
GENERAL NOTICE

NOTICE 411 OF 2015

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

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

DRAFT NATIONAL GREENHOUSE GAS EMISSION REPORTING REGULATIONS

I, Bomo Edna Edith Molewa, Minister of Environmental Affairs, hereby give notice of my intention to make the National Greenhouse Gas Emission Reporting Regulations, under sections 12(b) and (c) and 53(aA), (o) and (p) read with section 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 60 days of publication of the notice in the *Gazette*, written representations or objections to the draft regulations to the following addresses:

By post to: The Director-General
 Department of Environmental Affairs
 Attention: Mr Jongikhaya Witi
 Private Bag X447
 PRETORIA
 0001

By hand: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Pretoria.

By email: jwiti@environment.gov.za or by fax: 086 586 7570.

Any inquiries in connection with the draft regulations can be directed to Mr Jongikhaya Witi at 012 399 9154 or Ms Lungile Manzini at 012 399 9196.

Comments received after the closing date may not be considered.



BOMO EDNA EDITH MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

"IPCC" means the Intergovernmental Panel on Climate Change which is the international body for the assessment of climate change established by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988;

"IPCC Guidelines for National Greenhouse Gas Inventories (2006)" means the guidelines developed by the IPCC for the establishment and maintenance of national greenhouse gas inventories and are available on the IPCC website (www.ipcc.ch); **"Megawatt"** means a unit of power equal to one million watts, especially as a measure of the output of a power station;

"National Atmospheric Emission Inventory System" or "NAEIS" means the internet-based emissions reporting system that is a component of the South African Air Quality Information System;

"National Inventory Unit" means the institutional structure within National Department of Environmental Affairs responsible for the compilation of the national greenhouse gas inventory in order to respond to the requirements of section 6.7 of the National Climate Change Response Policy;

"reporting period" means one calendar year;

"process emissions" means greenhouse gas emissions other than combustion emissions occurring as a result of intentional and unintentional reactions between substances or their transformation, including the chemical or electrolytic reduction of metal ores, the thermal decomposition of substances, and the formation of substances for use as product or feedstock

"South African Air Quality Information System" or "SAAQIS" means the national air quality information system established in terms of the National Framework for Air Quality Management in the Republic of South Africa;

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

"Technical Guidelines for Monitoring, Reporting and Verification of Greenhouse Gas Emissions by Industry" means the reporting methodology approved by the competent authority available on the National Department of Environmental Affairs website (www.environment.gov.za);

"these Regulations" include the Annexure to these Regulations.

"tier" means a method used for determining greenhouse gas emissions as required by the "IPCC Guidelines for National Greenhouse Gas Inventories (2006)" and include—

- (a) Tier 1 method: Default IPCC emission factors available in the 2006 IPCC Guidelines are used to calculate emissions from activity data;
- (b) Tier 2 method: Country specific emission factors published in the Technical Guidelines for Monitoring, Reporting and Verification of Greenhouse Gas Emissions by Industry are used to calculate emissions from activity data;
- (c) Tier 3 method: Emission models, material carbon balances and continuous emission measurements in the Technical Guidelines for Monitoring, Reporting and Verification of Greenhouse Gas Emissions by Industry available on the DEA website (www.environment.gov.za) are used.

Changes to registration details

6. (1) A data provider must notify, in writing, the competent authority of any change in respect of the data provider's registration details within 14 days from the date the data provider became aware of such change occurring.
- (2) If a data provider transfers ownership of a facility, or discontinues an activity, the data provider must notify the competent authority in writing within 14 days of such transfer of ownership or the activity being discontinued.
- (3) A person to whom ownership of the facility is transferred as contemplated in subregulation (2), the data provider must within 30 days after taking ownership of the facility, register on the NAEIS as a data provider.
- (4) Registration of a data provider on the NAEIS is deemed withdrawn once the competent authority has within 30 days acknowledged receipt of notification, in writing, provided by a data provider in terms of sub-regulation (2).

