

# The Compendium

of The National Environmental Management: Waste Act, 2008 (Act No.59 of 2008),  
Regulations, Norms & Standards and Guidelines



2022



**forestry, fisheries  
& the environment**

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



**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO.59 OF 2008)**



## Table of Contents

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT No. 59 OF 2008) .....	5
REGULATIONS.....	91
FEE STRUCTURE FOR CONSIDERATION AND PROCESSING OF APPLICATIONS FOR WASTE MANAGEMENT LICENCES, TRANSFER AND RENEWAL THEREOF ....	92
NATIONAL WASTE INFORMATION REGULATIONS, 2012 .....	95
WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS, 2013.....	107
REGULATIONS REGARDING THE PLANNING AND MANAGEMENT OF RESIDUE STOCKPILES AND RESIDUE DEPOSITS, 2015 .....	121
PLASTIC CARRIER BAGS AND PLASTIC FLAT BAGS, 2003 .....	133
REGULATIONS FOR THE PROHIBITION OF THE USE, MANUFACTURING, IMPORT AND EXPORT OF ASBESTOS AND ASBESTOS CONTAINING MATERIALS, 2008...	135
WASTE TYRE REGULATIONS, 2017 .....	140
LIST OF WASTE MANAGEMENT ACTIVITIES THAT HAVE, OR ARE LIKELY TO HAVE, A DETRIMENTAL EFFECT ON THE ENVIRONMENT, 2013.....	150
LIST OF WASTE MANAGEMENT ACTIVITIES THAT HAVE, OR ARE LIKELY TO HAVE, A DETRIMENTAL EFFECT ON THE ENVIRONMENT, 2017 .....	157
REGULATIONS REGARDING THE EXCLUSION OF A WASTE STREAM OR A PORTION OF A WASTE STREAM FROM THE DEFINITION OF WASTE, 2018.....	165
EXTENDED PRODUCER RESPONSIBILITY REGULATIONS, 2020.....	173
EXTENDED PRODUCER RESPONSIBILITY SCHEME FOR THE ELECTRICAL AND ELECTRONIC EQUIPMENT SECTOR, 2020.....	183
EXTENDED PRODUCER RESPONSIBILITY SCHEME FOR THE LIGHTING SECTOR, 2020 .....	187
EXTENDED PRODUCER RESPONSIBILITY SCHEME FOR PAPER, PACKAGING AND SOME SINGLE USE PRODUCTS, 2020.....	193
AMENDMENTS TO THE REGULATIONS AND NOTICES REGARDING EXTENDED PRODUCER RESPONSIBILITY, 2020 .....	204
NORMS & STANDARDS.....	225
NATIONAL NORMS AND STANDARDS FOR ORGANIC WASTE COMPOSTING, 2020 .....	226
NATIONAL NORMS AND STANDARDS FOR THE ASSESSMENT OF WASTE FOR LANDFILL DISPOSAL, 2013 .....	238
NATIONAL DOMESTIC WASTE COLLECTION STANDARDS, 2013 .....	247
GUIDELINE FOR COLLECTION OF RECYCLABLES .....	251
GUIDELINE ON COLLECTION VEHICLES.....	255
NATIONAL NORMS AND STANDARDS FOR DISPOSAL OF WASTE TO LANDFILL, 2013 .....	258

NATIONAL NORMS AND STANDARDS FOR THE REMEDIATION OF CONTAMINATED LAND AND SOIL QUALITY IN THE REPUBLIC OF SOUTH AFRICA, 2014 .....	266
NATIONAL NORMS AND STANDARDS FOR THE STORAGE OF WASTE, 2013 .....	269
NATIONAL STANDARDS FOR THE EXTRACTION, FLARING OR RECOVERY OF LANDFILL GAS, 2013 .....	279
NATIONAL STANDARDS FOR THE SCRAPPING OR RECOVERY OF MOTOR VEHICLES, 2013.....	290
NATIONAL NORMS AND STANDARDS FOR THE SORTING, SHREDDING, GRINDING, CRUSHING, SCREENING OR BALING OF GENERAL WASTE, 2017 .....	301

**NATIONAL ENVIRONMENTAL  
MANAGEMENT: WASTE ACT, 2008  
(ACT NO.59 OF 2008)**

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO. 59 OF 2008)**

(English text signed by the President)

*[Assented To: 6 March 2009]*

*[Commencement Date: 1 July 2009 - unless otherwise indicated]*

[Proc. 34 / GG 32189 / 20090430]

[Proc. 26 / GG 37547 / 20140411]

**as amended by:**

National Environment Laws Amendment Act 14 of 2013

[with effect from 24 July 2013]

National Environmental Management: Waste Amendment Act 26 of 2014 –

[with effect from 2 June 2014]

National Environmental Management Laws Amendment Act 25 of 2014

[with effect from 2 September 2014]

