

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 4753

26 April 2024

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)****AMENDMENTS TO THE NOTICE DECLARING TEMPORARY ASPHALT PLANTS AS A
CONTROLLED EMITTER AND ESTABLISHING EMISSION STANDARDS, PUBLISHED IN
GOVERNMENT NOTICE NO. 201, GOVERNMENT GAZETTE NO. 37461 OF 28 MARCH 2014**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 23(1) read with section 24 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), amend the Notice declaring temporary asphalt plants as a controlled emitter, published in Government Notice No. 201, Government Gazette No. 37461 of 28 March 2014, as set out in the Schedule hereto.



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Definitions

1. In this Schedule unless the context indicates otherwise —

“**the Notice**” means the Notice declaring temporary asphalt plants as controlled a emitter that result in atmospheric emissions, which through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health or the environment, as published in Government Notice No. 201, Government Gazette No. 37461 of 28 March 2014.

Amendment of Part 1 of the Notice

2. Part 1 of the Notice is hereby amended by —

(a) the insertion before the definition of “**asphalt plant**” of the following definition:

“**air quality officer**” means an air quality officer as defined in section 1 of the Act;”.

(b) the substitution of the definition of “**existing asphalt plant**” for the following definition:

“**existing temporary asphalt plant**” means any temporary asphalt plant that was built before the coming into effect of this Notice;”.

(c) the substitution of the definition of “**new asphalt plant**” for the following definition:

“**new temporary asphalt plant**” means any temporary asphalt plant that was built after the coming into effect of this Notice;”.

(d) the substitution for the definition of “**operator or owner**” for the following definition:

“**operator or owner**” means a person that owns, manages, or controls a temporary asphalt plant;”.

(e) the substitution for the definition of “**temporary asphalt plant**” for the following definition:

“**temporary asphalt plant**” means an asphalt plant that is used for the sole purpose of supplying asphalt for a specific surfacing project, for a period not exceeding 24 months; and

(f) the insertion after the definition of “**temporary asphalt plant**” of the following new definitions:

“**the Act**” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); and

“the National Atmospheric Emission Reporting Regulations, 2015” means the National Atmospheric Emission Reporting Regulations, published in Government Notice No. 283, Government Gazette No. 38633 of 2 April 2015.”

Amendment of paragraph 2 of the Notice

3. Paragraph 2 of the Notice is hereby amended by the substitution of paragraph 2 for the following paragraph:

- “2. (a) An air quality officer is responsible for co-ordinating matters pertaining to this Notice.
- (b) If a temporary asphalt plant is used for the sole purpose of supplying asphalt for a road—
- (i) the district air quality officer is responsible for co-ordinating matters pertaining to this Notice, where a road or roads surfacing fall within the boundaries of more than one local municipality;
 - (ii) the provincial air quality officer is responsible for co-ordinating matters pertaining to this Notice, where a road or roads surfacing fall within the boundaries of more than one District; and
 - (iii) the national air quality officer is responsible for co-ordinating matters pertaining to this Notice, where a road or roads surfacing fall within the boundaries of more than one Province”.

Insertion of paragraph 10A in the Notice

4. The Notice is hereby amended by the insertion after paragraph 10 of the following paragraph:

“Reporting under the National Atmospheric Emission Inventory System

- 10A.** An operator of a temporary asphalt plant must comply with all the requirements stipulated in the National Atmospheric Emission Reporting Regulations, 2015.”

PUBLIC NOTICE**NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)****AMENDMENTS TO THE NOTICE DECLARING TEMPORARY ASPHALT PLANTS AS A CONTROLLED EMITTER AND ESTABLISHING EMISSION STANDARDS, PUBLISHED IN GOVERNMENT NOTICE NO. 201, GOVERNMENT GAZETTE NO. 37461 OF 28 MARCH 2014**

The Minister of Forestry, Fisheries and the Environment, hereby gives notice of her amendment of the Notice declaring temporary asphalt plants as a controlled emitter that result in atmospheric emissions which through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health or the environment, as published in Government Notice No. 201, Government Gazette No. 37461 of 28 March 2014.

A copy of the Notice with the published amendments for implementation can be accessed on the following website: https://www.dffe.gov.za/legislation/gazetted_notices or www.gpwonline.gov.za, as well as on the South African Air Quality Information System website: <https://saqis.environment.gov.za>

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ISSUED BY THE DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT