



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11975

Regulasiekoerant

Vol. 729

31

March
Maart

2026

No. 54440



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ISSN 1682-5845



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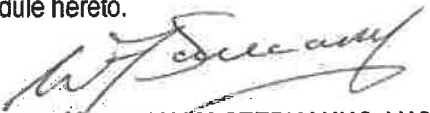
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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. R. 7335****31 March 2026****NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)****NATIONAL DUST CONTROL REGULATIONS**

I, Willem Abraham Stephanus Aucamp, Minister of Forestry, Fisheries and the Environment, hereby make the National Dust Control Regulations, in terms of section 53(o), read with section 32 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), as set out in the Schedule hereto.



MR WILLEM ABRAHAM STEPHANUS AUCAMP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

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1 Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise —

“dust” means settleable particulate matter, including any material composed of solid particles small enough to pass through a 1 mm screen but large enough to settle by virtue of their weight into the sampling container from the ambient air;

“dustfall” means settleable particulate matter;

“dust management plan” means a plan with control measures for preventing, minimizing, and managing dust, including fugitive dust;

“dustfall monitoring programme” means a programme for the monitoring of dustfall on a continuous basis;

“fugitive dust” means solid airborne particulate matter generated or emitted from any source other than a stack or chimney;

“historical mine dump” means debris, discard, residues, slimes, screening, slurry, tailings, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to prospecting, exploration, mining or production operations, which do not require any authorisation in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“non-residential area” means any area, of which the land is used for agricultural, industrial, transport, commercial, business or mining purposes as prescribed under schedule 2 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

“nuisance” means an unreasonable interference or likely interference caused by dust to the use or enjoyment by an owner or occupier of his or her property or environment, or to the ordinary comfort, convenience and peace;

“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 from which dust may be generated;

“reclamation” means obtaining materials of value from a historical mine dump;

“residential area” means any area of which the land is used for the purposes listed in schedule 2 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), excluding land used for agricultural, industrial, commercial, business, transport or mining purposes;

“SANAS” means the South African National Accreditation System established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

“SANS 1137” means the last approved version of the South African National Standard 1137, which is the standard test method for the collection and measurement of dustfall (settleable particulate matter);

“sensitive receptors” means locations that may be adversely affected by dust emissions, which include but are not limited to hospitals, schools, daycare centres, surface water and sensitive ecological areas; and

“The Act” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

2 Purpose of the Regulations

The purpose of these Regulations is to prescribe—

- (1) measures for the control of dust in all areas nationally; and
- (2) steps that must be taken to prevent nuisance by dust.

3 Application of the Regulations

These Regulations apply nationally to —

- (a) any holder of a right or permit related to a prospecting, exploration, mining, or production operation, as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
- (b) any person conducting reclamation;
- (c) any person conducting a listed activity and is required in terms of the provisional or atmospheric emission licence to develop a dust management plan;
- (d) any person conducting a controlled emitter that has the potential to generate dust; and
- (e) any person conducting an activity that an air quality officer reasonably suspects is causing or has the potential to cause nuisance by dust.

4 Dustfall Standard Test Method

The standard test method for the collection and measurement of dustfall is SANS 1137 or any equivalent method.

5 Prescribed Dustfall Rates

Prescribed dustfall rates and permissible frequency of exceedances are set out in the table below:

Restriction Areas	Dustfall rate (D) (mg/m ² /day, 30-day period)	Permitted frequency of exceeding dustfall rate
Residential area	$D \leq 600$	Twice within a year, not occurring on sequential months.
Non-residential area	$D \leq 1200$	Twice within a year, not occurring on sequential months.

6 Development of a Dust Management Plan

- (1) An identified person in regulation 3(a) or (b), must within 60 days of the coming into operation of these Regulations, develop and submit for approval, a dust management plan to any of the air quality officers in the municipality where dust is generated.
- (2) An identified person in regulation 3(c) must within 60 days of the coming into operation of these Regulations, develop and submit for approval, a dust management plan to the relevant licencing authority.
- (3) An identified person referred to in regulation 3(a), (b) or (c) who has not yet commenced activities when these Regulations come into operation, must develop and submit for approval, a dust management plan to the air quality officer or licencing authority contemplated in subregulation (1) or (2), prior to commencement of the activity.
- (4) The licensing authority must upon approval of a dust management plan, incorporate an approved dust management plan into the atmospheric emission license for listed activities that are likely to generate dust emissions.
- (5) An identified person in regulation 3(d) and (e) must, upon receipt of a written notice from an air quality officer, develop and submit a dust management plan for approval within the timeframe determined by an air quality officer.
- (6) The timeframe determined by the air quality officer in regulation 6(5) may not exceed 60 days.
- (7) An air quality officer or licensing authority must, within 60 days of receipt of a dust management plan,
 - i. approve the plan for implementation if it meets the requirements of regulation 7; or
 - ii. refer the plan back to the identified person for amendment.

- (8) The identified person in regulation 3 must implement an approved dust management plan from the date of commencement of the activities or, where activities have already commenced, from the date of approval of the plan.

