

 <b>environmental affairs</b> Department: Environmental Affairs REPUBLIC OF SOUTH AFRICA	<b>Reference:</b>	SAEO2019/19/05/28/01
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<b>Document Type:</b>	<b>Information Sheet</b>	
<b>Title:</b>	<b>THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT 39 OF 2004)</b>	
<b>Document Status:</b>	Draft for internal departmental discussion purposes only	

## 1 PURPOSE

This information sheet has been compiled in order to provide the reader with basic reference information on key pieces of South African environmental laws and regulations.

## 2 THE ACT

<b>Short Title:</b>	<b>National Environmental Management: Air Quality Act, 2004</b>				
<b>Acronym:</b>	NEMAQA	<b>Year:</b>	2004	<b>Act number:</b>	39
<b>Full Title:</b>	National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)				
<b>Purpose:</b>	To reform the law regulating air quality in order to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development while promoting justifiable economic and social development; to provide for national norms and standards regulating air quality monitoring, management and control by all spheres of government; for specific air quality measures; and for matters incidental thereto.				
<b>Gazette No.:</b>	27318	<b>Notice No.:</b>	163	<b>Date:</b>	19 February 2005

## 3 THE AMENDMENTS

<b>Short Title:</b>	<b>National Environment Laws Amendment Act, 2008</b>				
<b>Year:</b>	2008	<b>Act number:</b>	44		
<b>Full Title:</b>	National Environment Laws Amendment Act, 2008 (Act No. 44 of 2008)				
<b>Purpose:</b>	To provide for the Atmospheric Pollution Prevention Act, 1965, to be regarded as specific environmental management Act until section 60 of the National Environmental Management: Air Quality Act, 2004, takes effect; to amend the Environment Conservation Act, 1989, so as to rectify certain incorrect references in the Act; to amend the National Environmental Management Act, 1998, so as to clarify any uncertainty in the Act concerning certain definitions; to authorise the Minister of Water Affairs and Forestry to designate persons as environmental management inspectors; to provide for environmental management inspectors to be regarded as peace officers as contemplated in the Criminal Procedure Act, 1977; and to provide for a penalty for the offence of failing to comply with a compliance notice in terms of section 31N of the National				

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	Environmental Management Act, 1998; and to amend the National Environmental Management: Air Quality Act, 2004, so as to substitute Schedule 1 to that Act; and to provide for matters connected therewith.				
<b>Gazette No.:</b>	31685	<b>Notice No.:</b>	1318	<b>Date:</b>	5 December 2008

<b>Short Title:</b>	<b>National Environmental Laws Amendment Act, 2009</b>				
<b>Year:</b>	2009	<b>Act number:</b>	14		
<b>Full Title:</b>	National Environmental Laws Amendment Act, 2009 (Act No. 14 of 2009)				
<b>Purpose:</b>	To amend the Atmospheric Pollution Prevention Act, 1965, so as to adjust the penalties provided for in the said Act; Environment Conservation Act, 1989, so as to adjust the penalties provided for in the said Act; and to remove the need to publish directions in the Gazette; National Environmental Management Act, 1998, so as to delete certain definitions; to provide for the establishment of fora or advisory committees; to make provision for increased powers of the courts; to remove the requirement that Environmental Management Inspectors must carry notices of designation with them; to extend the scope of routine inspections to the search of vehicles; and to regulate the jurisdiction of magistrate's courts in instances where the maximum fines have been increased; National Environmental Management: Protected Areas Act, 2003, so as to provide for increased measures of control over escaped animals; and to adjust the penalties provided for in the said Act; National Environmental Management: Biodiversity Act, 2004, so as to provide for general surveillance monitoring; to provide further considerations for a biodiversity management plan; to provide that an environment impact assessment must be obtained when genetically modified organisms are involved; to introduce notification requirements in the discovery phase of a bioprospecting project; to take into consideration knowledge of specific individuals when issuing specific bioprospecting permits; to allow the Director-General or a trustee to manage the Bioprospecting Fund; to allow for the renewal or amendment of a permit; to amend the regulations to allow for hunting; and to effect certain textual alterations; National Environmental Management: Air Quality Act, 2004, so as to provide for a processing fee to review a licence; and to include directors or senior managers in a juristic person for the criteria for a fit and proper person; and to provide for matters connected therewith.				
<b>Gazette No.:</b>	32267	<b>Notice No.:</b>	617	<b>Date:</b>	27 May 2009

