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GENERAL NOTICE

NOTICE 141 OF 2010

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)

PROPOSED REGULATIONS TO PROVIDE FOR THE APPLICATION FORM AND FORMAT FOR ATMOSPHERIC EMISSION LICENCE AND MATTERS PERTAINING TO THE IMPLEMENTATION OF THE ATMOSPHERIC EMISSION LICENSING SYSTEM

I, Buyelwa Patience Sonjica, Minister of Water and Environmental Affairs, hereby give notice of my intention to, under paragraphs (k) and (p) of section 53, read with section 57 of the Act, make the regulations in the schedule.

The draft regulations can be downloaded by members of the public at the following website www.saaqis.org.za. Alternatively, copies of the regulations may be requested from the following person:

Mr Sibusiso Shabalala
Tel: (012) 310 3449
E-mail: sshabalala@deat.gov.za

Members of the public are invited to submit to the Minister, within 30 days of the publication of the notice in the *Gazette*, written representations on or objections to the draft regulations to the following addresses:

By post to: The Director-General: Environmental Affairs
Attention: Mr Sibusiso Shabalala
Private Bag X447
Pretoria, 0001

By fax to: (012) 320-1167, and e-mail to sshabalala@deat.gov.za

Or hand delivered at Corner Pretorius and Van Der Walt Streets, Fedsure Forum Building, 2nd Floor, North Tower.

Any questions in connection with the draft regulations can be directed to Mr Mazwendoda Lushaba at (012) 310-3263 or Mr Sibusiso Shabalala at (012) 310-3449.

Comments received after the closing date may not be considered.


BUYELWA SONJICA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

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CHAPTER 1

INTERPRETATION AND PURPOSE OF THESE REGULATIONS

1. Interpretation

- (1) In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context requires otherwise -

“**applicant**” means a person who has submitted or intends to submit an application;

“**application**” means an application for -

- (a) a new atmospheric emission licence in terms of section 37(2)(a) of the Act;
- (b) the transfer of the atmospheric emission licence in terms of section 44(3)(a) of the Act;
- (c) the renewal of the atmospheric emission licence in terms of section 47(3)(a) of the Act;

“**MMC**” means a Member of the Mayoral Committee who is responsible for air quality management at the relevant district or metropolitan municipality;

“**national framework**” means the National Framework for Air Quality Management in the Republic of South Africa;

- (2) When a period of days must in terms of these Regulations be reckoned from or after a particular day, that period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday.

2. Purpose of these Regulations

The purpose of these Regulations is to prescribe the format of the application form for atmospheric emission licences and the format of the atmospheric emission licences, and to regulate the administrative processes for the processing, consideration and decision of applications for atmospheric emission licences and for matters pertaining thereto.

CHAPTER 2

APPLICATION FORM AND FORMAT OF THE ATMOSPHERIC EMISSION LICENCE

3. Application form for atmospheric emission licence

The application form, as contained in Schedule-A to the regulations, is hereby prescribed as the official application form for atmospheric emission licence.

4. Format of the atmospheric emission licence

- (1) The format of the atmospheric emission licence, as contained in Schedule-B to the regulations, is hereby prescribed as the official format of the atmospheric emission licence.

- (2) Licensing authorities must issue an atmospheric emission licence in the prescribed format.

CHAPTER 3

LICENSING AUTHORITIES

5. Where to submit applications

- (1) If the metropolitan municipality is the licensing authority in respect of a specific application, the application must be submitted to the relevant metropolitan municipality.
- (2) If the district municipality is the licensing authority in respect of a specific application, the application must be submitted to the relevant district municipality.
- (3) If the MEC is the licensing authority in respect of a particular application, the application must be submitted to the provincial department responsible for environmental affairs in that province.
- (4) Any dispute or disagreements in respect of who should be the licensing authority in relation to any specific application must be resolved by the Minister, the MEC of the relevant province and the Executive Mayors of the affected municipalities.

6. Licensing authorities' right of access to information

- (1) A licensing authority is entitled to all information that reasonably has or may have the potential of influencing any decision with regard to the application for an atmospheric emission licence.
- (2) Unless that information is protected by law, an applicant in possession of that information must, on request by the licensing authority, disclose that information to the licensing authority, whether or not such information is favourable to the applicant.

7. Timeframes for licensing authorities

A licensing authority must strive to meet timeframes applicable to licensing authorities in terms of the national framework, the Act and these Regulations.