**ACT**

**To reform the law regulating waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development; to provide for institutional arrangements and planning matters; to provide for national norms and standards for regulating the management of waste by all spheres of government; to provide for specific waste management measures; to provide for the licensing and control of waste management activities; to provide for the remediation of contaminated land; to provide for the national waste information system; to provide for compliance and enforcement; and to provide for matters connected therewith.**

**PREAMBLE**

**WHEREAS** everyone has the constitutional right to have an environment that is not harmful to his or her health and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that-

- (a) prevent pollution and ecological degradation;
- (b) promote conservation; and
- (c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

**AND WHEREAS** waste management practices in many areas of the Republic are not conducive to a healthy environment and the impact of improper waste management practices are often borne disproportionately by the poor;

**AND WHEREAS** poor waste management practices can have an adverse impact both locally and globally;

**AND WHEREAS** sustainable development requires that the generation of waste is avoided, or where it cannot be avoided, that it is reduced, re-used, recycled or recovered and only as a last resort treated and safely disposed of;

**AND WHEREAS** the minimisation of pollution and the use of natural resources through vigorous control, cleaner technologies, cleaner production and consumption practices, and waste minimisation are key to ensuring that the environment is protected from the impact of waste;

**AND WHEREAS** waste under certain circumstances is a resource and offers economic opportunities;

**AND WHEREAS** waste and management practices relating to waste are matters that-

- require national legislation to maintain essential national standards;
- in order to be dealt with effectively, require uniform norms and standards that apply throughout the Republic; and
- in order to promote and give effect to the right to an environment that is not harmful to health and well-being, have to apply uniformly throughout the Republic; and
- require strategies, norms and standards which seek to ensure best waste practices within a system of co-operative governance.

**BE IT THEREFORE ENACTED** by the Parliament of the Republic of South Africa, as follows:

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## **TABLE OF CONTENTS**

### **CHAPTER 1** **INTERPRETATION AND PRINCIPLES**

1. Definitions
2. Objects of Act
3. General duty of State
4. Application of Act
5. Application of National Environmental Management Act

### **CHAPTER 2** **NATIONAL WASTE MANAGEMENT STRATEGY, NORMS AND STANDARDS**

#### **Part 1:** *National waste management strategy*

6. Establishment of national waste management strategy

#### **Part 2:** *National norms and standards, provincial norms and standards and waste service standards*

7. National norms and standards
8. Provincial norms and standards
9. Waste service standards

### **CHAPTER 3**



## **INSTITUTIONAL AND PLANNING MATTERS**

- 10. Designation of waste management officers
- 11. Certain organs of state to prepare integrated waste management plans
- 12. Contents of integrated waste management plans
- 13. Reporting on implementation of integrated waste management plans

### **CHAPTER 3A** **FINANCIAL PROVISIONS**

#### *Waste Management Charges*

- 13A. Pricing strategy for waste management charges
- 13B. Application of pricing strategy

### **CHAPTER 4** **WASTE MANAGEMENT MEASURES**

#### Part 1: *Priority wastes*

- 14. Declaration of priority wastes
- 15. Consequences of declaration of priority wastes

#### Part 2: *General duty*

- 16. General duty in respect of waste management

#### Part 3: *Reduction, re-use, recycling and recovery of waste*

- 17. Reduction, re-use, recycling and recovery of waste
- 18. Extended producer responsibility

#### Part 4: *Waste management activities*

- 19. Listed waste management activities
- 20. Consequences of listing waste management activities
- 20A. Prohibited or restricted activities in specified geographical areas

#### Part 5: *Storage, collection and transportation of waste*

- 21. General requirements for storage of waste
- 22. Storage of general waste
- 23. Waste collection services
- 24. Collection of waste
- 25. Duties of persons transporting waste

#### Part 6: *Treatment, processing and disposal of waste*

- 26. Prohibition of unauthorised disposal

27. Littering

Part 7:

*Industry waste management plans*

- 28. Preparation of industry waste management plans by certain persons
- 29. Preparation of industry waste management plans by organs of state
- 30. Contents of industry waste management plans
- 31. Notification of industry waste management plans
- 32. Consideration of industry waste management plans
- 33. Specification of measures to be taken
- 34. Review of industry waste management plans

Part: 7A

*Waste Management Bureau*

- 34A. Establishment of Waste Management Bureau
- 34B. Determination of policy
- 34C. Minister's supervisory powers
- 34D. Objects of Bureau
- 34E. Functions of Bureau
- 34F. Funding of Bureau
- 34G. Financial management
- 34H. Reporting and audit
- 34I. Immovable property
- 34J. Chief Executive Officer of Bureau
- 34K. Functions of Chief Executive Officer
- 34L. Employees of Bureau

Part 8:

*Contaminated land*

- 35. Application of this Part
- 36. Identification and notification of investigation areas
- 37. Consequences of identification and notification of investigation areas
- 38. Consideration of site assessment reports
- 39. Orders to remediate contaminated land
- 40. Transfer of remediation sites
- 41. Contaminated land register

Part 9:

