

**AIR QUALITY MANAGEMENT BY-LAW UNDER NATIONAL
ENVIRONMENTAL MANAGEMENT: AIR QUALITY MANAGEMENT ACT
(ACT 39 OF 2004)**

SCHEDULE

The uMgungundlovu District Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 11 (1) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) has prepared the following **draft** Air Quality Management By-law hereunder:

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CHAPTER 1

DEFINITIONS, OBJECTIVES AND OVERARCHING PRINCIPLES

1. Definitions

"**Air Pollution**" means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

"**Air Pollutant**" means any substance specified in the definition of "Air Pollution" that causes or may cause air pollution;

"**Atmosphere**" means air that is not enclosed by a building, machine, chimney or other structure enclosing air;

"**Air Quality Management Plan**" means a plan referred to in section 15 of AQA;

"**Air Quality Officer**" means an officer appointed in terms of section 14 of the AQA;

"**Adverse effect**" means any actual or potential impact on the environment that Impairs, or could impair, the environment or any aspect of it;

"**Activity**" means any action which results in any emission that has or may have an adverse effect on the environment, including health, social conditions, economic conditions, ecological conditions and cultural heritage;

"**Ambient sound level**" means the reading of an integrating sound level meter measured at the measuring point at the end of total period of at least 10 minutes after such integrating sound level meter has been put into corporation, during which period a noise alleged to be a disturbing noise is absent;

"Authorized person" means any employee authorized by the municipality to implement any of the provision of this by-law and in possession of an appointment card issued by the municipality attesting thereto, including any member of the municipal police service or any other peace officer;

"AQA" means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);

"Chimney" means any structure or opening of any kind from or through which an air pollutant may be emitted;

"Change" means any modification which is made to an existing structure, plant, road, land use, procedure, action etc. which may have an effect on the noise generation originating from such an activity;

"Combustible Liquid" means a liquid which has a close-cap flash point of 38 degrees Celsius or above;

"Compressed ignition powered vehicle" means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

"Constitution" means the Constitution of the Republic of South Africa Act, 1996;

"Control measure" means a technique, practice or procedure used to prevent or minimize the generation, emission, suspension and/or airborne transport of fugitive dust;

"Council" means uMgungundlovu District Municipality;

"Prescribed" in relation to a fee, means a fee prescribed by the uMgungundlovu District Municipality;

"Disturbing noise" means a specific noise level that exceeds either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor equivalent continuous night rating level for the particular neighborhood indicated as the outdoor ambient noise in various districts in SANS 10103;

"Erect" means alter, convert, extend or re-erect;

"Exempted vehicle" means a vehicle listed in Annexure-A to SANS 10281;

"Flammable gas" means a gas which at 20 degrees Celsius and a standard pressure of 101.3 kilopascals-

- (a) is ignitable when in a mixture of 13% or less by volume with air; or
- (b) has a flammable range with air of at least 12% regardless of the lower flammable limit;

"Flammable liquid" means a liquid or combustible liquid which has a close-cap flash point of 93 degrees Celsius or below;

"Flammable substance" means any flammable liquid, combustible liquid or flammable gas;

"Free acceleration test" means the method prescribed in section 8(3) employed to determine whether vehicles are being driven or used in contravention of section 8(1);

"Integrating sound level meter" means a device integrating a function of sound pressure over a period of time and indicating the result in dB(A) indicating is a function of both the sound level and the duration of exposure to the sound during the period of measurement;

"Measuring point" relating to:

(a) a piece of land from which an alleged disturbing noise emanates, or may emanate, means a point in or outside the property projection plane where an alleged disturbing noise shall be measured, or calculated in accordance with the provisions of SANS 10103;

(b) a building with more than one occupant, means a point in or outside the building where an alleged disturbing noise shall be measured, or calculated in accordance with the provisions of SANS 10103; and

(c) a stationary vehicle means a point as described in SANS 10181 where a measuring microphone shall be placed;

"MEC" means the member of the Executive Council of a province who is responsible for air quality management in the province;

"Minister" mean the Minister of Water and Environmental Affairs;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Municipality" means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"National Framework" means the National Framework for Air Quality Management in the Republic of South Africa, as published in terms of section 7(1) of the AQA;

"NEMA" means the National Environmental Management Act, 1998 (Act No 107 of 1998);

"Neighborhood" means an area which corresponds with a demarcated area of a municipal ward recognized by the municipality or a municipal ward, or wards of the municipality;

"Noise nuisance" means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any reasonable person;

"Non-exempted vehicle" means a vehicle not listed in Annexure-A to SANS 10281;

"Nuisance" means an unreasonable interference or likely interference caused by air pollution with:

- (a) The health of well being of any person or living organism;
- (b) The use and/or enjoyment by an owner or occupier of his or her property and/or environment; and
- (c) The ordinary comfort, convenience, peace, quite.

"Open burning" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, excluding the burning of sugar cane;

"Organ of state" has the meaning assigned to it in section 239 of the Constitution;

"Pave" means to apply and maintain concrete or any other similar material to a road surface;

"Pest" means an injurious, noxious or troublesome living organism;

"Pesticide" means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes herbicides, insecticides, fungicides, avicides and rodenticides;

"Premises" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotives, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council;

"Property projection plane" means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

"Public road" means a road which the public has a right to use;

"Recreational vehicle" means

- a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- b) a model aircraft, vessel or vehicle;
- c) any aircraft or helicopter used for sport or recreational purposes;

- d) a vessel used for sport on water; or
- e) any other conveyance vessel or model which is used for sport or recreational purposes.

"Repair notice" means a notice as referred to in section 8(4), regarding the re-testing of vehicle;

"Rubber product" means anything composed of rubber including anything containing or coated with rubber;

"SANS 10103" means the latest edition of Standards South Africa publication No. 10103 titled: "The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication" as amended from time to time or its corresponding replacement;

"SANS 10181" means the latest edition of Standards South Africa publication No. 10181 titled: "The measurement of noise emitted by road vehicles when stationary", as amended from time to time or its corresponding replacement;

"SANS 10281" means the latest edition of Standards South Africa publication No. 10281 titled: "Engine speed (S values), reference sound levels and permissible sound values of stationary road vehicles", as amended from time to time or its corresponding replacement;

"SANS 10328" means the latest edition of Standards South Africa publication No. 10328 titled:
"Methods for environmental noise impact assessments", as amended from time to time or its corresponding replacement;

"small boiler" means a small combustion installation, with a design capacity ranging from 10MW to 50MW thermal input, capable of burning solid, liquid and gas fuels used primarily for steam raising or electricity generation;

"Smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particulates emitted in smoke;

"Use" in relation to all terrain vehicles includes driving, operating or being conveyed by that vehicle;

"Vehicle" means any motor car, motor carriage, motorcycle, bus motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

2. Objectives

(1) The objectives of this by-law are to-

- (a) give effect to the right contained in section 24 of the Constitution by regulating air pollution within the area of the municipality`s jurisdiction;
- (b) provide in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can manage and regulate activities that have a potential to adversely impact the environment, public health and well being; and
- (c) ensure that air pollution is avoided, or where it cannot be altogether avoided, mitigated or minimized.