8. Decision on applications by licensing authorities

After a licensing authority has reached a decision in respect of a licence application, it must within 30 days draw the attention of the applicant or any persons who have objected to the application to the fact that an appeal may be lodged against the decision in terms of Chapter 6 of these Regulations, if such appeal is available in the circumstances of the decision.

9. Registry of applications and records of atmospheric emission licences

- (1) A licensing authority must keep -
 - (a) a register of all applications received by the licensing authority in terms of the Act; and
 - (b) records of all atmospheric emission licences issued.
- (2) The licensing authority must, within 30 days after a licence was issued, ensure that the licence together with the supporting documents is loaded in the electronic national atmospheric emission licences database.

CHAPTER 4**APPLICATIONS FOR ATMOSPHERIC EMISSION LICENCES****10. Checking of applications for compliance with formal requirements**

- (1) On receipt of an application, the licensing authority must check whether the application-
 - (a) is properly completed and that it contains the information required in the application form;
 - (b) is accompanied by any additional maps, diagrams, reports or specialist studies;
 - (c) is accompanied by a copy of the written consent, as required by regulation 12, if the applicant is not the owner of the land where the listed activity will be undertaken; and
 - (d) is accompanied by the non-refundable processing fee required in terms of the Act.
- (2) The licensing authority must, within 14 days of receipt of the application, and in writing -
 - (a) acknowledge receipt of the application, if the application is in order; or
 - (b) reject the application, if it is not in order.
- (3) The applicant of an application that has been rejected in terms of sub-regulation (2) above may correct that application and resubmit it to the licensing authority.
- (4) Sub-regulations (1) and (2) above apply afresh to a corrected application submitted to the licensing authority in terms of sub-regulation (3).

11. Combination of applications

- (1) If an applicant intends undertaking two or more listed activities as part of the same development within the municipal jurisdiction of a particular licensing authority, a single application on one application form must be submitted in respect of all those listed activities.
- (2) If an applicant intends undertaking more than one listed activity at different municipalities' jurisdiction of the licensing authorities within the same province, different applications in respect of the different locations must be submitted to the relevant licensing authorities.

12. Listed activities on land owned by person other than applicant

- (1) If the applicant is not the owner of the land on which the activity is to be undertaken, the applicant must, before applying for a licence in respect of that listed activity, obtain the written consent of the landowner to undertake the proposed listed activity on that land.
- (2) A written consent contemplated in sub-regulation (1) must be in the format as set out in Schedule-C.
- (3) A copy of the written consent must accompany the application submitted to the licensing authority.

13. Consideration of applications

- (1) A licensing authority must within 30 days of acknowledging receipt of an application in terms of regulation 10(2)(a), consider the application.

- (2) If the licensing authority is unable to decide the application on the information provided in the application form alone, the licensing authority must request the applicant to submit a specialist Air Quality Impact Assessment study.

CHAPTER 5

ATMOSPHERIC EMISSION LICENCES

14. Period of validity of atmospheric emission licences

Atmospheric emission licences issued, in terms of section 42 of the Act, are valid for a period of 5 years from date of issue.

CHAPTER 6

APPEALS

15. Applications of this Chapter

- (1) This Chapter applies to decisions of the licensing authority, in terms of section 40 of the Act, that -
- (a) are subject to an appeal to the MMC at the relevant district municipality;
 - (b) are subject to an appeal to the MMC at the relevant metropolitan municipality; and
 - (b) are subject to an appeal to the MEC.
- (2) If an appeal is lodged, in terms of this Chapter, against the decision of the licensing authority, then the decision of the licensing authority is suspended until the appeal authority decides on the appeal.

16. Jurisdiction of MMC and MEC to decide appeals

An appeal against a decision of the licensing authority in terms of section 40 of the Act must be lodged with -

- (a) the MMC at the relevant district municipality, if the district municipality is the licensing authority for the listed activity in relation to which the decision was taken;
- (b) the MMC at the relevant metropolitan municipality, if the metropolitan municipality is the licensing authority for the listed activity in relation to which the decision was taken; or
- (c) the MEC, if the MEC is the licensing authority for the listed activity in relation to which the decision was taken.