<b>Short Title:</b>	<b>National Environmental Management Laws Amendment Act, 2013</b>				
<b>Year:</b>	2013	<b>Act number:</b>	14		
<b>Full Title:</b>	National Environment Laws Amendment Act, 2013 (Act No. 14 of 2013)				
<b>Purpose:</b>	To amend the National Environmental Management: Biodiversity Act, 2004, so as to amend				

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	<p>certain definitions and to define certain words and expressions; to revise the objectives of the Act to emphasise the need to protect the ecosystem as a whole, including species which are not targeted for exploitation; to revise the purpose of Chapter 4 to provide for the regulation of threatened and indigenous species to ensure that the utilisation of these species are done in an ecologically sustainable manner; to effect certain textual amendments to the provisions on protection of species; to address some of the regulatory gaps within the permitting system; to facilitate the implementation of self-administration; to extend the functions of the scientific authority to include assisting with species to which an international agreement regulating international trade applies; to revise the purpose and application of Chapter 6; to insert a provision to allow for the domestic or subsistence use of indigenous biological resources; to repeal the appeal provisions; to provide for circumstances under which a permit application or permit may be deferred, refused, cancelled or suspended; to extend the powers of the Minister to make regulations; to add offences and penalties; and to provide for the Minister to declare amnesty in certain circumstances; National Environmental Management: Air Quality Act, 2004, so as to align the penalties with other specific environmental management Acts; National Environmental Management: Waste Act, 2008, so as to provide for textual amendment to the definition of waste; National Environment Management Laws Amendment Act, 2008, so as to correct an incorrect citation; and National Environmental Management: Protected Areas Amendment Act, 2009, so as to correct an incorrect citation, and to provide for matters connected therewith.</p>				
<b>Gazette No.:</b>	36703	<b>Notice No.:</b>	530	<b>Date:</b>	14 July 2013

<b>Short Title:</b>	<b>National Environmental Management: Air Quality Amendment Act, 2014</b>			
<b>Year:</b>	2014	<b>Act number:</b>	20	
<b>Full Title:</b>	National Environmental Management Laws Amendment Act, 2014 (Act No. 20 of 2014)			
<b>Purpose:</b>	<p>To amend the National Environmental Management: Air Quality Act, 2004, so as to substitute certain sections; to provide for the establishment of the National Air Quality Advisory Committee; to provide for the consequences of unlawful commencement of a listed activity; to provide for monitoring, evaluation and reporting on the implementation of an approved pollution prevention plan; to empower the MEC or Minister to take a decision in the place of the licensing authority under certain circumstances; to provide for the Minister as licensing authorities in situations where the province, as a delegated licensing authority by the municipality, is the applicant for an atmospheric emission licence, where the applications are trans-boundary, where the air activity forms part of national priority project, where the activity is also related to the environmental impact and waste management activities authorised by the Minister, where the air activity relates to a prospecting, mining, exploration or production activity; to delete cross references to the Environmental Conservation Act, 1989; to clarify that applications must be brought to the attention of interested and affected parties soon after the submission to the licensing authority; to provide for a validity period of provisional atmospheric emission licence; to create an offence</p>			

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	for non-compliance with controlled fuels standards; to provide for the development of regulations on climate change matters and the procedure and criteria for administrative fines; to delete certain obsolete provisions; and to provide for matters connected therewith.				
<b>Gazette No.:</b>	37666	<b>Notice No.:</b>	587	<b>Date:</b>	<b>19 MAY 2014</b>