(2) Any person exercising a power under this by-law must exercise such power in order to give effect to the objectives as set out in subsection (1) above.

3. Application

(1) This by-law must be read with any applicable provisions of the National Environmental Management: Air Quality Act, 2004 and the National Framework for Air Quality Management in the Republic of South Africa.

(2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates air pollution the provisions of this by-law shall prevail to the extent of the inconsistency.

(3) The overarching principles set out in section 4 below, must be considered and applied by any person:

- (a) Exercising a power or function or performing a public duty under this by-law; and
- (b) The municipal area which is likely to have an effect on public health and well being and/or the environment within that area.

4. Overarching Principles

(1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:

- (a) to prevent any potential of air pollution from occurring; and

- (b) to mitigate, as far as reasonably possible, any air pollution that may occur.
- (2) The Council may direct any person in writing who fails to take the measures required under subsection (1)-
- (a) To commence taking specific reasonable measures before a given date;
 - (b) To diligently continue with those measures; and
 - (c) To complete them before a specified reasonable date.
- (3) Prior to making such a decision as contemplated in subsection (2), the Council must give the affected person adequate opportunity to inform the municipality of their relevant interests.
- (4) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Council may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief.
- (5) Provided such person failed to take the measures required of him under subsection (2), the Council may recover costs for reasonable remedial measures to be undertaken under subsection (4) above, before such measures are taken and all costs incurred as a result of it acting under subsection (4) from any person who is or was responsible for, or who contributed to, the air pollution.
- (6) No person may
- a) unlawfully and intentionally or negligently commit any act or omission which causes or is likely to cause air pollution; or
 - b) refuse to comply with a directive issued under subsection (2).
- (7) Any person who fails to comply with subsection (6) above commits an offence.

5. Permitting Procedures

- (1) The Council has developed permitting procedures or guidelines to be followed during the permitting of activities (i.e. spray painting, small boilers etc) regulated and/or controlled by this by-law.
- (2) Any person who wishes to apply for the activities mentioned under (1) above must follow the prescribed permitting procedures, as set out in Schedule 8 of this by-law.

(3) The application form to be lodged with the Council for undertaking any of the activities regulated by this by-law must be accompanied by an application fee prescribed by the Council.

CHAPTER 2

LOCAL EMISSION STANDARDS, MOTOR VEHICLE EMISSIONS, SMALL BOILERS AND CONTROLLED ACTIVITIES

Part 1: Local Emissions Standards

6. Identification of Substance and Development of Local Emission Standards

- (1) The Council has identified the substances in ambient air and for each substance developed emission standards, as set out in Schedule 1 to the by-law.
- (2) The Council may apply the criteria, as set out in Schedule 2 to the by-law, when identifying and prioritizing the substances and when developing the local emission standards.

7. Consequences of identifying

- (1) Any person emitting those substances or mixtures of substances must comply with the emission standards established in terms of section 5(2) above.
- (2) Any person who fails to comply with the emission standards established in terms of section 5(2) of the by-law commits an offence.

8. Public Participation Process

For the purposes of the publication of the local emission standards, the Council must follow the Public Participation Process as set out in section 13 of the Municipal Systems Act, 2000.

Part 2: Motor Vehicle Emissions, Small Boilers and Controlled Activities

9. Emissions from Compressed Ignition Powered Vehicles

Prohibition

- (1)
 - (a) No person may on a public road drive or use, causes to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
 - (b) If dark smoke is emitted in contravention of subsection (1) (a) above the owner of the vehicle commits an offence.

- (c) For the purposes of this section, “dark smoke” means:
 - (i) Smoke which has a density of 60 Hartridge Smoke Units or more, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a density of 66 Hartridge Smoke Units or more; or
 - (ii) Smoke which has a density of 60 Hartridge Smoke Units or more (for coastal areas) and a density of 70 Hartridge smoke units (for inland areas).

Stopping of vehicles for inspection and testing

- (2) (a) In order to enable an authorized person to enforce the provisions of this Part, the driver of a vehicle must comply with any reasonable direction given by an authorized person:
 - (i) to stop the vehicle; and
 - (ii) to facilitate the inspection or testing of the vehicle.
- (b) Any person who fails to comply with a direction given under subsection (2) (a) commits an offence.
- (c) When a vehicle has stopped in compliance with a direction given under subsection (2) (a), the authorized person may-
 - (i) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
 - (aa) at or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (bb) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction.

Testing procedure

- (3) (a) An authorized person must use the following method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 8(1) (a) above:
 - (i) when instructed to do so by the authorized person, the driver of the vehicle must start the vehicle, place it in neutral gear and engage the clutch;
 - (ii) when instructed to do so by the authorized person, the driver of the vehicle must smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person

may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;

- (iii) while the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is a dark smoke;
 - (iv) the driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorized person.
- (b) If, after having conducted the test above, the authorized person is satisfied that the vehicle:
- (i) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of subsection (1)(a); or
 - (ii) is emitting dark smoke, the authorized person must issue the driver or the vehicle with a repair notice in accordance with subsection (4).