17. Notices of Intention to appeal

- (1) A person affected by a decision referred to in regulation 15(1) above who wishes to appeal against the decision, must lodge a notice of intention to appeal with the MMC at the relevant district municipality, MMC at the relevant metropolitan municipality, or MEC, as the case may be, within 14 days after that person has been notified in terms of section 40(4) of the Act of the decision.
- (2) If the appellant is an applicant, the appellant must serve on each person and organ of state which was a registered interested and affected party in relation to the applicant's application -
- (a) a copy of the notice referred to in sub-regulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by such person or organ of state.

- (3) If the appellant is a person other than an applicant, the appellant must serve on the applicant -
- (a) a copy of the notice referred to in sub-regulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- (4) The MMC at the relevant district municipality, MMC at the relevant metropolitan municipality or MEC, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.

18. Submission of appeals

- (1) An appeal lodged with -
- (a) the MMC at the district municipality must be submitted to the municipal department responsible for environmental management in the relevant district municipality;
 - (b) the MMC at the metropolitan municipality must be submitted to the municipal department responsible for environmental management in the relevant metropolitan municipality;
 - (c) the MEC must be submitted to the provincial department responsible for environmental affairs in the relevant province.
- (2) An appeal must, in a letter format, be accompanied by -
- (a) a statement setting out the grounds of appeal;
 - (b) supporting documentation which is referred to in the appeal and which is not in the possession of the MMC at the relevant district municipality, MMC at the metropolitan municipality or MEC;
 - (c) a statement by the appellant that regulation 17(2) or (3) above has been complied with together with copies of the notices referred to in that regulation; and
 - (d) the prescribed appeal fee, if any.

19. Time within which appeals must be lodged

- (1) An appeal must be submitted to the relevant appeal authority, as referred to in regulation 18 above, within 30 days after lodging the notice of intention to appeal referred to in regulation 17(1) above.
- (2) The MMC at the relevant district municipality, MMC at the relevant metropolitan municipality or MEC, may, as the case may be, in writing, on good cause extend the period within which an appeal must be submitted.

20. Responding statements

- (1) A person or organ of state which receives a notice in terms of regulation 17(2) above, or an applicant who receives a notice in terms of regulation 17(3) above, may submit to the relevant appeal authority, as referred to in regulation 18 above, a responding statement within 30 days from the date the appeal submission was made available for inspection.
- (2)(a) A person, organ of state or applicant who submits a responding statement in terms of sub-regulation (1), (hereinafter referred to as a respondent), must serve a copy of the statement on the appellant.
- (b) If a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the relevant appeal authority within 30 days of receipt of the responding statement.
- (c) The appellant must serve a copy of the answering statement on the respondent who submitted the new information.

- (3) The relevant appeal authority may, in writing, on good cause extend the period within which responding statements in terms of sub-regulation (1) above or an appellant's answering statement in terms of sub-regulation (2)(b) above must be submitted.

21. Processing of appeals

- (1) Receipt by the relevant appeal authority of an appeal, responding statement or answering statement must be acknowledged within 10 days of receipt of the appeal, responding statement or answering statement.
- (2) An appellant and each respondent is entitled to be notified of -
- (a) whether the appeal lodged suspends the decision appealed against; and
 - (b) whether the relevant appeal authority will appoint an appeal panel for the purposes of the appeal.
- (3) The relevant appeal authority may request the appellant or a respondent to submit such additional information in connection with the appeal as the appeal authority may require.

22. Appeal panels

- (1) If the relevant appeal authority appoints an appeal panel, the appeal authority must furnish the panel with a written instruction concerning -
- (a) the issues in respect of which the panel must make recommendations; and
 - (b) the period within which recommendations must be submitted to the relevant appeal authority.
- (2) A member of an appeal panel must be independent.
- (3) If an appeal panel introduces any new information not dealt with in the appeal submission of the appellant or in the statements of the respondents, both the appellant and each respondent are entitled to submit to the panel, within a period determined by the panel, any additional statements rebutting or supporting such new information.
- (4) An appeal panel must submit its recommendations to the relevant appeal authority in writing.

23. Decision on panels

- (1) When the relevant appeal authority has reached a final decision on an appeal, the appellant and each respondent must be notified of the decision and the extent to which the decision appealed against is upheld or overturned in writing.
- (2) Reasons for the decision must on written request be given to the appellant or a respondent in writing.

CHAPTER 7

SHORT TITLE AND COMMENCEMENT

24. Short title and commencement

These Regulations may be cited as the Atmospheric Emission Licence Regulations, 2010, and shall come into operation on a date determined by the Minister by notice in the *Government Gazette*.