*Other measures*

- 42. Recognition programmes

**CHAPTER 5**

**LICENSING OF WASTE MANAGEMENT ACTIVITIES**

- 43. Licensing authority
- 43A. Residue stockpiles and residue deposits
- 44. Co-operative governance in waste management licence applications
- 45. Application for waste management licences
- 46. Appointment of persons to manage waste management licence applications
- 47. Procedure for waste management licence applications
- 48. Factors to be taken into account by licensing authorities

- 49. Decision of licensing authorities on waste management licence applications
- 50. Issuing of waste management licences
- 51. Contents of waste management licences
- 52. Transfer of waste management licences
- 53. Review of waste management licences
- 54. Variation of waste management licences
- 55. Renewal of waste management licences
- 56. Revocation and suspension of waste management licences
- 57. Surrender of waste management licences
- 58. Waste management control officers
- 59. Criteria for fit and proper persons

## **CHAPTER 6** **WASTE INFORMATION**

- 60. Establishment of national waste information system
- 61. Objectives of national waste information system
- 62. Establishment of provincial waste information systems
- 63. Provision of information
- 64. Access to information

## **CHAPTER 7** **COMPLIANCE AND ENFORCEMENT**

- 65. Compliance powers of Minister of Water Affairs and Forestry
- 66. Waste impact reports
- 67. Offences
- 68. Penalties

## **CHAPTER 8** **GENERAL MATTERS**

### **Part 1** *Regulations*

- 69. Regulations by Minister
- 69A. Regulations for Bureau
- 70. Regulations by MECs
- 71. General regulatory powers

### **Part 2** *Consultative process*

- 72. Consultation
- 73. Public participation

### **Part 3** *Exemptions and appeals*

- 74. Applications for exemption
- 75. Consideration of applications for exemption
- 76. Decisions on applications for exemption
- 77. Review and transfer of exemptions

## **CHAPTER 9**

## MISCELLANEOUS

- 78. Delegation and assignment
- 79A. Delegation by Minister responsible for mineral resources
- 79. Repeal and amendment of laws, and savings
- 80. Transitional provisions in respect of permits issued in terms of Environment Conservation Act
- 81. Transitional provision regarding listed waste management activities
- 82. Act regarded as specific environmental management Act
- 83. Short title and commencement

## SCHEDULES

- 1. Waste management activities in respect of which a waste management licence is required
- 2. Laws repealed or amended
- 3. Defined wastes

[Table of contents amended by s. 16 of Act 26/2014 and s. 31 of Act 25/2014 w.e.f. 2 September 2014]

## CHAPTER 1

### INTERPRETATION AND PRINCIPLES

#### 1. Definitions

In this Act, unless the context indicates otherwise-

**“acceptable exposure”** means the exposure of the maximum permissible concentration of a substance to the environment that will have a minimal negative effect on health or the environment;

**“associated structures and infrastructure”**, when referred to in Schedule 1, means any building or infrastructure that is necessary for the functioning of a facility or waste management activity or that is used for an ancillary service or use from the facility;

**“best practicable environmental option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

**“building and demolition waste”** .....

[Definition of “building and demolition waste” deleted by s. 1 of Act 26/2014]

**“business waste”** .....

[Definition of “business waste” deleted by s. 1 of Act 26/2014]

**“by-product”** .....

[Definition of “by-product” deleted by s. 1 of Act 26/2014]

**“clean production”** means the continuous application of integrated preventative environmental strategies to processes, products and services to increase overall efficiency and to reduce the impact of such processes, procedures and services on health and the environment;

**“commence”** means the start of any physical activity, including site preparation or any other activity on the site in furtherance of a waste management activity, but does not include any activity required for investigation or feasibility study purposes as long as such investigation or feasibility study does not constitute a waste management activity;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“container”** means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes bins, bin-liners and skips;

**“contaminated”**, in relation to Part 8 of Chapter 4, means the presence in or under any land, site, buildings or structures of a substance or micro-organism above the concentration that is normally present in or under that land, which substance or micro-organism directly or indirectly affects or may affect the quality of soil or the environment adversely;

**“decommissioning”**, in relation to waste treatment, waste transfer or waste disposal facilities, means the planning for and management and remediation of the closure of a facility that is in operation or that no longer operates;

**“Department”** means the Department responsible for environmental affairs;  
[Definition of “Department” substituted by s. 1 of Act 26/2014]

**“disposal”** means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

**“domestic waste”** .....  
[Definition of “domestic waste” deleted by s. 1 of Act 26/2014]

**“employment practice”** has the meaning assigned to it in section 1 of the Public Service Act, 1994;  
[Definition of “employment practice” inserted by s. 1 of Act 26/2014]

**“environment”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“Environment Conservation Act”** means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

**“environmentally sound management”** means the taking of all practicable steps to ensure that waste is managed in a manner that will protect health and the environment;

**“export”** means to take or send waste from the Republic to another country or territory;

**“extended producer responsibility measures”** means measures that extend a person’s financial or physical responsibility for a product to the post-consumer stage of the product, and includes -