Reporting requirements

7. (1) Category A data provider must submit the total greenhouse gas emissions arising from each of the activities as set out in Annexure 1 to these Regulations for the preceding calendar year, to the NAEIS by 31 March of each year.
- (2) Where the 31 March falls on a Saturday, Sunday or public holiday, the submission deadline is the next working day.
- (3) A data provider required to submit emission data in terms of these Regulations must report the total of all its facility level emissions at company level.
- (4) A data provider required to submit greenhouse gas emissions in terms of these Regulations and listed in Annexure 3 must determine the emissions to be reported using tier 2 or tier 3 methods and in compliance with the requirements set out in the "Technical Guidelines for Monitoring, Reporting and Verification of Greenhouse Gas Emissions by Industry" available at the Department website.
- (5) A data provider required to submit greenhouse gas emissions in terms of these Regulations and not listed in Annexure 3 must determine the emissions to be reported using tier 1 or tier 2 or tier 3 methods and in compliance with the requirements set out in the "Technical Guidelines for Monitoring, Reporting and Verification of Greenhouse Gas Emissions by Industry" available at the Department website.
- (6) A data provider required to submit greenhouse gas emissions in terms of these Regulations must notify the competent authority which of the activity or activities listed in Annexure 1, that data provider undertakes, within 30 days after the commencement of these Regulations.
- (7) If the scope of the activity or activities notified in terms of subregulation (6) above change during the reporting period, the data provider must notify the competent authority of such change by 31 December of the year in which the change occurred.

- (2) A competent authority must, once every two years, conduct on-site verification of emission estimated using tier 2 and tier 3 methodologies by data providers listed in Annexure 3.
- (3) A data provider instructed to verify information in terms of subregulation (1) must verify the information within 30 days after receiving the written instruction from the competent authority.
- (4) If a competent authority reasonably believes the verified information submitted in terms of sub-regulation (1) to be incomplete or incorrect the competent authority must instruct such data provider, in writing, to submit supporting documentation prepared by an independent person with the competent expertise on the accuracy of the information that has been submitted to the NAEIS.
- (5) The supporting documentation requested must be submitted within 30 days after receipt of the instruction contemplated in sub-regulation (4).
- (6) A data provider is liable for all costs incurred in connection with compliance with an instruction from the competent authority in terms of sub-regulations (1) and (4).

Confidentiality of Information

13. (1) No person may disclose confidential information obtained in terms of these Regulations, unless—
- (a) the information is disclosed in compliance with the provisions of any law;
 - (b) the person is ordered to disclose the information by a court of law;
 - (c) the information is disclosed to enable a person to perform a function in terms of these Regulations.

Publishing data and Information

14. (1) The competent authority may only place NAEIS data and information in the public domain if it does not—
- (a) it does not promote unfair competition in terms of the Competition legislation;
 - (b) it does not contravene section 36 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); and
 - (c) it does not contravene section 17 of the Statistics Act, 1999 (Act No. 6 of 1999).

Transitional arrangements

15. A competent authority may, for a transitional period of up to four years from the date of commencement of these Regulations, allow a data provider who operates any activity with emission source categories listed in terms of Annexure 3 to these Regulations to apply lower tiers than those referred to in regulation 7(4), with a minimum tier 1 method.

ANNEXURE 1

LIST OF ACTIVITIES FOR WHICH GHG EMISSIONS MUST BE REPORTED TO THE COMPETENT AUTHORITY

1. ENERGY

1A Fuel combustion activities

1A1 Energy Industries

1A1a Electricity and Heat Production

1A1a i Electricity Generation

1A1a ii Combined heat and Power Generation (CHP)