Repair notice

- (4) (a) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.
- (b) the repair notice must contain, amongst others, the following information:
- (i) the make, model and registration number of the vehicle;
 - (ii) the name address and identity number of the driver of the vehicle; and
 - (iii) if the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.
- (c) A person commits an offence under this section if that person fails:
- (i) to comply with the repair notice referred to in subsection (4)(a);
 - (ii) to take the vehicle for re-testing as referred to in subsection (4) (a);
- (d) It shall not be a defense in proceedings under subsection (4) (c) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

- (e) If the owner of the vehicle fails to take the vehicle for re-testing as referred to in subsection (4)(a), then the authorized person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

10. Small Boilers

- (1) No person may install, alter, extend or replace any small boiler on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans, specifications and any applicable emission standards set for controlled emitters that have been determined in terms of section 24 of the NEMAQA.
- (2) Application for an authorization to operate a small boiler shall be made on a form prescribed by the Council.
- (3) Where a small boiler has been installed, altered, extended or replaced on premises in contravention of subsection (1) –
 - a) the owner and occupier of the premises and the installer of the small boiler are guilty of an offence;
 - b) the Council may, on written notice to the owner of the premises order the removal of the small boiler from the premises at the expense of the owner and within the period stated in the notice.
- (4) In considering an application submitted in terms of subsection (1), the air quality officer may require the applicant to furnish such information as the air quality officer may require.
- (5) After considering the application submitted in terms of subsection (1), the Council must either-
 - (a) grant an application and issue a permit, subject to any conditions that may be imposed; or
 - (b) refuse an application with reasonable reasons.
- (6) The authorization issued in terms of subsection (1) above must specify-
 - (a) the product name and model of the small boiler;
 - (b) the premises in respect of which it is issued;
 - (c) the person to whom it is issued;
 - (d) the period for which the authorization is issued;
 - (e) the periods at which the authorization may be reviewed;

- (f) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere;
- (g) any other operating requirements relating to atmospheric discharges, including nonpoint source emission measurement and reporting requirements; and
- (h) any other matters which are necessary for the protection or enforcement of air quality.

Transitional arrangements in respect of other small boilers

- (7) (a) Despite the small boilers within the municipality not previously required to be authorized in terms of any by-laws, any person operating such small boilers which now falls within the ambit of this by-law, at the commencement date of this by-law, must apply for an authorization as required by section 10 of this by-law.
- (b) Persons operating small boilers that falls under 7 (a) above have a period of four years, from the commencement date of this by-law, to apply for authorization in terms of section 10 of this by-law.
- (c) If any person fails to comply with subsection 7(b) above, then continuing to operate the small boiler without a valid authorization is an offence.

11. Dust, offensive fumes and/or smoke emissions

- (1) Any person conducting certain activities which customarily produce emissions of dust, offensive fumes and/or smoke that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent such emissions into the atmosphere.
- (2) For the purposes of this section, “dust” means:
 - (i) any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere; and
 - (ii) includes dust from mine dumps
- (3) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:
 - (i) pave;
 - (ii) use dust palliatives or dust suppressants;
 - (iii) uniformly apply and maintain any surface gravel;
 - (iv) erect physical barriers and signs to prohibit access to the disturbed areas;
 - (v) use ground covers;
 - (vi) re-vegetation which is similar to adjacent undisturbed native conditions;
 or

- (vii) any alternative control measure approved in writing by the air quality officer.
- (4) The provisions of this section are not applicable to:
- (i) landscaping activities by a person at his place of residence;
 - (ii) emergency maintenance activities on publicly maintained roads, road shoulders and rights of way;
 - (iii) unpaved roads having vehicular traffic of less than 500 vehicles per day;
 - (iv) non-commercial and non-institutional private driveways;
 - (v) horse trails, hiking paths, bicycle paths or other similar paths; and
 - (iv) any other path that has been designate as an exclusive use area for purposes other than travel by motor vehicle.
- (5) Any person who contravenes subsection (1) commits an offence.

12. Emissions Caused by Open Burning

- (1) A person who carries out or permits open burning of any material on any land or premises are guilty of an offence, unless:
- (a) the prior written authorization of the Council has been obtained, which authorization may be granted by the Council with conditions; and
 - (b) that person has notified in writing the owners and occupiers of all adjacent properties of:
 - (i) All known details of the proposed open burning; and
 - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the municipality within 7 days of being notified; and
 - (iii) the prescribed administrative fee that has been paid to the Council.
- (2) The Council may not authorize open burning:
- (a) unless it is satisfied that the requirements set out in subsection (1) above have been adequately addressed or fulfilled;
 - (b) where a warning under section 10(1) (b) of the National Veld and Forest Act, 1998 (Act No. 101 of 1998) has been published for the region; and
 - (c) where fire breaks in tends to be made in accordance to the National Veld and Forest Act, 1998 (Act No. 101 of 1998).
- (3) The provisions of this section shall not apply to:
- (a) recreational outdoor activities on private premises; and

- (b) controlled fires in dwellings for purposes of heating any area within the dwelling, cooking, heating water and other domestic purposes.

13. Emissions Caused by Burning of Industrial Waste, Domestic Waste and Garden Waste in Waste Bins or Skips

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any land or premises, for the purpose of disposing of that waste, is guilty of an offence unless the industrial, domestic or garden waste is legally disposed of in terms of section 26 of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) or the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)

14. Organic material burning

- (1) Any person who burns organic material shall comply, in addition to the burning requirements provisions of the National Veld and Forest Act, 1998 (Act No. 101 of 1998), with the following control measures:
 - (a) The prior written authorization of the Council has been obtained, which authorization may be granted by the Council with conditions; and
 - (b) That person has notified in writing the owners and occupiers of all adjacent properties (including surrounding communities within 150 metres) of:
 - (i) The details of the proposed area to be burned;
 - (ii) The reason for the organic material burning;
 - (iii) the date and approximate time of the organic material burning;
 - (iv) in the event of inclement weather conditions, an alternative date or dates on which the organic material burning may occur;
 - (v) the right of owners and occupiers (including surrounding communities within 150 metres) of adjacent properties to lodge written objections to the proposed organic material burning with the municipality within 7 days of being notified; and
 - (vi) the prescribed administrative fee that has been paid to the municipality.
- (2) The Council may not authorize organic material burning:
 - (a) unless it is satisfied that the requirements set out in subsection (1) above have been adequately complied with; and

- (b) where a warning notice in terms of section 10(1) of the National Veld and Forest Act, 1998 (Act No. 101 of 1998) has been published for the region.
- (3) Any person who contravenes subsection (1) above commits an offence.
- (4) The provisions of this section are not applicable to any defined area to which the Council may declare.

15. Emissions Caused by Tyre Burning and Burning of Rubber Products and Cables in Open Spaces

- (1) No person may carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purposes of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, of the rubber products or cables as waste.
- (2) Any person who contravenes subsection (1) above commits an offence.