SCHEDULE-A



REPUBLIC OF SOUTH AFRICA

**APPLICATION FORM FOR ATMOSPHERIC EMISSION LICENCE / PROVISIONAL ATMOSPHERIC
EMISSION LICENCE IN TERMS OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)**

Name of Enterprise: _____

Declaration of accuracy of information provided:

Application for an atmospheric emission licence / provisional atmospheric emission licence as envisaged in chapter 5 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

I, _____, declare that the information provided in this application or attached to the application 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 in the application form is a criminal offence in terms of section 51(1)(f) of the Act.

Signed at _____ on this _____ day of _____

SIGNATURE

CAPACITY OF SIGNATORY

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Process Description

Listed Activities

Unit Processes

Hours of Operation

Graphical Process Information

5. RAW MATERIALS AND PRODUCTS

Raw Materials Used

Production Rates

Energy Sources Used

Sources of Atmospheric Emission (including greenhouse gas emission)

6. APPLIANCES AND MEASURES TO PREVENT AIR POLLUTION

Appliances and Control Measures

Start-Up, Maintenance and Shut Down Conditions

Environmental Management System

Energy Conservation Measures

Cleaner Production Targets

Routine Reporting and Record-Keeping

7. DISPOSAL OF WASTE AND EFFLUENT ARISING FROM AIR POLLUTION MITIGATION MEASURES

NB: PLEASE COMPLETE ALL SECTIONS. MARK WITH AN X IN SPACES WHERE APPLICABLE. IF THE SPACE PROVIDED IS INSUFFICIENT, THE REQUIRED INFORMATION MAY BE SUBMITTED IN THE FORM OF A MEMORANDUM. ATTACH REQUIRED MAPS AND SKETCHES. GRAPHICS MUST BE CLEAR, LABELED AND, WHERE APPLICABLE, SHOULD INCLUDE A TRUE NORTH ARROW AND SCALE.

1 TYPE OF APPLICATION

<input type="checkbox"/>	New Application	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Renewal	<input type="checkbox"/>	Review

Current APPA Permit / Atmospheric Emission Licence Number (if applicable):

2 ENTERPRISE INFORMATION

Entity Name	
Trading As	
Type of Entity, e.g. Company/Close Corporation/Trust, etc	
Company/Close Corporation/Trust Registration Number (Registration Numbers if 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 Name or Emission Control Officer (if appointed)	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail Address	
After Hours Contact Details	

3 SITUATION AND EXTENT OF PLANT

3.1 Location and Extent of Plant

Physical Address of the Licenced Premises	
Description of Site (Where No Street Address)	
Property Registration Number (Surveyor-General Code)	
Coordinates (latitude, longitude) of Approximate Center of Operations (Decimal Degrees)	Latitude: Longitude:
Coordinates of Approximate Center of Operations	North-south: East-west:
Extent (km ²)	
Elevation Above Mean Sea Level (m)	
Province	
Metropolitan/District Municipality	
Local Municipality	
Designated Priority Area (if applicable)	

3.2 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 the works.

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

4 NATURE OF PROCESS

4.1 Process Description

Please provide a detailed description of the entire production process including reference to the overall balance sheet of inputs, outputs and emissions at the site of the works.

4.2 Listed Activities

List all Listed Activities, as published in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), proposed to be conducted at the premises in terms of this application:

Listed Activity Number	Category of Listed Activity	Listed Activity Name	Listed Activity Description

Despite the repeal of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), list all Scheduled Process(es), as was or were set out in the Second Schedule of the repealed Atmospheric Pollution Prevention Act, 1965, currently conducted at the premises:

APPA Registration Certificate Number	Date of Registration Certificate	Scheduled Process Number	Scheduled Process Description

4.3 Unit Processes

List all unit processes associated with the listed activities in operation at the premises by the atmospheric emission licence holder, highlighting unit processes proposed in respect of this application:

Unit Process	Unit Process Function	Batch or Continuous Process

Please provide any other unit processes currently conducted at the site of works.