- (a) waste minimisation programmes;
- (b) financial arrangements for any fund that has been established to promote the reduction, re-use, recycling and recovery of waste;

- (c) awareness programmes to inform the public of the impacts of waste emanating from the product on health and the environment; and
- (d) any other measures to reduce the potential impact of the product on health and the environment;

**“Gazette”**, when used in relation to-

- (a) the Minister, means the *Government Gazette*; and
- (b) the MEC, means the *Provincial Gazette* of the province concerned;

**“general waste”** .....

[Definition of “general waste” deleted by s. 1 of Act 26/2014]

**“hazardous waste”** .....

[Definition of “hazardous waste” deleted by s. 1 of Act 26/2014]

**“high-risk activity”** means an undertaking, including processes involving substances that present a likelihood of harm to health or the environment;

**“holder of waste”** means any person who imports, generates, stores, accumulates, transports, processes, treats, or exports waste or disposes of waste;

**“import”** means any entry into the Republic other than entry for transit;

**“incineration”** means any method, technique or process to convert waste to flue gases and residues by means of oxidation;

**“industry”** includes commercial activities, commercial agricultural activities, mining activities and the operation of power stations;

**“industry waste management plan”** means a plan referred to in Part 7 of Chapter 4;

**“inert waste”** .....

[Definition of “inert waste” deleted by s. 1 of Act 26/2014]

**“integrated waste management plan”** means a plan prepared in terms of section 12;

**“investigation area”** means an area identified as such in terms of section 37;

**“licensing authority”** means an authority referred to in section 43 and that is responsible for implementing the licensing system provided for in Chapter 5;

**“life cycle assessment”** means a process where the potential environmental effects or impacts of a product or service throughout the life of that product or service is being evaluated;

**“MEC”** means the Member of the Executive Council of a province who is responsible for waste management in the province;

**“Mineral and Petroleum Resources Development Act, 2002”** means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

[Definition of “Mineral and Petroleum Resources Development Act, 2002”  
inserted by s. 18 of Act 25/2014 w.e.f. 2 September 2014]

**“minimisation”**, when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and, in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of;

**“Minister”** means the Minister responsible for environmental affairs;  
[Definition of “Minister” substituted by s. 1 of Act 26/2014]

**“municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**“non-substantive”**, in relation to the amendment or substitution of a regulation, notice, strategy, licence, approval, or provision thereof, includes-

(a) any clerical mistake, unintentional error or omission;

(b) the correction of any miscalculated figure; and

(c) the correction of any incorrect description of any person, thing, property or waste management activity;

**“organ of state”** has the meaning assigned to it in section 239 of the Constitution;

**“person”** has the meaning assigned to it in the Interpretation Act, 1957 (Act No. 33 of 1957), and includes an organ of state;

**“pollution”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“prescribe”** means prescribe by regulation under this Act;

**“priority waste”** means a waste declared to be a priority waste in terms of section 14;

**“recovery”** means the controlled extraction or retrieval of any substance, material or object from waste;

[Definition of “recovery” substituted by s. 1 of Act 26/2014]

**“recycle”** means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

**“residue deposit”** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;

[Definition of “residue deposit” inserted by s. 18 of Act 25/2014 w.e.f. 2 September 2014]

**“residue stock pile”** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;

[Definition of “residue stockpile” inserted by s. 18 of Act 25/2014 w.e.f. 2 September 2014]

**“re-use”** means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

[Definition of “re-use” substituted by s. 1 of Act 26/2014]

**“specific environmental management Act”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“storage”** means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

**“sustainable development”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“the Bureau”** means the Waste Management Bureau established by section 34A;

[Definition of “the Bureau” inserted by s. 1 of Act 26/2014]

**“this Act”** includes-

- (a) any regulations made in terms of this Act;
- (b) any notice or other subordinate legislation issued or made in terms of this Act;  
and
- (c) any regulation or direction that remains in force in terms of section 81;

**“transit”** means the continuous passage from one border of the Republic to another such border without storage other than temporary storage incidental to transport;

**“treatment”** means any method, technique or process that is designed to-

- (a) change the physical, biological or chemical character or composition of a waste;  
or
- (b) remove, separate, concentrate or recover a hazardous or toxic component of a waste; or
- (c) destroy or reduce the toxicity of a waste,

in order to minimise the impact of the waste on the environment prior to further use or disposal;

**“waste”** means-

- (a) any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered and includes all wastes as defined in Schedule 3 to this Act; or



- (b) any other substance, material or object that is not included in Schedule 3 that may be defined as a waste by the Minister by notice in the *Gazette*,

but any waste or portion of waste, referred to in paragraphs (a) and (b), ceases to be a waste-

- (i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
  - (ii) where approval is not required, once a waste is, or has been re-used, recycled or recovered;
  - (iii) where the Minister has, in terms of section 74, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or
  - (iv) where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste.
- [Definition of “waste” substituted by s. 38 of Act 14/2013 and s. 1 of Act 26/2014]