16. Pesticide Spraying Emissions

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) A person who carries out the spraying of pesticides, either by tractor or aerial, within the municipal jurisdiction, must comply with the following control measures:
 - (a) the prior written authorization of the Council has been obtained, which authorization may be granted by the Council with conditions, including:
 - (i) the area of land on which the pesticide may be applied; and
 - (ii) the time in which the pesticide may be applied.
 - (b) that person must notify in writing the owners and occupiers of all adjacent properties within 150 metres of the treatment area of:
 - (i) the details of the proposed treatment area;
 - (ii) the reason for the pesticide use;
 - (iii) the active ingredient;
 - (iv) the date and approximate time of the pesticide use;
 - (v) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
 - (vi) the right of the owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Council within 7 days of being notified; and
 - (vii) the administrative fee that has been paid to the municipality.

- (3) Any person who contravenes subsection (2) above commits an offence.
- (4) A person may apply to the Council for an exemption if the spraying of the pesticide is for:
 - (i) the management of pests that transmit human diseases or adversely impact agriculture or forestry;
 - (ii) the management of pests that threaten the integrity of sensitive ecosystems; or
 - (iii) the need for the use of the pesticide is urgent.
- (5) The provisions of this section are not applicable to:
 - (a) residential areas;
 - (b) buildings or inside buildings and the domestic use of pesticides; or any other defined area or defined activity to which the Council has declared this section not to apply.

17. Spray Painting Emissions

- (1) No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance outside the approved spray painting room or booth.
- (2) No person may spray, coat, plate or epoxy-coat any vehicle, article, object, or building or part thereof or allow them to be sprayed, coated, plated, or epoxy-coated with any flammable substance unless-
 - (a) that person is in a possession of a spraying permit contemplated in subsection (1) above;
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated Fire Officer, in consultation with the Air Quality Officer, on premises registered for that purpose.
- (3) Any person who contravenes subsection (1) and (2) above commits an offence.
- (4) Any person who wishes to obtain a spraying permit must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.

- (5) A spray room or booth or area designated for the application of a flammable substance must be constructed and equipped according to the requirements in Schedule 7 to this bylaw and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- (6) The designated fire officer may cancel the spraying permit if there is reason to believe that the holder of the spraying permit contravenes or fails to comply with any provision of this bylaw.
- (7) Subject to subsection (8) below, before the designated fire officer cancels the spraying permit as contemplated in subsection (6), that officer must-
 - (a) give the holder of the spraying permit written notice of the intention to cancel the spraying permit and the reasons for such cancellation;
 - (b) give the holder a period of at least 21 days to make written representations regarding the matter to the municipality.
- (8) If the designated fire officer has reason to believe that the failure to cancel the spraying permit may endanger any person, that officer may cancel the spraying permit without prior notice to the holder as contemplated in subsection (7) above.
- (9) If the designated fire officer cancels the spraying permit in terms of subsection (8) above, that officer must-
 - (a) furnish the holder of the spraying permit with written notice of the cancellation;
 - (b) give the holder of the spraying permit a period of at least 21 days to make written representations regarding the matter to the municipality.

18. Sand Blasting Emissions

1. Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and /or cause a nuisance shall take control measures to prevent emissions into the atmosphere.
2. Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:
 - (a) Dust extraction control measure; or
 - (b) Any alternative dust control measure approved in writing by the air quality officer.

Any person who contravenes subsections (1) and (2) above commits an offence.

19. Withdrawal and Cancellation of permit/s

The Council may, subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 34 of 2000), withdraw or cancel any permit issued in terms of this by-law if the permit holder continuously fails or refuses to comply with any condition or provision contained in the permit.

20. Noise pollution Management

Prohibition of disturbing noise

- (1) No person shall make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

Prohibition of a noise nuisance

- (2) No person shall-
 - (a) Operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance.
 - (b) Allow an animal owned or controlled by him or her to cause a noise nuisance.
 - (c) Build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object on or near residential premises, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, if this may cause a noise nuisance.
 - (d) Erect a building or structure on residential premises or allow it to be erected if this may cause a noise nuisance, unless permission is granted by the municipality to conduct normal building operations.
 - (e) Use or discharge any explosive, firearm or similar device that emits impulsive sound and may cause a noise nuisance, or allow it to be used or discharged, except with the prior consent in writing of the municipality and subject to such conditions as the municipality may deem necessary.
 - (f) On a piece of land or in water or in airspace above the piece of land designated by the municipality for recreational purposes, by means of a notice in the press –

- (i) Move about on or in a recreational vehicle ;
 - (ii) Exercise control over a recreational vehicle; or
 - (iii) As the owner or person in control of the piece of land, water or airspace, allow such activity to take place, if this may cause a noise nuisance.
- (g) Except in an emergency, emit a sound, or allow a sound to be emitted by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance.
- (h) Drive vehicle on a public road in such a manner that it may cause a noise nuisance.
- (i) Use any power tool or power equipment used for construction purposes, drilling or demolition work, or allow it to be used, in or near a residential area if it may cause a noise nuisance, unless permission was granted by the municipality to conduct normal construction or repair work to public property.

Land use

- (3) No person may –
 - (a) Establish any township unless a noise impact assessment has been undertaken in accordance with SANS10328, and it is shown that either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor continuous equivalent night rating level set out in SANS 10103 will not be exceeded at any position within the boundaries of the proposed boundaries.
 - (b) Construct or erect any building or develop a property which will house an activity which is not conformity with the neighborhood for which the activity is established, unless it is shown that the building, after being erected is adequately insulated against external noise, so that the sound level inside the building will not exceed the maximum rating levels for indoor ambient noise for the appropriate areas of occupancy/activity as set out in SANS 10103.
 - (c) Construct or erect any building or develop a property which will house an activity that is not in conformity with the neighborhood for which the activity is established, unless it is shown that the building or property, after being erected or developed, is adequately insulated against the transmission of sound, so that either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating and/or the outdoor equivalent continuous night rating level determined in accordance with SANS 10103, at any position on the property projection

plane of the building or property will not exceed the appropriate value for the particular neighborhood rating level.