1A1a iii Heat Plants

1A1b Petroleum Refining

1A1c Manufacture of Solid Fuels and other Energy Industries

1a1ci Manufacture of Solid Fuels

1a1cii Other Energy Industries

1A2 Manufacturing Industries and Construction

1A2a Iron and Steel

1A2b Non-Ferrous Metals

1A2c Chemicals

1A2d Pulp, Paper and Print

1A2e Food Processing, Beverages and Tobacco

1A2f Non-Metallic Minerals

1A2g Transport Equipment

1A2h Machinery

1A2i Mining (excluding fuels) and Quarrying

1A2j Wood and wood products

1A2k Construction

1a2l Textile and Leather

1B2bii Flaring

1B2biii All Other

1B2biii1 Exploration

1B2biii2 Production

1B2biii3 Processing

1B2biii4 Transmission and Storage

1B2biii5 Distribution

1B2biii6 Other

1B3 Other Emissions from Energy Production

2. INDUSTRIAL PROCESSES AND PRODUCT USE

2A Mineral Production

2A1: Cement Production

2A2: Lime Production

2A3: Glass Production

2A4: Other process use of carbonates

2A4a: Ceramics

2A4b: Uses of soda ash not listed above

2A4c: Non metallurgical Magnesia production

2A4d: Other

2B Chemical Production

2B1: Ammonia Production

2B2: Nitric Acid Production

2B5: Carbide Production

2B6: Titanium Dioxide Production

2B8f Carbon Black Production

2B8g Hydrogen Production

2C Metal Industry

4. WASTE SECTOR

4A Solid Waste Disposal

4A1 Managed waste disposal sites

4A2 Unmanaged waste disposal sites

4A3 Uncategorised waste disposal sites

4B Biological treatment of solid waste

4C Incineration and open burning of waste

4D Waste Water Treatment and Discharge

4D1 Domestic wastewater treatment and discharge

4D2 Industrial wastewater treatment and discharge

1a2l Textile and Leather

1A2m Non-specified Industry

1A3 Transport

1A3a Civil Aviation

1A3ai International Aviation (International Bunkers)

1A3aⁱⁱ Domestic Aviation

1A3b Road Transportation

1A3bⁱ Cars

1A3bⁱⁱ Passenger cars with 3-way catalysts

1A3bⁱ² Passenger cars without 3-way catalysts

1A3bⁱⁱⁱ Light duty truck with 3-way catalyst

1A3bⁱⁱ Light-duty trucks

1A3bⁱ¹ Light-duty trucks with catalysts

1A3bⁱ² Light-duty trucks without catalysts

1A3bⁱⁱⁱ Heavy-duty trucks and buses

1A3b^{iv} Motorcycles

1A3b^v Evaporative emissions from vehicles

1A3b^{vi} Urea-based catalysts

1A3c Railways

1A3d Water-Borne Navigation

1A3dⁱ International water-borne navigation (International bunkers)

1A3dⁱⁱ Domestic Water-Borne Navigation

1A3e Other Transportation

1A3eⁱ Pipeline Transport

1A3eⁱⁱ Off-road

1A4 Other Sectors

1A4a Commercial/Institutional

Key sector	Sector	Source - Category
Industry	Non-Power	Petroleum refining
		Other energy industries and Synfuels
		Coal mining and handling
		Oil and natural gas
	Metals	Iron and steel production
		Ferroalloy production
		Primary aluminium production
	Chemicals	Chemicals production (nitric acid, carbon black, ammonia production)
	Other	Pulp and paper production (including source/sequestration from plantations)
		Sugar processing and refining
		Glass production
		Cement production
Lime production		
Minerals		
Mining	Mining and quarrying	
Aviation	Civil aviation	
Transport	Rail	Railway
	Domestic water-borne navigation	Domestic water-borne navigation

Technical information	
Greenhouse gas	
Relevant IPCC Source-Category in terms of 2006 IPCC or later Guidelines	
Type of Parameter	
Measurement technique/standard	
Periodicity of measurement	
External quality control performed and verification report	
Date of measurement	
Comments from Data provider	
Comments from others (e.g. independent verifier)	