Name of the Unit Process	Description of the Unit Process

4.4 Hours of Operation

Provide the hours of operation of all unit processes associated with the listed activities in operation at the premises by the atmospheric emission licence holder, highlighting unit processes proposed in respect of this application:

Unit Process	Operating Hours	No. Days Operation per Year

4.5 Graphical Process Information

Attach the following for the entire operation being undertaken at the site of the works:

- Simplified block diagram with the name of each unit process in a block; showing links between all unit processes or blocks.
- Process flow chart(s) clearly indicating inputs, outputs and emissions at the site of works, including points of potential fugitive emissions and emergency releases.
- Site layout diagram (plan view and to scale) indicating location of unit processes, plants, buildings, stacks, stockpiles and roads (include true north arrow and scale).

NB: Indicate clearly on the above graphics the listed activity or activities applied for in this application. Alternatively, provide additional graphics for the listed activity or activities applied for.

5.4.9 Spatial Representation of Processes and Sources

Attach site layout diagram(s) (plan view and to scale, include true north arrow and scale) indicating:

- location of unit processes, plants, buildings, stacks, stockpiles and roads.
- location of point and area sources listed with unique stack ID and unique area ID, respectively, specified.

Indicate clearly on the above graphics the listed activity or activities applied for in this application. Alternatively, provide additional graphics for the listed activity or activities applied for.

6.3 Environmental Management System

Atmospheric Emission Licence holders are required to establish an Environmental Management System (EMS) that gives effect to the principle of continuous improvement. The EMS must as a minimum provide for the actions listed below. Specify dates by which the following actions have been / will be taken for the entire operation at the site of the works:

Item	Action	Date Completed / Due Date
1	Identify and quantify potential for environmental impacts	
2	Prioritise the identified impacts	
3	Identify appropriate preventative and corrective actions	
4	Develop responsive management controls, systems and procedures	
5	Identify improvement projects to be added to the five-year Environmental Improvement Programme	

6.6 Routine Reporting and Record-Keeping

6.6.1 Complaints Register

Is a complaints register maintained at the site works?

	Yes	
	No	
	To be initiated, by date:	

In the event that a complaints register is maintained, please provide a copy of complaints received and corrective actions taken over the past two years.

6.6.2 Non-compliance with Current Atmospheric Emission Licence Conditions

If atmospheric emission licence(s) are currently held, summarise instances of non-compliance with the conditions of such atmospheric emission licence(s) which have occurred over the past two years:

Unique Stack ID	Pollutant Released	Emission Limit Exceeded	Root Cause Analysis	Measures Implemented to Prevent Recurrence	Date by which Measures were / will be Implemented

SCHEDULE-B



REPUBLIC OF SOUTH AFRICA

**FORMAT OF THE ATMOSPHERIC EMISSION LICENCE / PROVISIONAL ATMOSPHERIC
EMISSION LICENCE AS CONTEMPLATED IN SECTION 43 OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT: AIR QUALITY ACT, 2004, (ACT NO. 39 OF 2004)**

This Atmospheric Emission Licence / Provisional Atmospheric Emission Licence (*delete which ever not applicable*) issued to _____ (*insert company name*) in terms of section 41(1)(a) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) ("the Act"), in respect of Listed Activity No. _____ (*insert listed activity number as published in terms of Section 21 of the Act*). The Atmospheric Emission Licence / Provisional Atmospheric Emission Licence (*delete which ever not applicable*) has been issued on the basis of information provided in the company's application dated _____ (*insert date*) and information that became available during processing of the application.

The Atmospheric Emission Licence / Provisional Atmospheric Emission Licence (*delete which ever not applicable*) is valid until _____ (*insert expiry date*).

The reason issuance of the current licence is _____ (new application/renewal/transfer/review).

The Atmospheric Emission Licence / Provisional Atmospheric Emission Licence (*delete which ever not applicable*) is issued subject to the conditions and requirements set out below which form part of the Atmospheric Emission Licence / Provisional Atmospheric Emission Licence (*delete which ever not applicable*) and which are binding on the holder of the Atmospheric Emission Licence ("the holder").