- (d) Make changes to existing facilities or existing uses of land or buildings, or erect new buildings, if these will house or cause activities that will, after such changes or erection, cause a disturbing noise, unless precautionary measures are put in place.
- (e) Construct a road or change an existing road, or alter the speed limit on a road, if this will cause, at any position in the particular neighborhood in which the road is situated, either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or outdoor equivalent continuous night rating level to exceed the values given for the appropriate outdoor neighborhood rating level set out in SANS10103. Where the equivalent continuous day/night rating level, the equivalent continuous day rating level, and/or the equivalent continuous night rating level already exceeds the appropriate outdoor neighborhood rating level set out in SANS 10103, before the change is implemented, noise mitigation procedures shall be implemented to reduce the rating level to within the levels given for the appropriate neighborhood rating level in SANS 10103.
- (f) Construct or resurface a road which runs within, or at a distance of less than 100m from land zoned for residential purposes with a surfacing not consisting of a material having low noise generation characteristic such as compacted smooth, or low noise porous bitumen asphalt concrete containing aggregates not exceeding 10mm, or another surfacing procedure having similar low noise generation characteristics.
- (g) Install, replace or modify a plant with a total input power exceeding 10 kilowatts on any premises, unless the municipality has been notified by the owner of the plant in writing at least 14 days before such installation, replacement or modification of –
 - i) The particulars of the plant;
 - ii) The number, street address and title deed description of the premises concerned; and
 - iii) The nature of the date on which the installation, replacement or modification shall commence.

Provided that if an existing plant had to be replaced by necessity without preceding notification to the municipality, the municipality shall be notified thereof by the owner of the plant in writing within 14 days after the replacement of the plant.

- (4) The municipality may –

- (a) Before changes are made to existing facilities or existing uses of land or building or before new buildings are erected, in writing require that noise impact assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings and that reports or certificates relating to the noise impact to the satisfaction of the municipality providing that either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor equivalent continuous night rating level at any position on or outside the property projection plan of the existing facility, existing use of land or building will not exceed the appropriate level for the neighborhood as set out in SANS 10103, be submitted by the owner.
- (b) The noise impact assessments, if required must be conducted in accordance with SANS 10328 and the tests, if required shall be conducted in accordance with SANS 10103.
- (c) If excavation work, earthmoving work, pumping work, drilling work, construction work, or demolition work, or any similar activity, power generation or music causes or may cause a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary for such activities to be continued with.

Motor Vehicles

- (5) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds –
 - (a) In the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
 - (b) In the case of an exempted vehicle, by more than 5dBA the applicable reference sound level indicated in the tables of Annexure-A to SANS 10281, for that type of vehicle;
- (6) The municipality –
 - (a) In order to determine whether a vehicle being used on any road within the jurisdiction of the municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of the by-law, instruct the owner or person in control of the vehicle –

- i) To have any appropriate inspection or test conducted on the vehicle as the municipality may deem necessary, on a date and at a time and place determined by the municipality in writing; and
 - ii) To stop the vehicle or cause it to be stopped.
 - (b) Subject to the provisions of subsections (7) and (8) below and the applicable provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in subsection (5) above.
- (7) A vehicle attached in terms of subsection (6)(b) above shall be kept in safe custody by the municipality
- (8) The municipality may lift the attachment contemplated in subsection (6)(b) above if the owner or person in control of the vehicle concerned has been instructed in writing by the municipality –
- (a) To repair or modify the vehicle concerned or to cause it to be repaired or modified; and
 - (b) To have any inspection or test, as the municipality may deem necessary conducted in the vehicle on a date, time and place mentioned in the instruction.

Music, open-air music festivals, shows, inclusive of air shows and similar Gatherings

- (9) (a) No person may stage any open-air entertainment festival, such as, a show, an air show, music festival or similar gathering without compliant with the Major Events Act, 2010 (Act No. 2 of 2010).
- (b) if any music causes or may cause a noise nuisance or a disturbing noise, the municipality may instruct in writing that such music be discontinued until such conditions as the municipality may deem necessary have been complied with.
 - (c) Subject to the provisions of paragraph (b) above and the applicable provisions of any other law, the municipality may attach any instrument used to generate music if the sound level of such exceeds the sound level referred to in paragraph (a) above and no permission has been obtained.
 - (d) An instrument attached under paragraph (c) above shall be kept in safe custody by the municipality.

- (e) The municipality may lift the attachment contemplated in paragraph (c) above if the owner or person in control of the instrument has applied for permission in terms of paragraph (a) above.

General prohibitions

- 10) Any person who –
 - (a) Fails to comply with a written condition, instruction or notice issued by the municipality in terms of the noise pollution management section of this by-law;
 - (b) Tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or noise placed in a position by or on behalf of the municipality;
 - (c) In respect of a duly authorized person of the municipality –
 - i) Fails or refuses to grant admission to such official to enter and to inspect the premises;
 - ii) Fails or refuse to give information which may lawfully be required of him or her to such official;
 - iii) Hinders or obstruct such official in the execution of his or her duties; or iv) Gives false or misleading information to such official knowing that it is false or misleading.

is guilty of an offence.

General Powers of the municipality

- 11) The municipality –
 - (a) For the purposes of applying the noise pollution management section of this by-law, at any reasonable time enter premises upon reasonable noise –
 - i) To conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient; and
 - ii) To take any steps it may deem necessary.
 - (b) If a noise emanating from a building premises, vehicle, recreational vehicle or private area is a disturbing noise or noise nuisance or may in the opinion of the authorized person be a disturbing noise or noise nuisance,

instruct in writing the person causing such noise or who is responsible for the infringement, or the owner or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate, or all such persons to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of this by-law within the period stipulated in the instruction: Provided that the provisions of this by-law shall not apply in respect of a disturbing noise or noise nuisance caused by rail, vehicles or air traffic or on a public road, by vehicles that are not used as recreational vehicle.

- (c) If the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (11)(b) above, subject to the applicable provisions of any other law, impound or cause to be impounded such animal.
- (d) Impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited.
- (e) Subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within the municipality's jurisdiction for the enforcement of the provisions of this by-law:

Provided that road traffic signs and notices shall be on private property only with the permission of the owner.

21. Emissions that cause a nuisance

Prohibition

- 1) Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, commits an offence.