**“waste disposal facility”** means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;

**“waste management activity”** means any activity listed in Schedule 1 or published by notice in the *Gazette* under section 19, and includes-

- (a) the importation and exportation of waste;
- (b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;
- (c) the accumulation and storage of waste;
- (d) the collection and handling of waste;
- (e) the reduction, re-use, recycling and recovery of waste;
- (f) the trading in waste;
- (g) the transportation of waste;
- (h) the transfer of waste;
- (i) the treatment of waste; and
- (j) the disposal of waste;

**“waste management control officer”** means a waste management control officer designated under section 58(1);

**“waste management licence”** means a licence issued in terms of section 49;

**“waste management officer”** means a waste management officer designated in terms of section 10;

**“waste management services”** means waste collection, treatment, recycling and disposal services;

**“waste minimisation programme”** means a programme that is intended to promote the reduced generation and disposal of waste;

**“waste transfer facility”** means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

**“waste treatment facility”** means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste.

## **2. Objects of Act**

The objects of this Act are-

- (a) to protect health, well-being and the environment by providing reasonable measures for-
  - (i) minimising the consumption of natural resources;
  - (ii) avoiding and minimising the generation of waste;
  - (iii) reducing, re-using, recycling and recovering waste;
  - (iv) treating and safely disposing of waste as a last resort;
  - (v) preventing pollution and ecological degradation;
  - (vi) securing ecologically sustainable development while promoting justifiable economic and social development;
  - (vii) promoting and ensuring the effective delivery of waste services;
  - (viii) remediating land where contamination presents, or may present, a significant risk of harm to health or the environment; and
  - (ix) achieving integrated waste management reporting and planning;
- (b) to ensure that people are aware of the impact of waste on their health, well-being and the environment;
- (c) to provide for compliance with the measures set out in paragraph (a); and
- (d) generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being.

## **3. General duty of State**

In fulfilling the rights contained in section 24 of the Constitution, the State, through the organs of state responsible for implementing this Act, must put in place uniform measures that seek to reduce the amount of waste that is generated and, where waste is generated, to ensure that waste is re-used, recycled and recovered in an environmentally sound manner before being safely treated and disposed of.

#### **4. Application of Act**

(1) This Act does not apply to-

(a) radioactive waste that is regulated by the Hazardous Substances Act, 1973 (Act No. 15 of 1973), the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), and the Nuclear Energy Act, 1999 (Act No. 46 of 1999);

(b) .....

[Para. (b) deleted by s. 19 of Act 25/2014 w.e.f. 2 September 2014]

(c) the disposal of explosives that is regulated by the Explosives Act, 2003 (Act No. 15 of 2003); or

(d) .....

[Para. (d) deleted by s. 2 of Act 26/2014]

(2) This Act binds all organs of state.

#### **5. Application of National Environmental Management Act**

(1) This Act must be read with the National Environmental Management Act unless the context of this Act indicates that the National Environmental Management Act does not apply.

(2) The interpretation and application of this Act must be guided by the national environmental management principles set out in section 2 of the National Environmental Management Act.

### **CHAPTER 2**

## **NATIONAL WASTE MANAGEMENT STRATEGY, NORMS AND STANDARDS**

### **Part 1**

#### *National waste management strategy*

#### **6. Establishment of national waste management strategy**

(1) The Minister must, within two years of the date on which this section takes effect, by notice in the *Gazette* establish a national waste management strategy for achieving the objects of this Act, which must include-

(a) objectives, plans, guidelines, systems and procedures relating to the protection of the environment and the generation (including the avoidance and minimisation of such generation), re-use, recycling, recovery, treatment, disposal, use, control and management of waste in order to achieve the objects of this Act;

(b) mechanisms, systems and procedures for giving effect to the Republic's obligations in terms of relevant international agreements;

(c) practical measures for achieving co-operative governance in waste management matters;

- (d) guidance on raising awareness regarding the impact of waste on health and the environment;
  - (e) approaches for securing compliance with the requirements of this Act, including the monitoring of compliance; and
  - (f) any other matter that the Minister considers necessary for achieving the objects of this Act.
- (2) The national waste management strategy may include targets for waste reduction.
- (3) The national waste management strategy-
- (a) binds all organs of state in all spheres of government, and all persons if and to the extent applicable; and
  - (b) may subject to section 3 of the Intergovernmental Fiscal Relations Act, 1997 (Act No. 97 of 1997), allocate and delineate responsibilities for the implementation of this Act amongst-
    - (i) the different spheres of government; and
    - (ii) different organs of state.
- (4) An organ of state must give effect to the national waste management strategy when exercising a power or performing a duty in terms of this Act or any other legislation regulating waste management.
- (5) The national waste management strategy-
- (a) may differentiate between different geographical areas;
  - (b) may differentiate between different classes or categories of waste;
  - (c) may provide for the phasing in of its provisions;
  - (d) may be amended; and
  - (e) must be reviewed by the Minister at intervals of not more than five years.
- (6) Before publishing the national strategy, or any amendment to the strategy, the Minister must follow a consultative process in accordance with sections 72 and 73.
- (7) Subsection (6) need not be complied with if the strategy is amended in a non-substantive manner.

