

(2 April 2015 – 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]*

### **REGULATIONS PRESCRIBING THE FORMAT OF THE ATMOSPHERIC IMPACT REPORT**

*Published under Government Notice 747 in Government Gazette 36904 dated 11 October 2013.*

*Commencement date: 11 October 2013*

#### **As amended by:**

*Government Notice R284 in Government Gazette 38633 dated 2 April 2015. Commencement date:*

*2 April 2015.*

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby publish the Regulations prescribing the format of the Atmospheric Impact Report, in terms of section 53(o) read with section 30 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), set out in the Schedule hereto.

(Signed)

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

### **SCHEDULE**

Any person required to submit an atmospheric impact report in terms of section 30 of the National Environmental Management: Air Quality Act, 2004 must do so in the prescribed format set out below.

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**NB: Please complete all sections. Attach required maps and sketches. Graphics must be clear, labeled and, where applicable, should include a true north arrow and scale.**

### 1. ENTERPRISE DETAILS

The report must contain the enterprise details section that provides accurate, complete, current information on the following:

#### 1.1 Enterprise Details

Enterprise Name	
Trading As	
Type of Enterprise, e.g. Company/Close	

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Corporation/Trust	
Company/Close Corporation/Trust Registration Number (Registration Numbers of Joint Venture)	
Registered Address	
Postal Address	
Telephone Number (General)	
Fax Number (General)	
Industry Type/Nature of Trade	
Land Use Zoning as per Town Planning Scheme	
Land Use Rights if outside Town Planning Scheme	

Responsible Person	
Emission Control Officer	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail Address	
After Hours Contact Details	

## 1.2 Location and Extent of the Plant

Physical Address of the Plant	
Description of Site (Where No Street Address)	
Coordinates of Approximate Centre of Operations	North-south: East-west:
Extent (km <sup>2</sup> )	
Elevation Above Mean Sea Level (m)	
Province	
Metropolitan/District Municipality	
Local Municipality	
Designated Priority Area (if applicable)	

### Description of surrounding land use (within 5 km radius)

Provide a description of the surrounding land use within a 5 km radius, specifically noting the names and proximity of residential and commercial areas in relation to the site of works. This information can be obtained from topographical maps, local land use planning offices or other electronic resources.

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Attach legible map(s), satellite image(s) or aerial photograph(s) in colour, detailing location of the plant in relation to surrounding community.

### 1.3 Atmospheric Emission Licence and Other Authorisations

List the atmospheric emission licence number relating to the listed activity or activities undertaken at the plant, and all other authorisations, permits, licences related to air quality management.

## 2. NATURE OF THE PROCESS

### 2.1 Listed Activity or Activities

Category of Listed Activity	Sub-category of the Listed Activity	Description of the Listed Activity

### 2.2 Process Description

Provide a detailed description of the entire production process undertaken at the plant, including reference to the overall balance sheet inputs, outputs and emissions. Attach a process flow diagram that illustrates the inputs, outputs and points of emissions.

### 2.3 Unit Processes

Name of the Unit Process	Unit Process Function	Batch or Continuous Process

Note: In the event of confidential or proprietary information being disclosed, this matter will be handled on a case by case basis. The regulator reserves the right to request proof of a confidentiality or proprietary supply agreement. Failure to provide sufficiently detailed information to allow the air quality officer to make an informed decision, may result in delays in the processing or even rejection of the Atmospheric Impact Report.

### 3. TECHNICAL INFORMATION

#### 3.1 Raw Materials Used

Provide accurate information on raw materials used at the plant:

Raw Material Type	Design Consumption Rate (quantity)	Units (quantity/period)

#### 3.2 Appliances and Abatement Equipment Control Technology

Provide information on appliances used at the plant:

Appliance Name	Appliance Type/Description	Appliance Function/Purpose

Note: In the event of confidential or proprietary information being disclosed, this matter will be handled on a case by case basis. The regulator reserves the right to request proof of a confidentiality or proprietary supply agreement. Failure to provide sufficiently detailed information to allow the air quality officer to make an informed decision, may result in delays in the processing or even rejection of the Atmospheric Impact Report.

#### 4. ATMOSPHERIC EMISSIONS

This paragraph must provide the following information:

##### 4.1 Point source parameters

List the location of all point source parameters, only considering those point sources that emit the pollutant/s identified in the Section 21 regulations for that specific listed activity:

Point source number	Point source name	Point source coordinates	Height of release above ground (m)	Height above nearby building (m)	Diameter at stack tip/vent exit (m)	Actual gas exit temperature (°C)	Actual gas volumetric flow (m³/hr)	Actual gas exit velocity (m/s)	Type of emission (continuous /batch)

##### 4.2 Point source maximum emission rates (normal operating conditions)

Point source number	Point source name (as in paragraph 4.1 above)	Pollutant name	Average emission rate		Duration of emissions
			(mg/Nm³)	Averaging period	

Prepared by:


#### **4.3 Point source maximum emission rates (start-up, shut-down, upset and maintenance conditions)**

Provide a description of start-up, shut-down, upset and maintenance operating conditions with specific reference to the emissions profile that will be expected for the pollutant/s identified in the Section 21 regulations for that specific listed activity. Provide an estimated raw gas emission rate for each of these operating conditions.

Provide a summary of the frequency of start-up, shut-down, upset and maintenance operating conditions experienced over the last 2 years.

