

An Introduction to the Air Pollution Rules, 2014



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Overview

- The aim of the *Air Pollution Rules, 2014* (the Rules) is to protect human health and the environment from the adverse effects of air pollution.
- This is achieved by identifying the activities that generate air pollutants (*i.e.* Schedule 3) and by setting permissible levels for Point Sources/ Stack Emissions (*i.e.* Schedule 2) and Ambient Air (*i.e.* Schedule 1).
- With priority given to meeting Schedule 1 levels [Sub-rule 19(2)].

Overview Cont'd

- Prior to the current version of the Rules, there were several iterations (i.e. 2001, 2005 and 2009, 2013); which have undergone internal review and at least two (2) versions were subject to Public Comment.
- The Rules were published in the electronic Gazette on 23rd January, 2015 and were laid in Parliament for negative resolution for a period of forty (40) days on 24th February, 2015.
- The period of negative resolution expired without objection on 08th April, 2015.

Process Flow – Source Emitter Registration

- ...any owner or operator of a facility *which releases* any substance listed in Schedules 1 and 2 in excess of the permissible levels or which conducts any activity listed in Schedule 3 shall, within six (6) months, be required to submit a request to register as a source of air pollution and pay the prescribed fee [Rule 4 (1)].
- Any operator or owner who *intends* to do the above must submit the request to register and pay the prescribed fee at least ten (10) working days before the commencement of the operation [Rules 4(2)].

Source Emitter Application Form - Sample

FORM A-01 (Rules 4 and 5 of the Air Pollution Rules)

SOURCE Emitter

ENVIRONMENTAL MANAGEMENT AUTHORITY

GENERAL INSTRUCTIONS:

- ✓ This form must be completed in Print
- ✓ All fields must be completed. Mark **be considered Incomplete** (Sub rule 4.1.1)
- ✓ Refer to the Instructional Booklet at the back of the form
- ✓ According to the Air Pollution (Enforcement) Regulations, the EMA reserves the right to require the applicant to provide further information.

Declaration

I certify under penalty of law that based on the information contained in this application as follows:

Applicant: M

Official title/ position: Corporate

CEO/ Company Director: M

Official title/ position: Chief Executive Officer

Mailing Address (number, street, village, postal code):

Telephone No.: 000-0000 ext 111-000

Mobile No.: 111-000

| | |
|----------------------------------|------------------|
| Date Application Received: | (Day/Month/Year) |
| Amount Received: | |
| Receipt Number: | |
| Source Emitter Reference Number: | APR |
| Region / Parish Name | |
| Facility Size: Mini & Micro | |

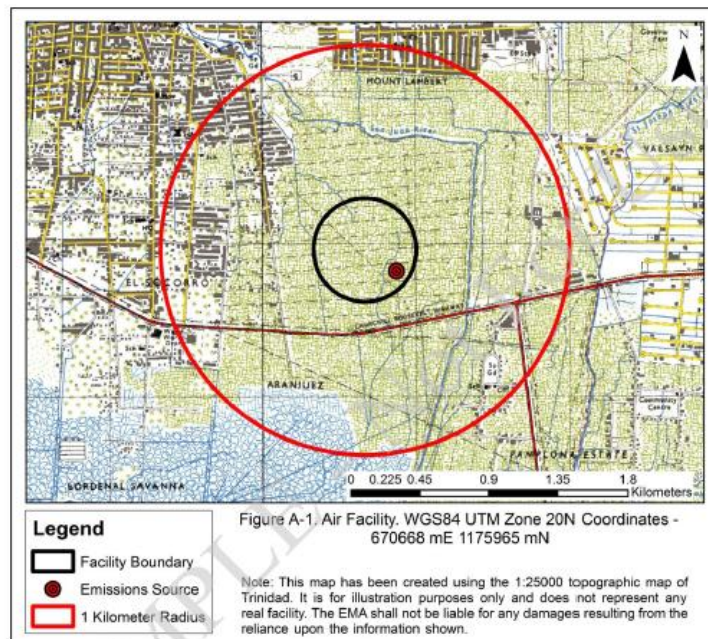
14. Stack Release Emissions Data. Complete one table for each stack.

| STACK RELEASE CHARACTERISTICS | | Receiving Body |
|---|--|----------------|
| Emission Name/ ID | Reformer | |
| UTM Coordinates (WGS84, Zone 20N) | Eastings (mE) 671009 Northings (mN) 1175422 | |
| Period of Sampling | 1 hr | |
| Method of Release | Stack | |
| SUBSTANCE/ PARAMETER | | |
| Particulate Matter | | |
| Opacity | | |
| Sulfur dioxide (SO ₂) | | |
| Oxides of Nitrogen (NO _x) | | |
| Carbon monoxide (CO) | | |
| Sulfuric acid (H ₂ SO ₄) mist or sulphur trioxide (SO ₃) | | |
| Hydrogen sulphide (H ₂ S) | | |
| Ammonia (NH ₃) | | |
| Fluorine (F) and its compounds | | |
| Acids and acid gases as hydrogen chloride (HCl) | | |
| Chlorine (Cl) and its compounds | | |
| Lead (Pb) and its compounds | | |
| Antimony (Sb) and its compounds | | |
| Arsenic (As) and its compounds | | |
| Cadmium (Cd) and its compounds | | |
| Mercury (Hg) and its compounds | | |
| Heavy metals (other) | | |
| Volatile Organic Compounds (VOCs) | | |
| Dioxins | | |
| Furans | | |
| Other (please specify) | | |

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FORM A-01 (Rev01)

Attachment #2 – Topographic Map



Process Flow Cont'd

- All fees associated with the Rules are prescribed in the Air Pollution (Fees) Regulations, 2014 (APFR) and are payable at any branch of First Citizens Bank Limited to account number 1183848.