Abatement notice

- (2) An authorized person may serve an abatement notice on any person, whom the authorized person reasonably believes is likely to commit or has committed an offence under subsection (1), calling upon that person:
 - (a) To abate the nuisance within a period specified in the notice;
 - (b) To take all necessary steps to prevent a recurrence of the nuisance; or

- (c) To comply with any other conditions contained in the notice.
- (3) For the purpose of subsection (2) above, an authorized person may form a reasonable belief based on his own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.
- (4) An abatement notice under subsection (2) above may be served:
 - (a) Upon the owner of any person, by –
 - i) Delivering it to the owner, or if the owners cannot be traced or is living abroad that person's agent;
 - ii) Transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - iii) Delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown.
 - (b) Upon the occupier of the premises, by
 - i) Delivering it to the occupier;
 - ii) Transmitting it by registered post to the occupier at the address at which the premises are situated.
- (5) Any person who fails to comply with an abatement notice served in terms of subsection (4) above commits an offence.
- (6) In addition to any other penalty may be imposed, a court may order a person convicted of an offence under subsection (5) above to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

Steps to abate nuisance

- (7) At any time, the municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 3 LICENSING OF LISTED ACTIVITIES

22. Establishment of atmospheric emission licensing system

The Council hereby establishes an Atmospheric Emission Licensing System as contemplated in Chapter 5 of the Air Quality Act, Act 39 of 2004

23. Purpose of the atmospheric emission licensing system

The purpose of the Atmospheric Emission Licensing System is to —

- (a) identify and register all sources of air pollution in the UMgungundlovu District;
- (b) regulate and ensure compliance with the licence conditions;
- (c) gather information for the purposes of compiling the air quality management plan of the UMgungundlovu District, as contemplated in section 15 of the Air Quality Act;
- (d) undertake strategic planning; and
- (e) provide information to any person in order to —
 - (i) facilitate monitoring of the performance of the UMgungundlovu District, and if applicable, a licensee;
 - (ii) stimulate research by acknowledged institutions; and
 - (iii) assist the City to achieve the main objectives of this By-law.

24. Application for atmospheric emission licence

(1) No person shall undertake a listed activity, as published in terms of section 21 of the Air Quality Act, without being in possession of an atmospheric emission licence issued by the Licencing Authority.

(2) An application for an atmospheric emission licence must be —

- (a) made in writing on the application form as prescribed by the Licensing Authority;
- (b) accompanied by documents or information as may be required by the air quality officer; and
- (c) on payment of the prescribed application fee.

(3) The Licencing Authority, must, on receipt of an application for an atmospheric emission licence —

- (a) acknowledge receipt, within 14 days, of the application together with the prescribed fee;
- (b) check whether the application is properly completed and contains the information required in the application form; and
- (c) is accompanied by the required information or documents required in terms of this By-law.

(4) Before considering an application made in terms of subsection (2), the Licencing Authority may require the applicant to furnish additional information or a specialist air quality impact study.

(5) Any person who undertakes a listed activity without an atmospheric emission licence is guilty of an offence and is subject to the penalties as set out in section 52 of the Air Quality Act.

25. Factors to be taken into account

The air quality officer must, in addition to the factors set out in section 39 of the Air Quality Act, consider each application having regard to the following factors:

- (a) compliance with the Air Quality Act and this By-law; and
- (b) the environmental, health and safety record of the applicant.

26. Decisions on applications for atmospheric emission licence

(1) After considering the application in terms of section 33 of the Air Quality Act, the air quality officer must, within 60 days of receipt of the application, either —

- (a) approve the application by issuing a provisional atmospheric emission licence or an atmospheric emission licence, subject to such conditions as the air quality officer may impose; or
- (b) reject the application.

(2) If the air quality officer fails to grant or reject an application for an atmospheric emission licence within 60 days after considering the application in terms of section 33, he or she must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

27. Terms and conditions of the atmospheric emission licence

(1) When issuing an atmospheric emission licence, the air quality officer may impose reasonable conditions as he or she may deem necessary.

(2) An atmospheric emission licence issued under this section must —

- (a) comply with section 43 of the Air Quality Act;
- (b) contain a requirement that the licence holder must comply with and ensure compliance by his or her employees, agents and sub-contractors with this By-law and other applicable national or provincial legislation.

28. Variation of atmospheric emission licences

(1) No building, plant or works used by a holder of a licence referred to in section 33 shall be—

- (a) materially extended; and
- (b) altered or added to, and no changes in process, procedures or significant production increases may be undertaken without the prior approval of the air quality officer.

29. Cessation of atmospheric emission licence

The holder of a licence referred to in section 33 must on cessation of operations to which the licence relates notify the air quality officer of such cessation.

30. Licence Processing Fee

- (1) The purpose of these regulations is to prescribe the atmospheric emission licence processing fees as contemplated in Chapter 5 of the Act.
- (2) The processing fee for an atmospheric emission licence application is as indicated in the Annexure A to these regulations.
- (3) The applicant must pay the prescribed processing fees, as indicated in Schedule 9 of these bylaws, before or on the date of the submission of the application or as directed by the licensing authority.
- (4) The applicant must attach proof of payment the application form submitted to the licensing authority.
- (5) In the instance where an application is refused in terms of section 40(1)(b) of the Air Quality Act, the application is withdrawn; the fee will not be refunded.

CHAPTER 4 **GENERAL MATTERS**

31. Appeals

Any person may appeal against a decision taken by an authorized person under this bylaw by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal System Act, 2000.

32. Offences and penalties

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of this by-law;

- (b) refuses or fails to comply with any notice addressed to him or her in terms of or for the purposes of this by-law;
- (c) refuses or fails to comply with the terms or conditions of any permit issued or otherwise imposed in terms of this by-law;
- (d) obstruct, hinders or interferes with an authorized official in the exercise of any power or the performance of any duty under this by-law;
- (e) fails or refuses to furnish the authorized official with any documentation or information required for the purposes of this by-law or furnishes a false or misleading document or information;
- (f) fails or refuses to comply with any instruction given by the authorized official for the purposes of this by-law;
- (g) pretends to be an authorized official;

is guilty of an offence and –

- i. liable on conviction to a fine not exceeding R3 000 or in default of payment to imprisonment for a period not exceeding 3 years or both a fine and imprisonment; and
- ii. in the case of a continuing offence, to a further fine not exceeding R3 000 or in default of payment to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been served on him or her by the Council requiring the discontinuance of such offence.

33. Enforcement

- (1) The Council may appoint so many authorized persons as it may consider necessary to be responsible for the enforcement of this by-law.
- (2) The authorized persons shall take all lawful, necessary and practicable measures to enforce the provisions of this by-law.

34. Exemptions

- (1) Any person may, in writing, apply for exemption from the provisions of this by-law to the Council.
- (2) An application in terms of subsection (1) above must be accompanied by reasons.

