

APPENDIX C.2

GENERAL AUTHORISATIONS

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1 PROCESS DIAGRAM

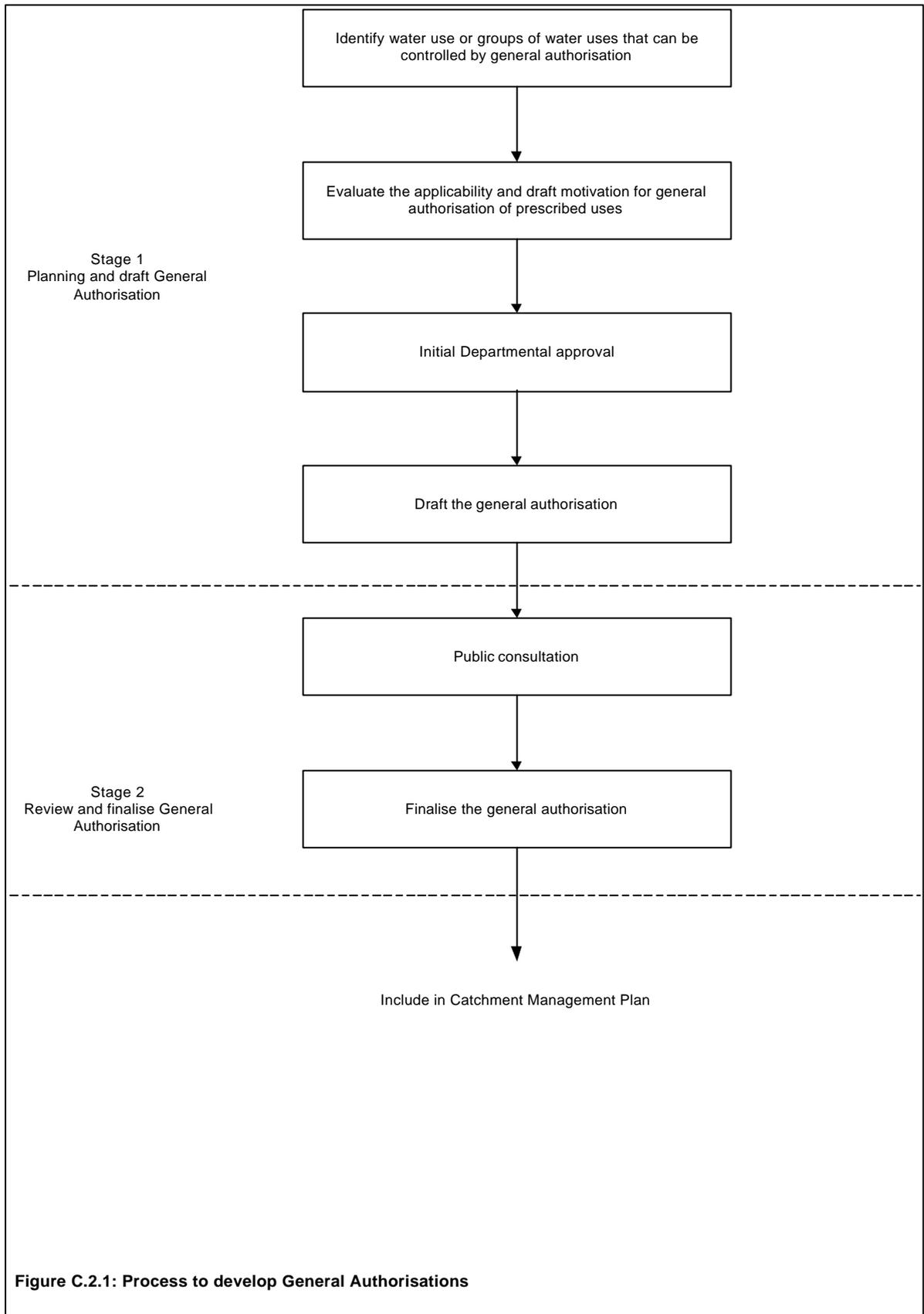


Figure C.2.1: Process to develop General Authorisations

2 PROCEDURAL GUIDELINE

2.1 Roles and responsibilities of various role-players

2.1.1 The Department of Water Affairs and Forestry (the Department)

Due to their site-specific nature, the development of General Authorisations will be the responsibility of the Regional Office/CMA. The responsibility for developing General Authorisations within the Department will thus be delegated to the Deputy-Director: Water Quality Management in the Regional Office, who will appoint an Assistant Director: Planning to assess, draft and finalise the General Authorisations. The Assistant Director: Planning will require assistance from the national office sub-directorate responsible for the management of sources within the sector applicable to the General Authorisation, i.e. either mining, industry, agriculture, settlements or government.

The Assistant Director: Planning should be appointed from within the Departments Regional Office staff structure. The use of external consultants to undertake the role and tasks of the Assistant Director: Planning is however also permitted should suitable resources and expertise not be available within the Department's Regional Office.