#### 4 THE REGULATIONS

Year	Title	Known as	Gazette No.	Notice No.	Date
2005	Commencement notice of certain sections of the NEM: AQA (excluding sections 21, 22, 36 to 49, 51(1), 51(1)(f), 51(3), 60 and 61) (GN 898 in GG 28016 of 2005)	NEM: AQA Section 64(2)	28016	898	09 September 2005
2006	Vaal Triangle Air-Shed Priority Area Declaration (GN 365 in GG 28730 of 2006)	NEM: AQA Section 18(1)	28730	365	21 April 2006
2006	Notice identifying substances in ambient air and establishing national standards for the permissible amount or concentration of each substance in ambient air, the 1st ambient air quality standards GN 528 in GG 28899 of 2006)	NEM: AQA Section 9(1)(a) & (b)	28899	528	09 June 2006
2007	Notice declaring the 2nd National Priority Area (Highveld Priority Area) (GN 1123 in GG 30518 of 2007)	NEM: AQA Section 18(1)	30518	1123	23 November 2007
2007	National Framework for air quality management in the Republic of South Africa (GN 1138 in GG 30284 of 2007)	NEM: AQA Section 7(1)	30284	1138	11 September 2007
2009	Notice publishing the Vaal Triangle Air-shed Priority Area Air Quality Management Plan (GN 613 in GG 32254 of 2009)	NEM: AQA Section 19(5)	32254	613	28 May 2009
2009	National Ambient Air Quality Standards (GN 1210 in GG 32816 of 24 December 2009)	AAQ Standards	32816	1210	24 December 2009

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Year	Title	Known as	Gazette No.	Notice No.	Date
2009	Regulations for implementing and enforcing the Vaal Triangle Air-shed Priority Area Air Quality Management Plan (GN 614 in GG 32254 of 2009)	NEM: AQA Section 20	32254	614	29 May 2009
2010	Minister's notice bringing the remainder of the NEM: AQA into operation, namely, sections 21, 22, chapter 5, 51(1)(e), 51(1)(f), 51(3), 60 and 61 (APPA repealed) (GN 220 in GG 33041 of 2010)	NEM: AQA Section 64	33041	220	26 March 2010
2010	List of activities which result in atmospheric emissions and establishing minimum emission standards for each listed activity (GN 248 in GG 33064 of 2010)	NEM: AQA Section 21(1) & (3)	33064	248	31 March 2010
2010	Regulations on model air pollution control by-laws to be adopted by municipalities (GN 579 in GG 33342 of 2010)	NEM: AQA Section 53(p)	33342	579	02 Jul 2010
2012	National Ambient Air Quality Standard for Particulate Matter with Aerodynamic Diameter Less than 2.5 Micron Metres (PM2.5) (GN 486 in GG 35463 of 29 June 2012)	AAQ Standards for PM2.5	35463	486	29 June 2012
2012	Highveld Priority Area AQMP (GN 144 in GG 35072 of 2012)	NEM: AQA Section 19(5)(a)	35072	144	02 March 2012
2013	2012 National Framework for air quality management in the Republic of South Africa (GN 919 in GG 37078 of 2013)	NEM: AQA Section 7(1)	37078	919	29 November 2013
	Listed Activities and Associated Minimum Emission Standards identified in terms of section 21 of the Act (GN 893 in GG 37054 of 22 November 2013)	Minimum Emission Standards	37054	893	22 November 2013
2013	Declaration of Waterberg Priority Area incorporating Bojanala platinum district (GN 154 in GG 36207 of 2013)	NEM: AQA Section 18(1)	36207	154	08 March 2013