1. ATMOSPHERIC EMISSION LICENCE ADMINISTRATION

Name of the Licensing Authority	
Atmospheric Emission Licence Number	
Atmospheric Emission Licence Issue Date	
Atmospheric Emission Licence Type	<i>Provisional or Final</i>
Review Date, not later than	

Air Quality Officer Signature: _____

Date: _____

2. ATMOSPHERIC EMISSION LICENCE HOLDER DETAILS

Enterprise Name	
Trading as	
Enterprise Registration Number (Registration Numbers if Joint Venture)	
Registered Address	
Postal Address	
Telephone Number (General)	
Industry Sector	
Name of Responsible Officer	
Name of Emission Control Officer (if appointed)	
Telephone Number	
Cell Phone Number	
Fax Number	
Email Address	
After Hours Contact Details	
Land Use Zoning as per Town Planning Scheme	

3. SITUATION AND EXTENT OF PLANT**3.1. Location and Extent of Plant**

Physical Address of the Licenced Premises	
Description of Site (Erf)	
Property Registration Number (Surveyor-General Code)	
Coordinates (Latitude, Longitude) of Approximate Center of Operations (Decimal Degrees)	Latitude: Longitude:
Extent (km ²)	
Elevation Above Mean Sea Level (m)	
Province	
Metropolitan/District Municipality	
Local Municipality	
Designated Priority Area (If Applicable)	

3.2. Description of Surrounding Land Use (within 5 km radius)

North	
East	
South	
West	

Air Quality Officer Signature: _____

Date: _____

4. GENERAL CONDITIONS

4.1. Process and Ownership Changes

The holder of the atmospheric emission licence must ensure that all unit processes and apparatus used for the purpose of undertaking the listed activity in question, and all appliances and mitigation measures for preventing or reducing atmospheric emissions, are at all times properly maintained and operated.

No building, plant or site of works used by the licence holder shall be materially extended, altered or added to the listed activity without the prior approval of the licensing authority.

Any changes in processes or production increases, by the licence holder, will require prior approval by the licensing authority.

Any changes to the type and quantities of input materials and products, or to production equipment and treatment facilities will require prior written approval by the licensing authority.

The licence holder must, in writing, inform the licensing authority of any change of ownership of the enterprise. The licensing authority must be informed within 30 (thirty) days after the change of ownership.

The licence holder must immediately on cessation or decommissioning of the listed activity inform, in writing, inform the licensing authority.

4.2. General Duty of Care

The holder of the licence must, when undertaking the listed activity, adhere to the duty of care obligations as set out in section 28 of the National Environmental Management Act, 1997 (Act No. 107 of 1998) (NEMA).

The licence holder must undertake the necessary measures to minimize or contain the atmospheric emissions. The measures are set out in section 28(3) of the NEMA.

Failure to comply with the above condition is a breach of the duty of care, and the licence holder will be subject to the sanctions set out in section 28 of the NEMA.

4.3. General Requirements for Sampling and Compliance

Measurement, calculation and/or sampling and analysis shall be carried out in accordance with any nationally or internationally acceptable standard. A different method may be acceptable to the licensing authority as long as it has been consulted and agreed to the satisfactory documentation necessary in confirming the equivalent test reliability, quality and equivalence of analyses.

The licence holder is responsible for quality assurance of methods and performance. Where the holder of the licence uses external laboratories for sampling or analysis, accredited laboratories and service shall be used whenever possible.

The licence holder is responsible for ensuring compliance with the conditions of this licence by any person acting on his, her or its behalf, including but not limited to, an employee, agent, sub-contractor or person rendering a service to the holder of the licence.

The licence does not relieve the licence holder to comply with any other statutory requirements that may be applicable to the carrying on of the listed activity.

A copy of the licence must be kept at the premises where the listed activity is undertaken. The licence must be made available to the environmental management inspector representing the licensing authority who requests to see it.

Air Quality Officer Signature: _____

Date: _____

The licence holder must inform, in writing, the licensing authority of any change to its details including the name of the emission control officer, postal address and/or telephonic details.

4.4. Statutory Obligations and Principles

The licence holder must comply with the obligations as set out in Chapter 5 of the Act.

The principles and legal requirements as set out in section 2 of the NEMA are also applicable to the atmospheric emission licence.

4.5. Annual Payment of Atmospheric Emission Licence Processing Fee

The licence holder must, for the period of validity of the licence, pay the processing fee annually to the licensing authority. The processing fee must, for the period of validity of the licence, be paid at the end of November each year.

5. NATURE OF PROCESS

5.1. Process Description

Provide a brief description of the processes on the site.

5.2. Listed Activities

List of all Listed Activities, as published in terms of Section 21 of the AQA, authorised to be undertaken at the premises by the licence holder:

Listed Activity Number	Category of Listed Activity	Listed Activity Name	Listed Activity Description

5.3. Unit Processes

List of all unit processes associated with the listed activities to be undertaken at the site of work.