Excerpt from the APFR

| SCHEDULE | | | | | |
|-----------------|--|----------------------|---------------------|----------------------|---------------------|
| <i>Item No.</i> | <i>First Column</i> | <i>Second Column</i> | <i>Third Column</i> | <i>Fourth Column</i> | <i>Fifth Column</i> |
| | Description and Type of Fee | Mini and Micro | Small | Medium | Large |
| 1. | Rules 4(1) and 4(2) Application for Registration Certificate | \$120.00 | \$2,500.00 | \$7,000.00 | \$9,500.00 |
| 2. | Rule 5(2)(c) and 31(2)(b) Collection of terms of reference for air quality assessment | \$3,500.00 | \$3,500.00 | up to \$150,000.00 | up to \$600,000.00 |
| 3. | Rule 7(3) Application for transfer of Registration Certificate | \$400.00 | \$400.00 | \$400.00 | \$400.00 |
| 4. | Rule 11(2) Application for permit | \$200.00 | \$4,000.00 | \$12,000.00 | \$16,000.00 |

Process Flow Cont'd

- The application form must be completed in duplicate and submitted along with the proof of payment (i.e. a copy of the bank receipt), to the Authority.
- Following a review of the application, once the Authority is satisfied that all necessary information is supplied, the Registrant will be issued a **Registration Certificate** within ten (10) working days [(Sub-rule 6(3))].
- Process flow diagram

Process Flow - Permitting

- After a Registration Certificate has been issued, the Authority may require the applicant to obtain a permit. *There is no time obligation for the EMA to make this determination [(Sub-rule 9(2))].*
- Following receipt of the permit application and any requested further information, the EMA may prioritise the consideration of applications [(Sub-rule 13 (2))]. *The EMA is not obligated by time to start the consideration of any or all permit applications.*
- However, the EMA must notify the applicant in writing when it decides to commence consideration of the application [Sub-rule 13(1)].

Permitting Cont'd

- Ninety (90) working days from the date consideration began and upon receipt of any requested information, the EMA must notify the applicant of its ***decision to grant or to refuse to grant a permit*** [(Sub-rule 17(1))].
- If a determination cannot be made within the specified time, then the EMA must notify the applicant in writing before the 90 days have passed, providing a date by which the determination will be made and giving reasons thereof [Sub-rule 17(2)].
- An ***Air Pollution Permit*** is valid for a period up to **five (5) years** and must contain the air pollutants permitted to be released and the quantity, conditions and concentrations of the air pollutants that the operator may release ([Sub-rule 19(1)]).

[Process flow diagram](#)

Refusal to Grant a Permit

- The grounds for refusing to grant a source emitter registration certificate or a permit are found in Sub-rule 7(6) and Rules 15, 16 and 17.
- The two (2) scenarios include:
 - ❑ the failure of the applicant to provide any information requested by the EMA within the specified time (Rule 15) and/or
 - ❑ where it has been determined that the emissions from the facility in question create a clear and imminent danger of acute or chronic effects or harm to the environment (Rule 16).

Transfers, variations and renewals

- While the EMA is not obligated to do so, it may transfer, vary or renew the permit following the submission of the prescribed form and fee by the Permit Holder.

FORM E

THE AIR POLLUTION RULES, 2014

APPLICATION TO TRANSFER A REGISTRATION CERTIFICATE

I **Mr./Ms./Mrs.**

with respect to the Registered facility

of registered address

*And assigned the Reference Number **APR***

hereby submits an application to transfer the Registration Certificate to:

(a)

of

(b)

located at

(c)

Please find attached the following documents in support of the application:

☐ Proof of payment

☐ Reasons for the Transfer and supporting documents

☐ Copy of the Source Emitter Registration
Certificate

☐ Copy of the Registrar General's Certificate for the
transferee's organization

☐ List of the transferee's Directors

Declaration

I declare that the information provided on this application form and supporting documents is true and correct to the best of my knowledge, information and belief. I hereby acknowledge that any wilful false or fraudulent statement made by me makes me liable to prosecution to the full extent of the law.

For Registrant

Position/ Title:

For Transferee

Position/ Title:

Date (DD/MM/YYYY)

(a) Name of Transferee

(b) Name of Transferee's organization

(c) Address of Transferee's organization

Suspension, revocation and cancellation

- Subject to Rule 28 (*i.e. notify the permit holder, provide reasons for its intention and take into consideration submissions made by the permit holder*),
- The EMA may suspend, revoke or cancel a permit based on the stipulations of Rules 26 and 27 [*e.g. where the operator has made a misrepresentation or wilful omission in obtaining the permit or in any report submitted to the Authority; or where the permitted facility has not been in operation for twelve (12) consecutive months*].

Exemption

- The EMA may exempt an operator from the requirement to hold a permit where it determines that the operator has demonstrated to the satisfaction of the EMA that the emitter facility has for at least two consecutive years:
 - ❑ (a) complied with the terms and conditions of his permit; and
 - ❑ (b) not caused the maximum permissible levels of Schedule 1 and Schedule 2 to be exceeded. [Rule 37(1)]
- Should the operator once again exceed the maximum permissible levels of Schedules 1 or 2, he is obligated under Rule 10 to apply for a permit. [Rule 37(2)]



Vehicles

- The Rules do not apply to any operational release from vehicles or any release from vehicles used by a governmental entity for the purposes of insect vector control (Rule 42).
- **An operational release as been defined by the Rules** as *“any release of pollutant from a vehicle originating from the internal combustion of fuel in the engine when used to provide the motive power for the vehicle but does not include pollutant releases from activities occurring on the vehicle not associated with the generation of motive power for the vehicle”*.

Questions

