

The Regulation of Greenhouse Gases under NEM:AQA  
and  
The Carbon Tax Bill

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NACA Seminar

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## AQA Chapter 4, Part 5: Other Measures

- Pollution prevention plans (Section 29)
- Minister or MEC may:
  - declare any substance contributing to air pollution as a priority pollutant
  - require category of persons to submit for approval and implement pollution prevention plans

# Draft Declaration of Greenhouse Gases As Priority Air Pollutants

- 8 January 2016, (GN6, GG39578).
- “Greenhouse Gas”: gaseous constituents of the atmosphere, both natural and anthropogenic, that absorbs and re-emit infrared radiation, and includes carbon dioxide, methane and nitrous oxide (Section 1, AQA).
- Priority pollutant greenhouse gases:
  - Carbon dioxide (CO<sub>2</sub>)
  - Methane (CH<sub>4</sub>)
  - Nitrous oxide (N<sub>2</sub>O)
  - Hydrofluorocarbons (HFCs)
  - Perfluorocarbons (PFCs)
  - Sulphur hexafluoride (SF<sub>6</sub>)

# Draft Declaration: Persons Required to Submit Pollution Prevention Plans

- Conducting a production process in Annexure A involving the direct emission of declared greenhouse gases in excess of 0.1 megatonnes (Mt) annually measured as carbon dioxide equivalents (CO<sub>2</sub> – eq); or
- “Direct emissions”: emissions from sources that are owned or controlled by the reporting person.
- Undertaking a production process listed in Annexure A as a primary activity.
- Approved plans must be monitored, evaluated and reported on.

# Draft Declaration: Annexure A

- Coal mining
- Production and/or refining of crude oil
- Production and/or processing of natural gas
- Production of liquid fuels from coal or gas
- Cement production
- Glass production
- Ammonia production
- Nitric acid production
- Carbon black production
- Iron and steel production
- Ferro-alloys production
- Aluminium production
- Polymers production
- Pulp and paper production
- Electricity production (combustion of fossil fuels, excluding the use of back-up generators).

# National Greenhouse Gas Emission Reporting Regulations

- 3 April 2017 (GNR275, GG40762)
- Purpose: Single reporting system for greenhouse gases to be used:
  - to inform policy formulation, implementation and legislation
  - for SA to meet international reporting obligations
  - to update and maintain National Greenhouse Gas Inventory
- Greenhouse gas:
  - CO<sub>2</sub>
  - Methane
  - Nitrous oxide
  - Sulphur hexafluoride
  - PFCs
  - HFCs

# Reporting Regulations

- Application: categories of emission sources listed in Annexure A and to data providers
- Data Providers:
  - Category A – person in control of or conducting activity in Category A Column above threshold in Annex 1
  - Category B – organ of state, research institution, academic institution holding emission or activity data for calculating greenhouse gas emissions relating to Annex 1

# Reporting Regulations

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- Registration on NAEIS or where unavailable submit as per Annexure 2.
- Category A data provider must register all facilities exceeding the thresholds by 3 May 2017.
- Data provider to ensure all details complete and accurate for each facility.



# Reporting Regulations

- Category A data provider to report as per Technical Guidelines for Monitoring, Reporting and Verification of Greenhouse Gas Emissions by Industry for each greenhouse gas and emission source.
- Report annually by 31 March each year (i.e. Due 31 March 2018).

# Reporting Regulations

- Boundaries:
  - Based on operational control
  - Include emissions from normal and upset conditions
- Completeness:
  - Include all processes and fugitive and combustion emissions.
- Methods as per guideline or as approved by the authority.
- Verification by the authority.

# Reporting Regulations

- Confidentiality – onus is on National Inventory Unit of DEA to ensure confidentiality is controlled in terms of the law.
- Publishing data: NAEIS data may only be placed in public domain if it does not:
  - promote unfair competition
  - contravene Section 36 of PAIA (commercial information of third party)
  - contravene Section 17 of Statistics Act

# Reporting Regulations

- Offences:
  - To provide false or misleading information
  - To fail to register, report, keep records
- First Offence:
  - Fine of up to R5 million or imprisonment for up to 5 years or both
- Second Offence:
  - Fine of up to R10 million or imprisonment for up to 10 years or both

Thank You