## Part 2

### *National norms and standards, provincial norms and standards and waste service standards*

#### **7. National norms and standards**

- (1) The Minister must, by notice in the *Gazette*, set national norms and standards for the-

- (a) classification of waste;
  - (b) planning for and provision of waste management services; and
  - (c) storage, treatment and disposal of waste, including the planning and operation of waste treatment and waste disposal facilities.
- (2) The Minister may, by notice in the *Gazette*, set national norms and standards for-
  - (a) the minimisation, re-use, recycling and recovery of waste, including the separation of waste at the point of generation;
  - (b) extended producer responsibility;
  - (c) the regionalisation of waste management services; and
  - (d) the remediation of contaminated land and soil quality.
- (3) The Minister with the concurrence of the Minister of Finance may, by notice in the *Gazette*, set national standards in respect of tariffs for waste services provided by municipalities.
- (4) The norms and standards contemplated in subsection (1) may-
  - (a) differentiate between different geographical areas;
  - (b) differentiate between different classes or categories of waste;
  - (c) provide for the phasing in of its provisions; and
  - (d) be amended.
- (5) The norms or standards contemplated in subsection (1)(b) may
  - (a) differentiate on an equitable basis between-
    - (i) different users of waste management services; and
    - (ii) different types of waste management services;
  - (b) ensure that funds obtained from waste services are used for waste management services; and
  - (c) provide for tariffs to be imposed to provide for waste management infrastructure or facilities.
- (6)
  - (a) Before publishing a notice in terms of subsection (1), (2) or (3), or any amendment to the notice, the Minister must follow a consultative process in accordance with sections 72 and 73.
  - (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

## **8. Provincial norms and standards**

- (1) The relevant MEC, within his or her jurisdiction, must ensure the implementation of the national waste management strategy and national norms and standards contemplated in sections 6 and 7, respectively.
- (2) The relevant MEC, within his or her jurisdiction, may by notice in the *Gazette* set provincial norms and standards that are not in conflict with national norms and standards contemplated in section 7.
- (3) The norms and standards contemplated in subsection (2) must amongst other things facilitate and advance-
  - (a) planning and provision of waste management services;
  - (b) regionalisation of waste management services within the province;
  - (c) minimisation, re-use, recycling and recovery of waste, with the exception of standards that may have national implications or that may have a significant impact on the national economy; and
  - (d) treatment and disposal of waste, including the planning and operation of waste treatment and waste disposal facilities, licenced by provincial authorities.
- (4) The norms and standards contemplated in subsection (2) may-
  - (a) differentiate between different geographical areas in the province;
  - (b) differentiate between different classes or categories of waste;
  - (c) provide for the phasing in of its provisions; and
  - (d) be amended.
- (5)
  - (a) Before publishing a notice in terms of subsection (2), or any amendment to the notice, the MEC must follow a consultative process in accordance with sections 72 and 73.
  - (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

## **9. Waste service standards**

- (1) A municipality must exercise its executive authority to deliver waste management services, including waste removal, waste storage and waste disposal services, in a manner that does not conflict with section 7 or 8 of this Act.
- (2) Each municipality must exercise its executive authority and perform its duty in relation to waste services, including waste collection, waste storage and waste disposal services, by-
  - (a) adhering to all national and provincial norms and standards;
  - (b) integrating its waste management plans with its integrated development plans;

- (c) ensuring access for all to such services;
  - (d) providing such services at an affordable price, in line with its tariff policy referred to in Chapter 8 of the Municipal Systems Act;
  - (e) ensuring sustainable services through effective and efficient management;
  - (f) keeping separate financial statements, including a balance sheet of the services provided.
- (3) In exercising its executive authority contemplated in subsection (1), a municipality may furthermore, amongst other things, set-
- (a) local standards for the separation, compacting and storage of solid waste that is collected as part of the municipal service or that is disposed of at a municipal waste disposal facility;
  - (b) local standards for the management of solid waste that is disposed of by the municipality or at a waste disposal facility owned by the municipality, including requirements in respect of the avoidance and minimisation of the generation of waste and the reuse, recycling and recovery of solid waste;
  - (c) local standards in respect of the directing of solid waste that is collected as part of the municipal service or that is disposed of by the municipality or at a municipal waste disposal facility to specific waste treatment and disposal facilities; and
  - (d) local standards in respect of the control of litter.
- (4) Whenever the Minister or MEC acts in terms of this Act in relation to a municipality, the Minister or MEC must seek to support and strengthen the municipality's ability or right to perform its functions in relation to waste management activities.
- (5)
- (a) Whenever a municipality intends passing a by-law so as to give effect to subsection (1), it must follow a consultative process provided for in Chapter 4 of the Municipal Systems Act.
  - (b) Paragraph (a) need not be complied with if the by-law is amended in a non-substantive manner.

