



# forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

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Ref: SAWMILL2021/09  
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## ATMOSPHERIC EMISSION LICENSING AUTHORITIES

Dear Colleagues

### IMPLICATIONS OF THE HIGH COURT JUDGEMENT ON ADMINISTRATIVE ACTIONS ON SAWMILLS

Following the application by Sawmilling SA to ask the High Court to set aside the decision to regulate an indirect-fired kiln used in the wood industry as a listed activity, the order was granted as follows:

*“The Minister’s decision to publish the listed activity in sub-category 9.5 of the 2018 regulations is reviewed and set aside to the extent that it requires sawmillings that dry wood in an indirectly fired kiln with an external heat source in the form of a boiler with a design capacity of 50 megawatts or lower than that to obtain an atmospheric emission license.”*

Although an appeal has been lodged with the Supreme Court of Appeals, the Department hereby provide guidance on handling administrative actions related to licensing and compliance monitoring of the affected activities.

#### Active Atmospheric Emission Licenses

All Atmospheric Emission Licenses currently issued for indirectly fired kilns are no longer valid unless the appeal is upheld. Should these expire prior to the conclusion of the appeal process, it is advised that the renewals not be required. However, if the Supreme Court of Appeal rules in the favor of the Department, applications for renewals will be processed without having to be subjected to provisions of S22A of the National Environmental Management: Air Quality Act (Act No. 39 of 2004).

#### Atmospheric Emission Licenses Applications

No new Atmospheric Emission Licenses applications should be processed until the appeal is granted. All applications should be sent back to the applicant.

Enquiries may be directed to Mr. Victor Loate, Director Atmospheric Policy, Regulations and Planning at Tel.: 012 399 8507/ Mobile: 066 081 6205, or through email: [vloate@dfpe.gov.za](mailto:vloate@dfpe.gov.za).

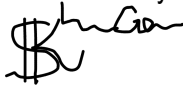


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**IMPLICATIONS OF THE HIGH COURT JUDGEMENT ON ADMINISTRATIVE ACTIONS ON  
SAWMILLS**

Yours sincerely



**Ms Nomfundo Tshabalala**

**Director-General**

**Department of Forestry, Fisheries and the Environment**

**Letter signed by: Dr. Vincent Gololo**

**Designation: Acting Chief Director- Air Quality Management**

**Date:** 15/12/2021