- (3) The Council may grant a temporary exemption in writing from one or all of the provisions of this by-law, provided that the Council:
 - (a) Is satisfied that granting the exemption will not significantly prejudice the objectives referred to in section 2(1) of this by-law; and
 - (b) Grants any exemption subject to conditions that promote the attainment of the objectives referred to in section 4(1) of the by-law.
- (4) The Council must not grant an exemption under subsection (1) until the Council has:
 - (a) Taken measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
 - (b) Proof that all interested & affected parties were provided with a reasonable opportunity to raise their comments or objections to the application; and
 - (c) Duly considered and taken into account any objections raised.
- (5) The Council may –
 - (a) From time to time review any exemptions granted in terms of this section; and
 - (b) On good grounds withdraw any exemption.

35. Severability

If a section, subsection, sentence, clause or phrase of this by-law is declared invalid by a competent court, the invalid portion shall be severed and shall not affect the validity of the remaining portions of this by-law.

36. State and Council Bound

This by-law is binding on the state and the Council except so far as any criminal liability is concerned.

37. Repeal of By-Laws

The by-laws set out in Schedule 8 set out in that Schedule.

38. Short Title

This by-law shall be called the Air Quality Management By-law.

39. Commencement Date

- (1) This by-law will come into operation on a date or dates to be determined by the Council through publications in the Provincial Gazette.
- (2) Different dates may be determined in terms of subsection (1) above for different provisions of this by-law.

Schedule 1

List of substances and its Associated Local Emission Standards (Section 5(1))

Schedule 2

Criteria to Identify and Prioritize Substances and to Develop Local Emission Standards
(Section 5(2))

A. Criteria to identify and prioritize substances

The Council may apply the following criteria when identifying and prioritizing the substances in ambient air that present a threat to public health, well-being or the environment-

- (1) The possibility, severity and frequency of effects, with regard to human health and the environment as a whole, with irreversible effects being of special concern;
- (2) Widespread and high concentrations of the substance in the atmosphere;
- (3) Potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;
- (4) Persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
- (5) The impact of the substance taking the following factors into consideration:
 - (a) Size of the exposed population, living resources or ecosystems;
 - (b) The existence of particularly sensitive receptors in the zone concerned;
 - (c) Substances that are regularly by international conventions.

B. Criteria to develop local emission standards

- (1) The Council may, when developing the standards:
 - (a) Identify the critical factors for public health impact;
 - (b) Identify sensitive sub-population;
 - (c) Review available databases for public health status;
 - (d) Review available databases for ambient air quality information; and
 - (e) Review and assess international guidelines and standards.
- (2) The Council may take the following factors into consideration in setting local emission standards:
 - (a) Health, Safety and environmental protection objectives;
 - (b) Analytical methodology;
 - (c) Technical feasibility;
 - (d) Monitoring capability; and
 - (e) Socio-economic consequences.

Schedule 3

Application Form to Operate Small Boiler (Section 10(2))

Name of Enterprise: _____

Declaration of accuracy of information provided:

I, _____,
declare that the information provided in this application is in all respect factually true and correct.

Signed at _____ on the _____ day of _____

SIGNATURE

CAPACITY OF SIGNATORY

I, _____
owner/occupier of the land/property known as _____ (Registered name) within the municipality's jurisdiction hereby applying for permission to operate a small boiler on the said property.

1. Contact details

Responsible Person

Name: _____

Telephone Number: _____

Cell Phone Number: _____

Fax Number: _____

E-mail address: _____

2. Product name and model of the small boiler

Product Name	Product model

3. Raw materials used

Raw materials used	Maximum permitted consumption rate (volume)	Design consumption rate (volume)	Actual consumption rate (volume)	Units (quantity/period)

4. Energy used

Energy source	Sulphur content of fuel (%) (if applicable)	Ash content of fuel (%) (if applicable)	Maximum permitted consumption rate	(Design consumption rate (volume))	Actual consumption rate (volume)	Units (quantity/period)

5. Signatures:

Signature of the applicant

Date of Application:

6. Office Use only

6.1 Authorized person: Site inspection Observations

6.2 Authorized person: Recommendations

6.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

- a)
- b)
- c)

The application is not approved for the following Reasons:

- a)
- b)
- c)

Air Quality Officer Signature

Date: _____

APPLICATION FORM FOR Open Burning (section 12(1))

I, _____ owner/occupier of the
land/property known as _____ (Registered name)

Within the municipality's jurisdiction hereby applying for permission to burn the following materials on the said property.

1. Contact details

Responsible person

Telephone Number

Cell Phone Number

Fax Number

E-mail address

2. Description of the extent of the open area

3. Types of materials to be burnt in the open area

- A.
- B.
- C.
- D.
- E.

4. Reasons for burning materials in open area

5. Approximate date and time to burn materials

6. Notification of adjacent owners and occupiers (including surrounding communities with 150 metres)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the open burning, and their rights to lodge any written objections to the municipality.

7. Signature

Signature of the Applicant

Date of Applications

8. Office Use Only

8.1. Authorized Person: Site Inspection Observations

8.2. Authorized Person: Recommendations

8.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, Subject to the following conditions:

- a)
- b)
- c)
- d)
- e)

The application is not approved for the following reasons:

- (a)
- (b)
- (c)
- (d)
- (e)

Air Quality Officer Signature:

Date: _____

Application Form to Burn Organic material (section 14(1) (a))

I, _____ owner/occupier of the
land/ property known as _____ (registered name) within the
municipality's jurisdiction hereby applies for permission to burn organic material on the
said property.

1. Contact details

Name of the responsible person

Telephone number

Cell Phone Number

Fax Number

E-mail address

2. Description of the extent of the area to be burned

3. Reasons for the organic material burning

4. Approximate date and time to burn organic material

Date	Time

5. Notification of adjacent owners and occupiers (including surrounding communities within 150 metres)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the proposed burning of organic material, and their rights to lodge any written objections to the municipality. The notification must clearly specify

- (a) the extent of the area to be burned;
- (b) reasons for the organic material burning;
- (c) approximate date and time for the organic material burning;
- (d) alternative dates and time, in the event of inclement weather conditions;
- (e) adjacent owners and occupiers` right to lodge written objections within 7 days to the municipality.

6. Signature

Signature of the Applicant:

Date of Application

7. Office Use Only

7.1. Authorised Person: Site Inspector Observations

7.2. Authorised Person: Recommendations

7.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, Subject to the following conditions:

- a)
- b)
- c)

The application is not approved for the following reasons:

- (a)
- (b)
- (c)

Air Quality Officer Signature:

Date: _____

Application Form to Undertake Pesticide Spraying (Section 16(2) (a))

I, _____owner/Occupier of the
land/property known as _____ (registered name) within the
municipality’s jurisdiction hereby applies for permission to spray pesticides on the said
property.

