

(21 July 2017 – to date)

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 of 2004

(Gazette No. 27318, Notice No. 163. Commencement date: 11 September 2005 – save for sections 21, 22, 36 to 49, 51(1)(e), 51(1)(f), 51(3), 60 and 61 [Government Notice R898, Gazette No. 28016]

DECLARATION OF GREENHOUSE GASES AS PRIORITY AIR POLLUTANTS

*Government Notice 710 in Government Gazette 40996 dated 21 July 2017. Commencement date:
21 July 2017.*

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby, under section 29(1) read with section 29(4) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), declare the greenhouse gases indicated in the Schedule hereto as priority air pollutants, and require persons falling within the category specified in the Schedule to prepare and submit to the Minister pollution prevention plans for approval.

(Signed)

BOMO EDITH EDNA MOLEWA

MINISTER OF ENVIRONMENTAL AFFAIRS

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Prepared by:

SCHEDULE

CHAPTER 1

DEFINITIONS AND PRIORITY POLLUTANT GREENHOUSE GASES

1. Definitions

- (1) In this Notice, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has that meaning, and –

"carbon dioxide equivalents (CO₂-eq)" is a measure used to compare the emissions from various greenhouse gases based upon their global warming potential as defined in the South Africa's National Greenhouse Gas Emission Reporting Regulations;

"person" includes a juristic person;

"pollution prevention plan" means a plan contemplated in section 29(3) of the Act, prepared specifically for the mitigation of greenhouse gases;

"production processes" means the processes from which greenhouse gases emissions which have been declared as priority air pollutants by this Notice, may arise;

"priority air pollutants" means the greenhouse gases declared as such by this Notice;

"the Act" means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

2. Priority pollutant greenhouse gases

The following greenhouse gases are declared priority air pollutants:

- (a) Carbon dioxide (CO₂);
- (b) Methane (CH₄);
- (c) Nitrous oxide (N₂O);
- (d) Hydrofluorocarbons (HFCs);
- (e) Perfluorocarbons (PFCs); and
- (f) Sulphur hexafluoride (SF₆).

CHAPTER 2

PERSONS REQUIRED TO SUBMIT POLLUTION PREVENTION PLANS, REQUIREMENTS FOR SUBMISSION OF POLLUTION PREVENTION PLAN AND REQUIREMENTS FOR MONITORING, EVALUATING AND REPORTING

3. Persons required to submit pollution prevention plans

- (1) A person conducting a production process set out in Annexure A to this Notice which involves emission of greenhouse gases in excess of 0.1 Megatonnes (Mt) annually, reported as carbon dioxide equivalents (CO₂-eq), and/or if so directed by the Minister, is required to submit a pollution prevention plan to the Minister for approval.

4. Requirements for submission of pollution prevention plan

A person conducting a production process referred to in paragraph 3 of this Notice must prepare a pollution prevention plan in accordance with the requirements set out in the pollution prevention plan regulations developed in terms of section 29(3) of the Act.

5. Requirements for monitoring, evaluating and reporting

A person contemplated in paragraph 3 of this Notice must monitor, evaluate and report on the implementation of an approved pollution prevention plan.

Annexure A

List of production processes

- (a) Coal mining;
- (b) Production and/or refining of crude oil;
- (c) Production and/or processing of natural gas;
- (d) Production of liquid fuels from coal or gas;
- (e) Cement production;
- (f) Glass production;
- (g) Ammonia production;
- (h) Nitric acid production;
- (i) Carbon black production;
- (j) Iron and steel production;
- (k) Ferro-alloys production;
- (l) Aluminium production (excluding foundries);
- (m) Polymers production;
- (n) Pulp and paper production;
- (o) Electricity Production (combustion of fossil fuels, excluding the use of back-up generators).