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Year	Title	Known as	Gazette No.	Notice No.	Date
2013	Regulations prescribing the format of the Atmospheric Impact Report (GN R747 in GG 36904 OF 2013)	Atmospheric Impact Report Regs	36904	R747	11 October 2013
2013	National Dust Control Regulations, 2013 (GN R827 in GG 36974 of 1 November 2013)	NDC Regs	36974	R827	1 November 2013
2013	Declaration of a Small Boiler as a Controlled Emitter and Establishment of Emission Standards (GN 831 in GG 36973 of 1 November 2013)	Small boiler declaration	36973	831	1 November 2013
2013	Dust Control Regulations (GN R827 in GG 36974 of 2013)	Dust Control Regs	36974	R827	1 November 2013
2014	Regulations regarding the phasing-out and management of ozone-depleting substances (GN 351 in GG 37621 of 2014)	Phasing out and Management of Ozone Depleting Substances Regs	37621	351	8 May 2014
2014	Regulations regarding air dispersion modelling (GN R533 in GG 37804 of 2014)	Air Dispersion Modelling Regs	37804	R533	11 July 2014
2014	Declaration of Temporary Asphalt Plants as a Controlled Emitter and Establishment of Emission Standards (GN 201 in GG 37461 of 28 March 2014)	Asphalt Emission Standards	37461	201	28 March 2014
2014	Regulations regarding the Phasing-Out and Management of Ozone Depleting Substances (GN 351 in GG 37621 of 8 May 2014)	Ozone depleting substances Regs	37621	351	8 May 2014

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Year	Title	Known as	Gazette No.	Notice No.	Date
2015	Declaration of Small-Scale Char and Small-Scale Charcoal Plants as Controlled Emitters and Establishment of Emission Standards (GN 602 in GG 39220 of 18 September 2015)	Charcoal Plants Emission Standards	39220	602	18 September 2015
2015	National Atmospheric Emission Reporting Regulations (GN R283 in GG 38633 of 2015)	Atmospheric Emission Reporting Regs	38633	R283	2 April 2015
2015	Regulations prescribing the Format of atmospheric impact report (GN 284 in GG 38633 of 2015)	NEM: AQA Section 53(o) read with section 30	38633	284	02 April 2015
2015	Amendments to the list Activities and Associated Minimum Emission Standards identified in terms of Section 21 Of the National Environmental Management: AQA (GN 551 in GG 38863 of 2015)	NEM: AQA Section 21(1)(b)	38863	551	12 June 2015
2016	Regulations prescribing the atmospheric emission licence processing fee (GN 250 in GG 39805 of 2016)	Atmospheric Emission Licencing Regs	39805	250	11 March 2016
2016	Regulations on the procedure and criteria to be followed in the determination of an administrative fine in terms of section 22A of the Act (GN 332 in GG 39833 of 2016)	Administrative Fines Regs	39833	332	18 March 2016
2017	National Greenhouse Gas Emission Reporting Regulations (GN 275 in GG 40762 of 2017)	GHG Emission Reporting Regs	40762	275	3 April 2017
2017	National Pollution Prevention Plan Regulations (GN 712 in GG 40996 of 2017)	Pollution Prevention Plan Regs	40996	712	21 July 2017

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2017	Declaration of GHGs as Priority Air Pollutants (GN 710 in GG 40996 of 2017)	NEM: AQA A Section 29(1)read with section 29(4)	40996	710	21 July 2017
2018	Amendment of the National Pollution Prevention Plans Regulations, 2017 (GN 513 in GG 41642 of 22 May 2018)	Amendment of NPPP Regs	41642	513	22 May 2018
2018	The 2017 National Framework for Air Quality Management in the Republic of South Africa (GN in GG 41996 of 26 October 2018)	Air Quality Framework	41996	1144	26 October 2018
2018	Amendments to the listed activities and associated minimum emission standards identified in terms of section 21 of the Act (GN 1207 in GG 42013 of 31 October 2018)	Listed Activities Section 21	42013	1207	31 October 2018
2019	Notice of procedure to be followed for a Category A Data Provider to register as a Category A Data Provider (GN 71 in GG 42203 of 2019)	Category A Data Provider Notice	42203	71	1 February 2019