7 Contents of a Dust Management Plan

A dust management plan contemplated in these Regulations must include—

- (a) the person responsible for the implementation of the dust management plan;
- (b) a description of the surrounding land use (within 5 km radius);
- (c) a description of the premises and all possible sources of dust and activities with the potential to generate dust within the premises;
- (d) detailed and time-bound best practicable control measures that must be taken to prevent, minimize and manage dust, including fugitive dust;
- (e) measures to manage dust complaints and complaints register;
- (f) measures that must be taken to prevent nuisance by dust;
- (g) a dustfall monitoring programme if required by the air quality officer or licensing authority with the following:
 - i. Procedures for the collection and measurement of dustfall in terms of the standard test method; and
 - ii. Dust monitoring sampling sites sufficient in number to monitor identified or likely sensitive receptor locations in the vicinity of the premises; and
- (h) any other relevant information as an air quality officer or licensing authority may deem necessary.

8 Reporting on the Implementation of a Dust Management Plan

- (1) The identified person in regulation 3(a), (b), (d) and (e) must submit a report on the implementation of an approved dust management plan to the air quality officer at monthly intervals or as may be required by the air quality officer.
- (2) The identified person in regulation 3(c) must submit a report on the implementation of an approved dust management plan to the licensing authority at monthly intervals or as may be required by the licensing authority.

(3) The implementation report contemplated in regulations 8(1) and (2) must include—

- (a) effective measures undertaken to prevent, minimize and manage generation of dust;
- (b) actions taken and responses to address the complaints of nuisance by dust; and
- (c) a dustfall monitoring report, if required by the air quality officer or licensing authority, comprising of the following:
 - (i) information on the location of sampling sites, including latitudinal and longitudinal coordinates, and a position indicator on a topographic map;
 - (ii) information on classification of the area where samplers are located, in terms of residential and non-residential, and identification of sensitive receptor locations, if applicable;
 - (iii) dustfall monitoring results, including a tabular summary of dustfall rates for the monitoring period compared to the limit values set out in regulation 5, and a comparison with monthly historical results for at least the previous year for each site, where historical data is available;
 - (iv) meteorological information on wind speed, wind direction and rainfall for the sampling site;
 - (v) proof of SANAS accreditation by the laboratory undertaking the gravimetric sample analysis (soluble and insoluble fractions) and proof of SANAS accreditation by testing providers on the use of SANS 1137, or any equivalent method; and
 - (vi) any other relevant information as might be required by the air quality officer or the licensing authority.

9 Monitoring and Reviewing of a Dust Management Plan

- (1) An air quality officer or licensing authority may require a person contemplated in regulation 3 to review an approved dust management plan if—
- (a) the report contemplated in regulations 8(1) and (2) demonstrates non-compliance with the dustfall rates; or
 - (b) there is reasonable suspicion that dust control measures in the approved dust management plans are not adequately preventing, minimizing or managing dust including fugitive dust and are not preventing nuisance by dust.
 - (c) there is addition of new dust generating activities to the existing operations, or expansion of existing dust generating activity within the operation.

- (2) The identified person in regulation 3(a), (b), (d) and (e) required to review an approved dust management plan contemplated in regulation 9(1), must submit the reviewed plan to the air quality officer within 60 days of the written notice.
- (3) The identified person in regulation 3(c) required to review an approved dust management plan contemplated in regulation 9(1), must submit the reviewed plan to the licensing authority within 60 days of the written notice.
- (4) An air quality officer or licensing authority must within 60 days of receipt of a reviewed dust management plan, approve the plan for the implementation, if it meets the requirements of regulation 7.
- (5) The identified person in regulation 3 must implement an approved reviewed dust management plan from the date of approval of the plan.
- (6) Pending the approval of the reviewed dust management plan contemplated in regulation 9(4), the existing approved dust management plan will remain valid with full legal force and effect.

10 Transitional Provisions

- (1) An identified person in regulation 3(a), (b) and (d), in possession of an approved dust management plan prior to the promulgation of these Regulations must submit a reviewed plan in line with these Regulations to an air quality officer for approval, within 60 days of the coming into operation of these Regulations.
- (2) An identified person in regulation 3(c) in possession of an approved dust management plan prior to the promulgation of these Regulations must submit a reviewed plan in line with these Regulations to the relevant licensing authority for approval, within 60 days of the coming into operation of these Regulations.
- (3) An identified person in regulations 10(1) and (2) must include in the reviewed plans, a transitioning period from using the ASTM D1739:1970 or equivalent method approved by any international recognized body to the method prescribed in regulation 4, which period must not exceed six (6) months from the date of coming into effect of these Regulations.
- (4) An air quality officer or licensing authority must within 60 days of receipt of a reviewed dust management plan, approve the plan for the implementation if it meets the requirements of regulation 7.

- (5) The identified person in regulation 3 must implement an approved reviewed dust management plan from the date of approval of the plan.
- (6) Pending the approval of the reviewed dust management plan contemplated in regulation 10(1) and (2), the existing approved dust management plan will remain valid with full legal force and effect.

11 Offences

A person is guilty of an offence if that person contravenes or fails to comply with a provision of regulation 6(1); 6(2); 6(3); 6(5); 6(8); 8(1); 8(2); 9(2); 9(3); 9(5); 10(1); 10(2); or 10(5).

12 Penalties

A person convicted of an offence referred to in regulation 11 is liable to a fine not exceeding R5 million rand, or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both such fine and imprisonment.

13 Repeal of the Regulations

The National Dust Control Regulations, 2013 published in Government Notice R. 827 of Government *Gazette* No. 36974 on 1 November 2013, are hereby repealed.

14 Short Title and Commencement

These Regulations are called the National Dust Control Regulations, 2026 and will come into operation on the date of publication for implementation in the Government *Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065