleanup and or decontamination (remediation) measures taken to minimise the impact of the incident on human health and the environment. Provide copy of safe disposal certificate (if any) and details of the company that undertook the cleanup]		
11.2 Permissions and Instructions			
Provide details of any permission and/or instructions received from any organ of state during initial incident management, cleanup and/or decontamination			
11.3 Type	11.4 Statute	11.5 Issued By	11.6 Name and contact details
[Describe the nature or type of permission or instruction]	[Provide a reference to the legal mandate for the permission or instruction]	[Provide contact details for the permitting or instructing authority]	[provide a summary of the activities carried out in terms of the permission or instruction]

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12. MITIGATION MEASURES			
In terms of NEMA section 30(5)(e), the responsible person must report on measures taken and to be taken to avoid a recurrence of such an incident.			
12.1 Measure	12.2 Objective	12.3 Cost	12.4 Timing
[Briefly describe each of the measures taken, and to be taken, to avoid a recurrence of such incident]	[Briefly describe the objective of the measure, i.e. the desired outcome of the measure]	[Estimate the cost of the measure in terms of capital costs and/or recurrent costs]	[Provide information on the timing for the full implementation of the measure]

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13. AUTHORISATIONS			
Provide details on all authorisations (including permits, licenses, certificates, etc.) in respect of the activity to which this incident relates.			
13.1 Type	13.2 Statute	13.3 Issued By	13.4 Issue & Expiry Date
[Describe the nature or type of authorisation, e.g. Registration Certificate]	[Provide the reference for the authorisation, e.g. section X of the National Environmental Management Act (Act No. 107 of 1989)]	[Provide contact details for the issuing authority]	[provide the date of issue and expiry]
14. HISTORY			
Provide details of all similar incidents involving the responsible person in the past (i.e. from 1998). Similar incidents include those that: (i) involved similar circumstances; (ii) involved similar emissions; (iii) involved similar personnel; and/or (iv) involved similar impacts.			
14.1 Incident title	14.2 Report reference	14.3 Date of Incident	14.4 Summary of event
[Provide the title used in the relevant emergency incident report]	[Provide the reference in respect of the relevant emergency incident report]	[Date of incident]	[Provide a summary of the event]
Signed by, or as a mandated signatory for, the responsible person:		Date:	

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APPENDIX 1				
List of affected people as results of the incident				
NAME	ADDRESS	PHONE	FAULT	REMARKS

APPENDIX 2
Layout map of the area likely to be affected or affected as a result of the incident

DISCLAIMER

Any other information not covered in the reporting template must be included.

CAUTION
In terms of section 30 (11) of NEMA as amended, you are further advised that failure to comply with subsections (3), (4) and (5) above constitutes an offence and you may be liable on conviction to a fine not exceeding R15 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

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Are there any formal appointments that need to be made, such as found in the OHSA?

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ENVIRONMENTAL DUTY OF CARE

You are specifically responsible to ensure that relevant environmental legislative requirements are complied with, including the implementation of all internal procedures and systems to ensure compliance with such legislation.

In this regard your attention is drawn to the provisions of National Environment Management Act 107 of 1998, specifically Section 28.

This section stipulates that every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

"Reasonable measures" include measures to: investigate, assess and evaluate the impact on the environment; cease, modify or control any act causing pollution or degradation and remedying the effects of pollution or degradation.

This duty is applicable to, among others, an owner of land or premises, a person in control of land or premises or a person who has a right to use the land or premises on which or in which (i) any activity or process is or was performed or undertaken; or (ii) any other situation exists, which causes, has caused or is likely to cause significant pollution or degradation of the environment.

Failure to comply with this duty could result in the competent authority issuing a directive against the person who is causing, has caused or may cause significant pollution or degradation of the environment.

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