## **CHAPTER 3**

### **INSTITUTIONAL AND PLANNING MATTERS**

#### **10. Designation of waste management officers**

- (1) The Minister must designate in writing an officer in the Department as the national waste management officer responsible for co-ordinating matters pertaining to waste management in the national government.
- (2) The MEC must designate in writing an officer in the provincial administration as the provincial waste management officer responsible for co-ordinating matters pertaining to waste management in that province.

- (3) Each municipality authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a waste management officer from its administration to be responsible for co-ordinating matters pertaining to waste management in that municipality.
- (4) A power delegated or a duty assigned to a waste management officer by virtue of subsection (1), (2) or (3) may be sub delegated or further assigned by that officer to another official in the service of the same administration, subject to such limitations or conditions as may be determined by the Minister, MEC or municipality, respectively.
- (5) Waste management officers must co-ordinate their activities with other waste management activities in the manner set out in the national waste management strategy established in terms of section 6 or determined by the Minister by notice in the *Gazette*.

## **11. Certain organs of state to prepare integrated waste management plans**

- (1) The provincial departments responsible for waste management must prepare integrated waste management plans.

[Subs. (1) substituted by s. 3 of Act 26/2014]

- (2) A provincial department may incorporate its integrated waste management plan in any relevant provincial plan.

- (3) .....

[Subs. (3) deleted by s. 3 of Act 26/2014]

- (4)

- (a) Each municipality must-

- (i) submit its integrated waste management plan to the MEC for endorsement; and

[Subpara. (i) substituted by s. 3 of Act 26/2014]

- (ii) include the endorsed integrated waste management plan in its integrated development plan contemplated in Chapters of the Municipal Systems Act,

[Subpara. (ii) substituted by s. 3 of Act 26/2014]

- (b) The MEC may within 30 days of receiving an integrated waste management plan or an amendment to an integrated waste management plan-

- (i) request a municipality to adjust the plan or the amendment in accordance with the MFC's proposal if the plan or amendment-

(aa) does not comply with a requirement of this Act; or



- (bb) is in conflict with, or is not aligned with or negates any relevant integrated waste management plan or the national waste management strategy; or
  - (ii) request a municipality to comply with a specific provision of this Act relating to the process of drafting or amending integrated waste management plans if the municipality has failed to comply with the process or provision; or
  - (iii) approve the plan or amendment.
- (5) The provincial departments contemplated in subsection (1) must submit their integrated waste management plans to the Minister for endorsement.  
[Subs. (5) substituted by s. 3 of Act 26/2014]
- (6) When exercising the power to monitor and support a municipality as contemplated in section 31 of the Municipal Systems Act, the MEC for local government, in consultation with the MFC, must ensure that the municipal integrated waste management plan is co-ordinated and aligned with the plans, strategies and programmes of the Department and provincial departments.
- (7)
- (a) Before finalising an integrated waste management plan, every provincial department contemplated in subsection (1) must follow a consultative process in accordance with sections 72 and 73.  
  
[Para. (a) substituted by s. 3 of Act 26/2014]
- (b) .....  
[Para. (b) deleted by s. 3 of Act 26/2014]
- (8) Subsection (7) need not be complied with if the integrated waste management plan is amended in a non-substantive manner.

## **12. Contents of integrated waste management plans**

- (1) An integrated waste management plan must at least-
- (a) contain a situation analysis that includes-
    - (i) a description of the population and development profiles of the area to which the plan relates;
    - (ii) an assessment of the quantities and types of waste that are generated in the area;
    - (iii) a description of the services that are provided, or that are available, for the collection, minimisation, re-use, recycling and recovery, treatment and disposal of waste; and
    - (iv) the number of persons in the area who are not receiving waste collection services;

- (b) within the domain of the provincial department or municipality, set out how that provincial department or municipality intends

[Words preceding subpara. (1) substituted by s. 4 of Act 26/2014]

- (i) to give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act;
  - (ii) to give effect to the objects of this Act;
  - (iii) to identify and address the negative impact of poor waste management practices on health and the environment;
  - (iv) to provide for the implementation of waste minimisation, re-use, recycling and recovery targets and initiatives;
  - (v) in the case of a municipal integrated waste management plan, to address the delivery of waste management services to residential premises;
  - (vi) to implement the Republic's obligations in respect of any relevant international agreements;
  - (vii) to give effect to best environmental practice in respect of waste management;
- (c) within the domain of the provincial department, set out how the provincial department intends to identify the measures that are required and that are to be implemented to support municipalities to give effect to the objects of this Act;

[Para. (c) substituted by s. 4 of Act 26/2014]

- (d) set out the priorities and objectives of the provincial department or municipality in respect of waste management;

[Para. (d) substituted by s. 4 of Act 26/2014]

- (e) establish targets for the collection, minimisation, re-use and recycling of waste;
- (f) set out the approach of the provincial department or municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;

[Para. (f) substituted by s. 4 of Act 26/2014]

- (g) indicate the financial resources that are required to give effect to the plan;
- (h) describe how the provincial department or municipality intends to give effect to its integrated waste management plan; and

[Para. (h) substituted by s. 4 of Act 26/2014]

- (i) comply with the requirements prescribed by the Minister.