#### **4.4 Fugitive emissions (area and or line sources)**

Describe and quantify fugitive emissions at the plant, including, but not limited to:

- (a) emissions from stockpiles, haul roads, conveyors, crushers, material handling;
- (b) evaporation losses from storage tanks, transfer stations, effluent treatment works, dams, etc.; and
- (c) current and approved planned measures to manage or mitigate each source of fugitive emission.

The sub-paragraph must clearly set out source locations, dimensions and temporal variations in emissions for the pollutant/s identified in the Section 21 regulations for that specific listed activity. Technically sound methods must be used in quantifying fugitive emissions. The methods used to quantify fugitive emissions must be documented and the margin of uncertainty indicated.

#### **4.5 Emergency Incidents**

Provide a summary of emergency incidents in the last 2 years resulting in atmospheric emissions, including:

- (a) Nature and cause of the incident;
- (b) Actions undertaken immediately following the incident to minimise impact; and
- (c) Actions undertaken subsequently to reduce the likelihood of reoccurrence.

### **5. IMPACT OF ENTERPRISE ON THE RECEIVING ENVIRONMENT**



## 5.1 Analysis of Emissions' Impact on Human Health

In order to assess the atmospheric impact of the facility on human health a dispersion modelling exercise must be undertaken. Any dispersion modelling study undertaken as part of an Atmospheric Impact Report must be done in accordance with the Regulations Regarding Air Dispersion Modelling specified for regulatory purposes - developed in terms of section 53 of AQA. The impact assessment should take the emissions of the facility under consideration as well as prevailing ambient air concentrations into account during this assessment. A compliance assessment must be undertaken using the national ambient air quality standards, specifically in residential areas and other areas where human exposure could occur

*(Regulation 5.1 substituted by regulation 2 of Government Notice R284 in Government Gazette 38633 dated 2 April 2015)*

## 5.2 Analysis of Emissions' Impact on the Environment

In order to assess the atmospheric impact of the facility on the environment a dispersion modelling exercise may be undertaken at the discretion of an Air Quality Officer, Any dispersion modelling study undertaken as part of an Atmospheric Impact Report must be done in accordance with the Regulations Regarding Air Dispersion Modelling specified for regulatory purposes.

The impact assessment should take the emissions of the facility under consideration into account as well as prevailing ambient air concentrations during this assessment. An environmental assessment may include but is not limited to the following aspects:

- (a) Soil;
- (b) Water Bodies (rivers, dams, lakes); and
- (c) Commercial Agriculture Operations.

*(Regulation 5.2 substituted by regulation 2 of Government Notice R284 in Government Gazette 38633 dated 2 April 2015)*

## 6. COMPLAINTS

Provide details on any complaints the plant has received in respect of air pollution in the last 2 years. The summary of complaints must detail the frequency, nature and source of the complaint as well as all measures taken in response to these complaints.

## 7. CURRENT OR PLANNED AIR QUALITY MANAGEMENT INTERVENTIONS

Provide an overview of any approved air quality management improvement interventions currently being implemented for the facility and those scheduled for the next 5 years. Please indicate the envisaged emission reduction that will be achieved from these interventions.

## **8. COMPLIANCE AND ENFORCEMENT HISTORY**

The AIR must set out all air quality compliance and enforcement actions undertaken against the enterprise in the last 5 years. This may include, amongst others, directives, compliance notices, interdicts, prosecution, fines.

## **9. ADDITIONAL INFORMATION**

Please submit any additional documentation in relation to this Atmospheric Impact Report which you wish to draw to the attention of the responsible Air Quality Officer.

## **10. FORMAL DECLARATIONS**

- 10.1 A declaration of accuracy of information must be submitted by all applicants in the form contained in Annexure A to these Regulations.
- 10.2 A declaration of independence must be submitted by all practitioners preparing Atmospheric impact Reports in the form contained in Annexure B to these Regulations.

**ANNEXURE A**

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**DECLARATION OF ACCURACY OF INFORMATION – APPLICANT**

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**Name of Enterprise:** \_\_\_\_\_

Declaration of accuracy of information provided:

**Atmospheric Impact Report in terms of section 30 of the Act.**

I, \_\_\_\_\_ *[duly authorised]*, declare that the information provided in this atmospheric impact report is, to the best of my knowledge, in all respects factually true and correct. I am aware that the supply of false or misleading information to an air quality officer is a criminal offence in terms of section 51(1)(g) of this Act.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CAPACITY OF SIGNATORY

**ANNEXURE B**

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**DECLARATION OF INDEPENDENCE – PRACTITIONER**

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**Name of Practitioner:** \_\_\_\_\_

**Name of Registration Body:** \_\_\_\_\_

**Professional Registration No.:** \_\_\_\_\_

Declaration of independence and accuracy of information provided:

**Atmospheric Impact Report in terms of Section 30 of the Act.**

I, \_\_\_\_\_, declare that I am independent of the applicant. I have the necessary expertise to conduct the assessments required for the report and will perform the work relating the application in an objective manner, even if this results in views and findings that are not favourable to the applicant. I will disclose to the applicant and the air quality officer all material information in my possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the application by the air quality officer. The information provided in this atmospheric impact report is, to the best of my knowledge, in all respects factually true and correct. I am aware that the supply of false or misleading information to an air quality officer is a criminal offence in terms of section 51(1)(g) of this Act.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CAPACITY OF SIGNATORY