GENERAL NOTICES

NOTICE 165 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) DRAFT ENVIRONMENTAL IMPACT ASSESMENT REGULATIONS

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby, in terms of section 47(1), publish for public comment, the draft Environmental Impact Assessment Regulations under section 24(5) of the National Environmental Management Act, 1998, in the Schedule.

Any person who wishes to submit written representations or comments in connection with the draft regulations are invited to do so within 30 days of the date of this notice. All written representations and comments must be submitted in writing to the Director-General of the Department of Environmental Affairs and Tourism:

By post to:

The Director-General: Environmental Affairs and Tourism

Attention: Mrs. Amanda Britz

Private Bag X447 Pretoria, 0001 Delivered to:

The Department of Environmental Affairs and Tourism

Attention: Mrs. Amanda Britz

Fedsure Building South Tower Room 315 Pretorius Street

PRETORIA

By fax to: (012) 3103688, and by e-mail to abritz@deat.gov.za

Comments received after the closing date may not be considered.

Marthines von Tchalleugh

MARTHINUS VAN SCHALKWYK

MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

SCHEDULE

ARRANGEMENT OF REGULATIONS CHAPTER 1

INTERPRETATION AND PURPOSE OF THESE REGULATIONS

- 1. Interpretation
- 2. Purpose of Regulations

CHAPTER 2

COMPETENT AUTHORITIES

- Identification of competent authorities
- Where to submit applications
- 5. Assistance by competent authorities to applicants
- Consultation between competent authorities and other organs of state having jurisdiction
- 7. Competent authorities' right of access to information
- 8. Criteria to be taken into account by competent authorities when considering applications

- 9. Timeframes for competent authorities
- 10. Notification of decision on applications by competent authorities
- 11. Registry of applications and record of decisions
- 12. Liability of competent authorities as to costs of applications

CHAPTER 3

APPLICATIONS FOR ENVIRONMENTAL AUTHORISATIONS

Part 1: General matters

- 13. Applications
- 14. Checking of applications for compliance with formal requirements
- 15. Combination of applications
- 16. Activities on land owned by person other than applicant
- 17. Appointment of EAPs to manage applications
- 18. General requirements for EAPs
- 19. Disqualification of EAPs
- 20. Determination of assessment process applicable to application
- 21. Criteria for determining whether basic assessment or scoping and environmental impact assessment is to be applied to applications

Part 2: Applications subject to basic assessment

- 22. Steps to be taken before submission of application
- 23. Content of basic assessment reports
- 24. Submission of application to competent authority
- 25. Consideration of applications
- 26. Decision on applications

Part 3: Applications subject to scoping and environmental impact

assessment

- 27. Submission of application to competent authority
- 28. Steps to be taken after submission of application
- 29. Content of scoping reports
- 30. Submission of scoping reports to competent authority
- 31. Consideration of scoping reports
- 32. Environmental impact assessment reports

33.	Specialist repor	s and reports	on specialised	processes
-----	------------------	---------------	----------------	-----------

- 34. Content of draft environmental management programme
- 35. Consideration of environmental impact assessment reports
- 36. Decision on applications

Part 4: Environmental authorisations

- 37. Issue of environmental authorisations
- 38. Contents of environmental authorisations

CHAPTER 4

AMENDMENT AND WITHDRAWAL OF ENVIRONMENTAL AUTHORISATIONS

39. General

Part 1: Amendments on application by holders of environmental authorisations

- 40. Applications for amendment
- 41. Submission of applications for amendment
- 42 Consideration of applications
- 43. Decision on applications

Part 2: Amendments on initiative of competent authority

- 44. Purposes for which competent authorities may amend environmental authorisations
- 45. Process
- 46. Decision

Part 3: Amendments of environmental management programmes

47 Amendments of environmental management programmes

Part 4: Suspension and withdrawal of environmental authorisations

- 48 Suspension of environmental authorisations
- 49 Suspension procedures

50	Decision		
51.	Circumstances in which withdrawals are permissible		
52.	Withdrawal procedures		
53.	Decision		
	CHAPTER 5		
	EXEMPTIONS FROM PROVISIONS OF REGULATIONS		
54.	Applications for exemptions		
55.	Submission of applications		
56.	Consideration of applications		
57.	Decision on applications		
58.	Review of exemptions		
	CHAPTER 6		
	PUBLIC PARTICIPATION PROCESSES		
59.	Public participation process		
60.	Register of interested and affected parties		
61.	Registered interested and affected parties entitled to comment on		
	submissions		
62.	Comments of interested and affected parties to be recorded in reports		
	submitted to competent authority		
	CHAPTER 7		
	APPEALS		
63.	Application of this Chapter		
64.	Jurisdiction of Minister and MEC to decide appeals		
65.	Notice of intention to appeal		
66.	Submission of appeal		
67.	Time within which appeal must be lodged		
68.	Responding statement		
69.	Processing of appeal		
70.	Appeal panel		
71.	Decision on appeal		