1. Contact details

Responsible Person

Name

Telephone Number

Cell Phone Number

Fax Number

E-mail address

2. Description of the extent of the proposed treated area

3. Type of product label to be used

- (a)
- (b)
- (c)
- (d)
- (e)

4. Approximate date and time for pesticide spraying

Date	Time

Alternative date time event of inclement weather conditions

Date	Time

5. Notification of adjacent owners and occupiers (including surrounding

communities within 150 metres)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the proposed pesticide spraying, and their rights to lodge any objections to the municipality. The notification must clearly specify

- (a) the extent of the proposed treatment area;
- (b) reasons for pesticide use;
- (c) the active ingredient;
- (d) approximate date and time for pesticide spraying;
- (e) alternative dates and time, in the event of inclement weather conditions;
- (f) time, if any, indicated on the product label specifying when the area can safely be entered after application;
- (g) adjacent owners and occupiers` right to lodge written objections within 7 days to the municipality.

6. Signature

Signature of the Applicant

Date of Application

7. Office Use Only

7.1. Authorised Person: Site Inspection Observations

7.2. Authorised Person: Recommendations

7.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, Subject to the following conditions:

- a)
- b)
- c)

The application is not approved for the following reasons:

- a)
- b)
- c)

Air Quality Officer Signature

Date: _____

Spray Booth Construction (Section 17(5))

WALL	225mm Brickwork
ROOF	Reinforced concrete
FLOOR	Concrete or other impervious material
DOORS	(A)- Constructed of 150mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door. (B)- Close fitting metal doors not less than 3mm in thickness, carried on a angle iron frame and having an all round overlap or not less than 50mm.
NOTE:	Where the floor area exceeds 18 square metres 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the designated fire officer.
NOTE:	The Factory Inspector requires natural light to the extent of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating 1 metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at 4 metre centre's or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
NOTE:	If the ducting is external to the Spray Booth and in communication with the Workshop etc, it must be protected by either 110mm brick cement lagging.

VENTILATION INLETS

The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than 2 metres.

MINIMUM NUMBER OF AIRBRICKS

40
65
90
150

SIZE OF THE ROOM

Up to but not exceeding 140 cubic metres

Up to but not exceeding 280 cubic metres

Up to but not exceeding 470 cubic metres

Up to but not exceeding 650 cubic metres

NOTE: Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.

ELECTRICAL WORK All electrical work must be of flame-proof construction

DANGER NOTICE “DANGER-NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.

Permitting Procedures

1. Application Process:

- a) The applicant must fill the prescribed application form for the proposed activity. The application form must be filled in full and accompanied by the prescribed application fee of R500.
- b) The application form can be directly obtained from the Council offices or Website.
- c) The application form must be submitted together with all relevant supporting Documentation, including information required by the Council for that particular activity.
- d) The Council must, within 14 days of receipt of the application, in writing:
 - i. Acknowledge receipt of and accept the application, if the application is in order; or
 - ii. Acknowledge receipt and reject the application, if it is not in order.
- e) The applicant may accordingly correct the rejected application and resubmit to the Council for further consideration.

2. Background Information Document

- a) As one of the major supporting documentation, the applicant must compile a Background Information Document (BID). The BID must include the following, but not be limited to:
 - i. The project location;
 - ii. Description of the surrounding land users;
 - iii. Description of the need and desirability of the proposed activity;
 - iv. Detailed description of the proposed activity or project;
 - v. Relevant Specialist Studies;
 - vi. Description of all raw materials to be used and the manner in which such materials will be stored, handled and used;
 - vii. The type of energy or fuel to be used (if applicable to the proposed project);
 - viii. Description of the environmental aspects (i.e. air, water, soil, community etc) that may be affected by the proposed activity;
 - ix. Description and assessment of all environmental impacts (e.g. air & noise pollution, waste etc) associated with the proposed project or activity. The proposed mitigation and management measures to address or reduce such impacts must be provided;
 - x. Proposed waste disposal measures (if applicable);

- xi. Proof that Interested & Affected Parties (I&AP) positioned within 100m radius of the proposed site were consulted and given an opportunity to raise their comments or inputs on the proposed activity as prescribed by the Council; and
- xii. Any comments or inputs, including objections raised by I&APs during Public Consultation and the manner in which such objections were addressed by the applicant.

3. Public Participation Process

- a) The applicant must, as a minimum undertake the following steps relating to public consultation:
 - i. Interested & Affected Parties located within 100m radius of the proposed site must be informed about the proposed activity or project;
 - ii. The applicant must open and maintain a register where the people can register as I&APs;
 - iii. I &APs must be informed or consulted either by letters, emails (if possible) and through public meetings;
 - iv. A visibly enough Notice Board (introducing the proposed project to be people) must be placed on site where the proposed activity will be undertaken;
 - v. The Notice Board must remain on site for a period not less than 30 days;
 - vi. I&APs must be provided with all documentations (especially BID) relating to the proposed activity for comments or inputs and objections;
 - vii. A 30 days commenting period must be provided to I&APs;
 - viii. The application, including all supporting documentations must be placed in public areas (e.g. community halls, clinics, libraries etc);
 - ix. The Ward Councilor where the proposed project or activity will be undertaken must be informed in writing and directly provided with all copies relating to the activity;
 - x. The applicant must prescribe the manner and the person to whom representations in respect of the proposed project can be made;
 - xi. After the lapsing of the 30 days commenting period, the applicant must accordingly address all concerns, inputs or objections raised by I&APs and submit the final documents to the Council for consideration; and
 - xii. In cases whereby other I&APs continuously shows dissatisfaction with the manner in which their concerns or objections were addressed by the applicant, the applicant should submit such reports or documents to the Municipality for the Council to decide the outcome of the application.

4. Decision on application

- a) The Council must, within 30 days of submission of the application including all supporting documentation as required, consider the application and in writing:
 - i. Grant the permit for the activity applied for, subject to any conditions or requirements as deemed necessary by the Council or
 - iii. Refuse the permit with sound reasons included in the refusal document.

SCHEDULE 9

License processing fee

1. The processing fees are as follows -

- Application for new atmospheric emission licence (“AEL”) - R10 000 per activity;
- Application for AEL review - R10 000 per listed activity under review;
- Application for AEL renewal - R5 000 per activity;
- Application for AEL transfer - R2 000.