



# Cluett Consulting Management Alert

## Topic: Revision of GN R827, National Dust Control Regulations, 2013

Actionable	Level of Action	Urgency	Implementation Date	Reporting			Cost Implication
Yes	Group	Immediate	Future	Authority	Hard	DMR	Yes
No	Operational	6 Months			Electronic	DEA	
Information Only	Department	>1 Year		Internal	EMS	DEA:AQ	
				Group	H&S	DEA:WM	No
					Finance	DWS	
					Legal	Province	

**Requirement:** Changes to Fallout Dust Sampling Requirements  
**Action Required:** Currently: comments. In future: changes to sampling methods  
**Applicable Legislation:** National Environmental Management: Air Quality Act (39 of 2004)

**Background:** The National Dust Control Regulations, 2013 were published in 2013 under GN R827. There has been confusion over the reference to ASTM D1739 - 70 as this was repealed by the issuing authority and replaced with ASTM D1739 - 98 (reapproved in 2004). As a result of this there have been varying sampling practices across the country.

The Minister of Environmental Affairs has submitted a revised draft of these regulations for comment. These were published under GN 517 Draft National Dust Control Regulations, in Government Gazette 41650 on the 25<sup>th</sup> May 2018. Comment must be submitted by the **25<sup>th</sup> of June 2018**.

### Summary of requirement:

Any person conducting a mining operation, any listed activity that requires a fugitive dust emission management plan or any person required by an air quality officer, through a written notice, must implement a dustfall monitoring programme as required in terms of these regulations.

### The following key changes are described:

- ☛ Sampling must be conducted according to the **latest version** of ASTM D1739. i.e. ASTM D1739 - 98 not ASTM D1739 - 70.
- ☛ Other internationally approved standards are not listed as accepted, as they had been previously
- ☛ Exceedances that are of a **naturally occurring, non-anthropogenic source and extreme weather or geological event** will be exempted
- ☛ **Any person** conducting a mining operation, or any listed activity that requires a fugitive dust emission management plan, must implement a dustfall monitoring programme.
  - Any person who has, up to now, not conducted a dustfall monitoring programme and who is now required to, must submit a first dustfall monitoring report in the form required by these regulations **within three months** of the implementation of these regulations.





- **Monthly dustfall monitoring reports** must be submitted to the Air Quality Officer and must meet the requirements of Regulation 13. These include but are not limited to the inclusion of:
  - Information on sensitive receptors
  - Proof that standard test methods were used
  - Meteorological data including **at least hourly values** for wind speed and wind direction
- **Any person** conducting a mining operation or any listed activity that requires a fugitive dust emission management plan, **prior to undertaking such an activity**, must implement a dust management plan as described in Regulation 16.
- These regulations will come into effect on the 1<sup>st</sup> of November 2019 unless otherwise stipulated.

### Our opinions:

- These draft changes will result in an improved clarity of the requirements with regard to the standard test method that is used.
- There is still a problem for the industry regarding the size of the buckets (i.e. a minimum diameter of 15mm and a minimum height of twice the diameter). This must be clarified.
- The requirement for the measurement of meteorological information will require weather stations for each facility. This will have a cost impact.

### Recommendation:

- Submit comments to the Minister within 30 days of the publication of these draft regulations (i.e. the 25<sup>th</sup> of June 2018). These may be submitted:
  - By Post to: The Director-General: Department of Environmental Affairs  
Att: Mr O. Matshediso  
Private Bag X 477, Pretoria, 0001
  - By Hand at: Environment House, 473 Steve Biko Road, Arcadia
  - By email: [OMatshediso@environment.gov.za](mailto:OMatshediso@environment.gov.za)
- Discuss these changes and your updated requirements with your service provider. Ensure in writing that they can meet these requirements.

The draft regulations can be obtained from [www.gov.za](http://www.gov.za) or from Cluett Consulting

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