The Minister of Water Affairs and Forestry (the Minister) will be responsible for final approval of the General Authorisation.

2.1.2 Interested and affected parties

The interested parties are responsible to:

- provide input and comments on the draft General Authorisation document, and
- provide their inputs and comments within the context of the process and within the timeframes as specified by the Assistant Director: Planning.

2.2 Stage 1: Planning and draft General Authorisation

The Assistant Director: Planning and other relevant consultative parties within the Department will commence with an assessment of the need and applicability of General Authorisations within the affected area. It is important that the source classification (**Appendix A.2**) precede this work. The Assistant Director: Planning will then draft the necessary General Authorisations. This stage will involve the following steps.

2.2.1 Identify water use or groups of water uses that can be controlled by General Authorisation

The work under source classification at WMA/catchment level (**Appendix A.2**) will have:

- identified all processes, substances and activities within the area that represent risk to the water resource,

- assessed the significance level of the risk,
- ranked and categorised the sources into high, medium and low risks, and
- summarised and finalised the source classification for processes, substances and activities in the WMA/catchment.

The Assistant Director: Planning will use the source classification information as a first step to identify water use or groups of water uses where a General Authorisation will be an applicable tool for management and control of sources. This step will adopt the precautionary approach, i.e. when doubt exists, the Assistant Director: Planning will err on the side of caution in identifying water use/uses where General Authorisations are applicable. The processes, substances and activities that are identified as having the potential to be controlled by General Authorisations will then be evaluated in more detail in step 2.

2.2.2 Evaluate applicability and draft motivation for General Authorisation of prescribed uses

The Assistant Director: Planning will:

- determine the potential impact of the process, substance or activity on the water quality of the resource in the catchment, through a risk assessment tool such as a Strategic Environmental assessment (SEA). The SEA will determine the magnitude, extent, frequency and significance of the risk to the water resource posed by the process, substance or activity,
- assess whether the water resource will be adequately protected with the imposition of a General Authorisation and the risks inherent in adopting a General Authorisation for the area or sector/sub-sector,
- identify the risk tolerance of the Department, through a semi-quantitative cost-benefit trade-off study (benefits of a General Authorisation evaluated against the implicit costs). The benefits of the General Authorisation will be both
 - tangible, in terms of reduced costs from relieving the Department from processing individual licence applications, as well as
 - intangible, such as ease of regulations and a more participative approach to regulation,

The implicit costs will be linked to the probability of water pollution with the adoption of the General Authorisation and the remedial costs.

- evaluate the risks calculated in the SEA process against the risk tolerance of the Department and the legal requirements for managing the water resource. A General Authorisation will be applicable should the assessed risk level be acceptable to the Department.

The Assistant Director: Planning will then draft a motivation to the Minister for the use of General Authorisations for the prescribed uses identified in the steps above.

2.2.3 Initial Departmental approval

The waste disposal and discharge manager in the National Office will be the delegated authority to approve or reject the motivation for General Authorisations from the Regional Office/CMA.

2.2.4 Draft the General Authorisation

The draft General Authorisation will cover the following aspects:

- the extent of the applicability of the General Authorisation, to include:
 - the process, substance or activity to which the General Authorisation applies,
 - the area/location of applicability,
- conditions that will be applicable for the adoption of the General Authorisation, such as:
 - the proponents demonstrating that Best Practice Management Plans for all activities that pose a threat to the water resource have been adopted,
 - monitoring and reporting requirements,
 - the adoption of key management standards such as time-frames for reporting out-of-specification incidents and remediation of such incidents,
- the responsibilities for compliance monitoring.
- the process to be followed for out-of-specification incidents; this will be on a hierarchical basis, ranging from small and infrequent incidents with minor impact to major, frequent incidents with significant impact; in the latter case, the option should be available to the Department to revert to individual licences, where applicable.
- emergency procedures.

2.3 Review and finalise the General Authorisation

2.3.1 Public consultation

The public consultation will involve the following process:

- the Assistant Director: Planning will publish the draft General Authorisation document in the government gazette and on the Departments website; the Assistant Director: Planning will also publish the General

Authorisation in the local press and make copies available in public institutions, such as libraries, schools and community halls,

- standard comment forms will be included with the priority list, together with details on how to comment and who to deliver comments to,
- a period of 60 days will be allowed for comments from interested and affected parties,
- after the expiry of the review period, the Assistant Director: Planning will collate all comments into an overall issues report.

2.3.2 Finalise the General Authorisation

The Assistant Director: Planning will address all comments that were made by interested and affected parties during the public consultation process. The Assistant Director: Planning will amend and finalise the General Authorisation, based on the work undertaken and comments received.

2.3.3 Departmental approval and sign-off

The Assistant Director: Planning will present the final General Authorisation to the Minister for approval and signature.

The approved General Authorisation will then be published in the government gazette and on the Department's website.