Unit Process	Unit Process Function	Batch or Continuous Process

5.4. Hours of Operations

Indicate the hours of operation of all unit processes associated with the listed activities at the site of work.

Unit Process	Operating Hours	Days of Operation per Year

Air Quality Officer Signature: _____ Date: _____

5.5. Graphical Process Information

The following diagrams depicting the graphical operation for the entire operation must be attached:

- simplified diagram with the name of each unit process showing links between all unit processes or blocks;
- process flow chart indicating inputs, outputs and emissions at the site of works, including points of potential fugitive emissions and emergency releases; and
- site layout diagram indicating location of unit processes, plants, buildings, stacks, stockpiles and roads.

6. RAW MATERIALS AND PRODUCTS

6.1. Raw Materials Used

Regulated Raw Materials		
Raw Material Type	Maximum Permitted Consumption Rate (Volume)	Units (quantity/period)
Non-regulated Raw Materials		
Raw Material Type	Maximum Permitted Consumption Rate (Volume)	Units (quantity/period)

6.2. Production Rates

Regulated Products		
Product Name	Maximum Permitted Production Capacity (Volume)	Units (quantity/period)
Non-regulated Products		
Product / By-Product Name	Maximum Permitted Production Capacity (Volume)	Units (quantity/period)

Air Quality Officer Signature: _____

Date: _____

6.3. Energy Sources Used

Energy Source	Actual Consumption Rate (Volume)	Units (quantity/period)	Fuel Characteristics

Air Quality Officer Signature: _____

Date: _____

6.4. Sources of Atmospheric Emission

6.4.1. Point Source Parameters

Point Source Code	Source Name	Latitude (decimal degrees)	Longitude (decimal degrees)	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 (m ³ /hr)	Actual Gas Exit Velocity (m/s)	Emission Hours	Type of Emission (Continuous / Batch)
		South	East								

6.4.2. Area and/or Line Source Parameters

Area Source Code	Source Name	Source Description	Latitude (decimal degrees) of SW corner	Longitude (decimal degrees) of SW corner	Height of Release Above Ground (m)	Length of Area (m)	Width of Area (m)	Emission Hours	Type of Emission (Continuous / Intermittent)

Air Quality Officer Signature: _____ Date: _____

7. APPLIANCES AND MEASURES TO PREVENT AIR POLLUTION

7.1. Appliances and Control Measures

Associated Source Code	Appliances			Air Pollution Control Technology							
	Appliance / Process Equipment Number	Appliance Serial Number	Appliance Type / Description	Appliance Manufacture Date	Product Name and Model	Commission Date	Date of Significant Modification / Upgrade	Technology Type	Design Capacity	Permitted Minimum Control Efficiency (%)	Permitted Minimum Utilisation (%)

7.2. Point Source – Maximum Permissible Emission Rates (Under Normal Working Conditions)

Point Source Code	Pollutant Name	Maximum Permissible Release Rate		Average Period (Instantaneous, Hourly, Daily, Monthly, Annually)	Maximum Gas Volumetric Flow (m ³ /hr)	Maximum Gas Exit Velocity (m/s)	Permitted Emission Hours	Permitted Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By					

Air Quality Officer Signature: _____

Date: _____

Point Source – Operating Requirements

7.3. Point Source – Maximum Permissible Emission Rates (Under Start-Up, Maintenance and Shut-Down Conditions)

Point Source Code	Pollutant Name	Maximum Permissible Release Rate		Average Period (Instantaneous, Hourly, Daily, Monthly, Annually)	Maximum Gas Volumetric Flow (m ³ /hr)	Maximum Gas Exit Velocity (m/s)	Permitted Emission Hours	Permitted Duration of Emissions
		(mg/Nm ³)	Date to be Achieved By					

Point Source – Operating Requirements

Air Quality Officer Signature: _____ Date: _____

7.4. Point Source – Emission Monitoring and Reporting Requirements

Point Source Code	Emission Sampling / Monitoring Method	Sampling Frequency	Sampling Duration	Parameters to be Measured	Parameters to be Reported	Reporting Frequency

7.5. Area Source – Management and Mitigation Measures

Area Source Code	Area Source Description	Description of Specific Measures	Required Control Efficiency (%)	Timeframe for Achieving Required Control Efficiency	Method of Monitoring Measures Effectiveness	Contingency Measures

Air Quality Officer Signature: _____

Date: _____

7.6. Energy Conservation Measures

The licence holder shall evaluate its activities to improve energy utilisation and efficiency.

Energy Conservation Measure	Implementation Date	Target	Date to Achieve Target	Progress Monitoring & Reporting Method

7.7. Cleaner Production Targets

The licence holder must investigate cleaner production processes and practices that are relevant to its operations with a view towards reducing energy consumption and atmospheric emission related to the listed activity or activities.

Cleaner Production Measure	Implementation Date	Target	Date to Achieve Target	Progress Monitoring & Reporting Method

Air Quality Officer Signature: _____ Date: _____

7.8. Routine Reporting and Record-Keeping

Complaints Register

The licence holder must maintain a complaints register at its premises, and such register must be made available for inspections. The complaints register must include the following information on the complainant, namely, the name, physical address, telephone number, date and the time when the complain was registered. The register should also provide space for noise, dust and offensive odours complaints.

Furthermore, the licence holder is to investigate and report to the licencing authority in a summarised format on the total number of complaints logged and indicate the number of complaints attributable to it. The licencing authority must also be provided with a copy of the complaints register. The record of a complaint must be kept for at least 5 (five) years after the complaint was made.

Monthly Reporting

The licence holder must record and report any non-compliance with permitted emission standards to the licencing authority. Any non-compliance must be reported to the licencing authority on a monthly basis, and must be reported within 15 (fifteen) days of the reporting month end. The non-compliance must be reported in the following format:

- (a) Source code / name;
- (b) Emission standard exceeded;
- (c) Root cause analysis;
- (d) Calculation of impacts / emissions associated with the non-compliance incidents and dispersion modelling of pollutants, where applicable;
- (e) Measures implemented or to be implemented to prevent recurrence; and
- (f) Date by which measure will be implemented.

Annual Reporting

The licence holder must complete and submit to the licencing authority an annual report. The report must include information for the year under review. The report must be submitted to the licencing authority not later than 60 (sixty) days after the end of each reporting period. The annual report must include, amongst others, the following items:

- (a) Pollutant emissions trend;
- (b) Compliance audit report(s);
- (c) Major upgrades projects (i.e. abatement equipment or process equipment); and
- (d) Greenhouse gas emissions.

The holder of the licence must keep a copy of the annual report for a period of at least 5 (five) years.

Air Quality Officer Signature: _____

Date: _____

7.9. Investigation and Reviews

The following investigations are required:

Investigation	Purpose	Completion Date

8. DISPOSAL OF WASTE AND EFFLUENT ARISING FROM AIR POLLUTION MITIGATION MEASURES

The disposal of any waste and effluent arising from any air pollution mitigation measure must comply with the relevant legislation and requirements of the relevant authorities.

Source Code / Name	Waste / Effluent Type	Hazardous Components Present	Method of Disposal	Permit Status

9. PENALTIES FOR NON-COMPLIANCE WITH LICENCE AND STATUTORY CONDITIONS AND / OR REQUIREMENTS

Failure to comply with any of the licence and relevant statutory conditions and/or requirements is an offence, and licence holder, if convicted, will be subjected to those penalties as set out in section 52 of the AQA.

Air Quality Officer Signature: _____

Date: _____

SCHEDULE-C



REPUBLIC OF SOUTH AFRICA

CONSENT FORM TO UNDERTAKE A LISTED ACTIVITY ON LAND OWNED BY PERSON OTHER THAN THE APPLICANT, AS CONTEMPLATED IN REGULATION 12(2) OF THESE REGULATIONS

This serves to confirm that I, _____ (insert name of owner of property) owner of _____ (insert erf or stand number of the property and physical address) hereby consent to _____ (insert name of applicant in terms of these Regulations) undertaking the following activity _____ (short description of the listed activity) in the abovementioned property. The consent is subject to the following conditions:

- (a) That the abovementioned applicant shall at all times comply with the relevant environmental legislation when undertaking the listed activity;
(b) That any environmental liability during the operation of the listed activity lies with the applicant; and
(c) That any environmental liability after the cessation of the listed activity (for a period of 5 (five) years) shall be the responsibility of the applicant.

Signed at _____ this _____ day of _____.

Signatures:

Owner of Property

Witness No. 1

Applicant

Witness No. 2

Air Quality Officer Signature: _____ Date: _____