

**EDEN DISTRICT MUNICIPALITY AIR QUALITY BY- LAW  
OFFENSES AND PENALTIES (PG 7043 dated 12 October 2012)**

Section Contravened	Description of Offense	Proposes Fine (1)	Approved Fine (2)
	<b>DUTY OF CARE</b>		
8(1) r.w.23	Every person who is wholly or partially responsible for causing air pollution or creation a risk of air pollution occurring.	R2000	R2000
8(2) r.w.23	Failing to take measures to prevent and/or mitigate air pollution and/or failing to comply with a directive	R2000	R2000
8(4).r.w.23	Failing to pay recovery of cost by the municipality	R2000	R2000
8(5)(a) r.w.23	Unlawfully and intentionally or negligently commit any act or omission which causes or is likely to cause air pollution	R2000	R2000
8(5)(b), r.w. 23	Refuse to comply with a directive.	R2000	R2000
	<b>LOCAL EMISSIONS STANDARDS, NORMS AND STANDARDS</b>		
11(3) r.w.23	Any person who is emitting sunstances or mixtures of substances exceeding the emission standards published in terms of this By - law	R2500	R2500
	<b>CONTROLLED EMITTERS</b>		
14(1) r.w.23	The installation, altering, extension or replacement of any fuel - burning equipment of a Controlled Emitter without the prior written authorization of Council	R2500	Sect14 not in operation A.G not determined
14(6) r.w.15(3) r.w.23	Failing to remove fuel - burning equipment from the premises at the expense of the owner and operator and within the period stated in a notice	R2500	Sect14 not in operation A.G not determined
15(1) r.w.14 r.w.23	The use or operation of any fuel - burning equipment of Controlled Emitters on any premises contrary to the authorisation	R2500	Sect14 not in operation A.G not determined
	<b>MONITORING AND SAMPLING</b>		
16(1) r.w.23	Refusal or failing to install emission measuring equipment and or to do emissions monitoring if and when required by an authorized person	R2500	R2500
16(1)(a) r.w.23	Failing to record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining results	R500	R500
16(1)(b) r.w.23	Failing to produce the record of the monitoring and sampling results for inspection	R500	R500
16(1)© r.w.23	Failing to provide a written report, in a form and by a date specified by the authorised person, of part or all of the information in the record of the monitoring and sampling results	R500	R500
	<b>DUST EMISSIONS</b>		
17(1) r.w. 23	Any person conducting listed activities or controlled emitters that refuse to take control measures to prevent or minimize dust emissions into the atmosphere	R2500	R2500
17(2)(i-vii) r.w.23	Refusing or failing to implement the control measures to minimize or control dust emissions from Controlled Emitters and Listed Activities	R2500	R2500
	<b>OFFENSIVE ODOURS</b>		

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18(1) r.w.23	Conducting a listed activity and or Controlled Emitter or part of Listed Activity and Controlled Emitter which cause an offensive odour	R2500	R2500
18(2) r.w.2	Refusing or failing to implement control measures to minimize or control offensive odours from Controlled Emitters and Listed Activities or part of Listed Activities and Controlled Emitters	R2500	R2500
18(3) r.w.23	Failing to implement necessary mechanisms such as monitoring or any other activity determined by the authorized person to identify the substance(s) causing the offensive odour	R2500	R2500
18(4) r.w.23	Failing or refusing to implement necessary offensive odour control measures and any alternative control measure approved by the air quality officer or his or her delegated representative	R2500	R2500
<b>ABATEMENT NOTICE</b>			
19(1) r.w.23	Failing to adhere to the conditions set in the abatement notice	R2500	R2500
19(1)(a) r.w.23	Failing to abate the offensive odour within the required time frame	R2500	R2500
19(1)(b) r.w.23	Failing to take all necessary steps to prevent a recurrence of the offensive odour	R2500	R2500
19(1)© r.w.23	Failing to comply with any other conditions contained in the notice	R2500	R2500
<b>LICENSING OF LISTED ACTIVITIES</b>			
21(1), r.w.(4), r.w.23	Undertaking a Listed Activity, as published in terms of section 21 of the Air Quality Act, without being in possession of an Atmospheric Emission License	R2500	R2500

I hereby certify that the admission of guilt fines list in the above table as submitted by the Eden District Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magistral Districts of George, Oudtshoorn, Mossel Bay, Riversdal, Knysna, Heidelberg, Calitzdorp, Ladismith, Plettenberg Bay.

The determination replaces any previous determination for the said Magistral District.