

## DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 3319

21 April 2023

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

## PROPOSED AMENDMENTS TO THE NOTICE DECLARING TEMPORARY ASPHALT PLANTS AS CONTROLLED EMITTERS AND ESTABLISHING THEIR EMISSION STANDARDS, AS PUBLISHED IN GOVERNMENT NOTICE NO. 201 IN GOVERNMENT GAZETTE NO. 37461 OF 28 MARCH 2014

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 23 read with sections 24, 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), give notice of my intention to amend the Notice declaring temporary asphalt plants as controlled emitters, as published in Government Notice No. 201 in *Government Gazette* No. 37461 of 28 March 2014, as set out in the schedule to this notice.

The public is invited to submit written comments about the proposed amendments within 30 days from the date of the publication of this Notice in the *Government Gazette*, or in the newspaper, whichever date is the later, to the following addresses:

**By post to:** The Director-General: Department of Forestry, Fisheries and the Environment  
Attention: Mr Mapitso Nkoko  
Private Bag X447  
**PRETORIA**  
0001

**By hand at:** 473 Steve Biko Road, Environment House (Ground floor), Arcadia, Pretoria

**By email:** MNkoko@dffe.gov.za

Any enquiries in connection with the notice can be directed to Mr Victor Loate at Tel: 012 399 8507 / Cell: 066 081 6205, or by email: VLoate@dffe.gov.za

**Comments received after the closing date may not be considered.**



**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 emitters 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 in *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 for "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 for "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 of the definition for 'operator or owner' for the following definition:

" **'operator'** means a person that owns, manages, or controls a temporary asphalt plant;"
  - (e) the substitution of the definition for "temporary asphalt plant" for the following definition:

" **'temporary asphalt plant'** means an asphalt plant that is operational for a period not exceeding 24 months and is used for the purpose of supplying asphalt for paving roads or any other purpose;" and

(f) the insertion after the definition of “temporary asphalt plant” of the following 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 in *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 and implementing matters pertaining to this Notice.
- (b) Where a road or roads paving will fall within the boundaries of more than one District, a provincial air quality officer is responsible for co-ordinating and implementing matters pertaining to this Notice.
- (c) Where a road or roads paving will fall within the boundaries of more than one Province, a national air quality officer is responsible for co-ordinating and implementing matters pertaining to this Notice.”.

#### **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.”.