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DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 6

08 JANUARY 2016

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

DECLARATION OF GREENHOUSE GASES AS PRIORITY AIR POLLUTANTS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to declare the greenhouse gases as priority air pollutants and to require a person falling within the specified category to prepare and submit for approval a pollution prevention plan, under section 29(1), read with section 57(1) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), set out in the Schedule hereto.

Members of the public are hereby invited to submit to the Minister, within 30 days after the publication of the notice in the *Gazette*, written representations or objections on the proposed declaration of greenhouse gases as priority air pollutants to the following addresses:

By post to: The Director-General: Department of Environmental Affairs
Attention: Mr A M Makwarela
Private Bag X447
PRETORIA
0001

By hand at: 473 Steve Biko Street, Ground Floor (Reception), Environment house building, Arcadia, Pretoria, 0001.

By email: MAMakwarela@environment.gov.za.

Any inquiries in connection with the draft notice can be directed to: Mr A M Makwarela, at 012 399 9163.

Comments received after the closing date will not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

1. Definitions

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

“carbon dioxide equivalents (CO₂-eq)” means emissions of greenhouse gases that have been calculated to be equivalent to carbon dioxide in terms of 100 years global warming potential as prescribed in the South Africa’s National Greenhouse Gas Emission Reporting Regulations;

“direct emissions” means emissions from sources that are owned or controlled by the reporting person;

“person” includes a juristic person.

2. Priority pollutant greenhouse gases

The following greenhouse gases are declared priority air pollutants in terms of section 29(1)(a) of this Act:

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

3. Persons required to submit pollution prevention plans

- (1) The following person is required to submit a pollution prevention plan:
- (a) A person conducting a production process set out in Annexure A to this notice which involves the direct emission of greenhouses gases declared as priority air pollutant, in paragraph 2 of this notice, in excess of 0.1 Megatonnes (Mt) annually measured as carbon dioxide equivalents (CO₂-eq); or
 - (b) A person undertaking a production process listed in Annexure A, as a primary activity.
- (2) The Minister may, by notice, amend the list of production processes set out in paragraph (1) above by—
- (a) adding other production processes to the list in Annexure A;
 - (b) removing production processes listed in Annexure A; or
 - (c) making other changes.

4. Requirements for submission of pollution prevention plan

A person conducting a production process or processes referred to in paragraph 3 must prepare and submit to the Minister for approval, a pollution prevention plan in accordance with the requirements contained in the regulations developed in terms of section 29(3) of this Act.

5. Requirements for monitoring, evaluating and reporting

A person submitting pollution prevention plan, that has been approved by the Minister, must in terms of 29(4) of the Act monitor, evaluate and report on the implementation of the 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;
- (m) Polymers production;
- (n) Pulp and paper production;
- (o) Electricity Production (combustion of fossil fuels, excluding the use of back-up generators).