

ATMOSPHERIC EMISSION LICENSING SYSTEM

LEGAL BACKGROUND

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PRESENTATION OVERVIEW

- Air Quality Management Legislation
- “Transitional Period”



AIR QUALITY MANAGEMENT LEGISLATION

Regulation under Atmospheric Pollution Prevention Act, 1965

- Registration certificate issued by the Chief Air Pollution Control Officer for the
 - whole country except for-
 - (a) City of Johannesburg Metropolitan Municipality
 - (b) City of Cape Town Metropolitan Municipality
 - (c) Ekurhuleni Metropolitan Municipality
- Currently registration certificates issued in terms of section 10 of APPA, until
 - 11 September 2009
 - Second Schedule to the APPA contains 72 scheduled processes



AIR QUALITY MANAGEMENT LEGISLATION

Regulation under National Environmental Management: Air Quality Act, 2004

- On 11 September 2009, the AQA will repeal the whole of APPA
- Licensing authorities are the metropolitan municipalities, district municipalities and provinces
- Relevant licensing authorities to issue atmospheric emission licenses in accordance with Chapter 5 of the AQA



AIR QUALITY MANAGEMENT LEGISLATION

Permitting under AQA

- National ambient air quality standards (S 9)
- National list of activities and associated minimum emission standards (Ss 21 & 22)
- Priority Areas Air Quality Management Plan (Ss 19 & 20)
- Atmospheric emission license fee calculator and regulations regarding the use of the license fee calculator (Chapter 5)
- Licensing provisions as set out in Chapter 5
- Public participation process (S 38(3))



AIR QUALITY MANAGEMENT LEGISLATION

Listed Activities in Mining Areas

- National Environmental Management Amendment Act, 2008 (Act No. 62 of 2008)
- Listed activities in mining areas brought under NEMA framework legislation
- Air quality implications:
 - (a) AQA applicable in mining areas;
 - (b) Listed activity in mining areas requires an AEL; and
 - (c) Compliance monitoring and enforcement activities.



TRANSITIONAL PERIOD – S 61

What is a “Transitional Period”?

- Regardless of the expiry dates in the RC's
 - All provisional registration certificates valid for 2 years (i.e. Sept 2011)
 - All registration certificates valid for 4 years (i.e. Sept 2013)

- ***“Transitional Period” Process***
 - All provisional RC must be renewed, within the 2 years, and holders issued with either provisional AEL or AEL
 - All RC must be renewed, within the first 3 years, and holders issued with an AEL

- The responsibility lies with the holders of the (provisional) RC to apply to the relevant licensing authorities for conversion
- Renewal applications in terms of section 47 of AQA



TRANSITIONAL PERIOD – S 61

Failure to Comply with Transitional Period Timeframes

- If the holder of the provisional RC fails to comply with the transitional period timeframe, the provisional certificate expires at the end of the 2 years
- If the holder of the registration certificate fails to comply with the transitional period timeframe, the certificate expires at the end of the 3 years

Applications for Registration Certificates

- Any application for a registration certificate made in terms of APPA, which was not decided when AQA comes into operation, must be proceeded with as if such application was submitted in terms of section 37 of AQA



**THANK YOU FOR YOUR
VALUABLE TIME**