- (2) In the preparation of an integrated waste management plan the provincial departments must give proper effect to the requirements contained in Chapter 5 of the Municipal Systems Act, insofar as such plan affects a municipality.  
[Subs. (2) substituted by s. 4 of Act 26/2014]

### **13. Reporting on implementation of integrated waste management plans**

- (1) Annual performance reports on the implementation of the integrated waste management plans must, in the case of a provincial department, be submitted to the MEC for approval and to the Minister for endorsement.  
[Subs. (1) substituted by s. 5 of Act 26/2014]
- (2) The annual performance report that the provincial department must submit in terms of subsection (1) must contain information on the implementation of its integrated waste management plan, including information on-  
[Words preceding para. (a) substituted by s. 5 of Act 26/2014]
- (a) the extent to which the plan has been implemented during the period;
  - (b) the waste management initiatives that have been undertaken during the reporting period;
  - (c) the delivery of waste management services and measures taken to secure the efficient delivery of waste management services, if applicable;
  - (d) the level of compliance with the plan and any applicable waste management standards;
  - (e) the measures taken to secure compliance with waste management standards;
  - (f) the waste management monitoring activities;
  - (g) the actual budget expended on implementing the plan;
  - (h) the measures that have been taken to make any necessary amendments to the plan;
  - (i) in the case of a province, the extent to which municipalities comply with the plan and, in the event of any non-compliance with the plan, the reasons for such non-compliance; and
  - (j) any other requirements as may be prescribed by the Minister.
- (3) The annual performance report prepared in terms of section 46 of the Municipal Systems Act must contain information on the implementation of the municipal integrated waste management plan, including the information set out in paragraphs (a) to (j) of subsection (2) insofar as it relates to the performance of the municipality.
- (4) Despite subsections (1) and (2), the Minister may specify in writing a different mechanism for the reporting on integrated waste management plans if necessary to improve the co-ordination of waste management.

## CHAPTER 3A

### FINANCIAL PROVISIONS

#### *Waste Management Charges*

#### **13A. Pricing strategy for waste management charges**

- (1) The Minister must, with the concurrence of the Minister of Finance, by notice in the *Gazette*, publish a pricing strategy, contemplated in subsection 13A(5)(b), to achieve the objectives of this Act in relation to waste management or any waste stream, within three months of the commencement of this Act.
- (2) The pricing strategy is to contain the basis and a guiding methodology or methodologies for setting waste management charges, including for the funding of-
  - (a) the implementation of industry waste management plans for those activities that generate specific waste streams;
  - (b) the re-use, recycling or recovery of waste in previously disadvantaged communities;
  - (c) the identification, further development and promotion of best practices in the minimisation, re-use, recycling and recovery of waste;
  - (d) implementation of approved guidelines, norms and standards for the minimisation, re-use, recycling and recovery of waste;
  - (e) the monitoring of the implementation and impact of industry waste management plans;
  - (f) the creation and the monitoring of the impacts of incentives and disincentives for the minimisation, re-use, recycling and recovery of waste; or
  - (g) the management of the disbursements of incentives for the minimisation, re-use, recycling and recovery of waste.
- (3) The pricing strategy may differentiate-
  - (a) in respect of different geographic areas, including on the basis of-
    - (i) socio-economic aspects within the area in question;
    - (ii) the physical attributes of each area; or
    - (iii) the demographic attributes of each area; or
  - (b) in respect of different types of uses, including on the basis of:
    - (i) the manner in which the waste is generated or disposed of;
    - (ii) whether it is re-used, recycled or recovered; or

- (iii) whether any previously disadvantaged group is impacted upon or derives any benefit therefrom.
- (4) The pricing strategy may provide for a differential rate for waste management charges, including on the basis of-
  - (a) the characteristics of the waste disposed of;
  - (b) the volume of the waste disposed of;
  - (c) the toxicity of the waste disposed of;
  - (d) the nature and extent of the impact on the environment caused by the waste disposed of; or
  - (e) the extent of approved deviation from prescribed waste standards or management practices.
- (5)
  - (a) Before setting a pricing strategy for waste management charges under subsection (1) the Minister must publish a notice in the *Gazette*-
    - (i) setting out the proposed pricing strategy;
    - (ii) inviting written comments to be submitted on the proposed strategy, specifying an address to which and a date before which the comments are to be submitted, which date may not be earlier than 60 days after publication of the notice; and
    - (iii) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested persons, and take those steps which the Minister considers to be appropriate; and
  - (b) the Minister must consider all comments received on or before the date specified in the notice before publishing the final notice in the *Gazette*, within 30 days of the date contemplated in paragraph (5)(a)(ii).

### **13B. Application of pricing strategy**

An Act of Parliament, to give effect to necessary elements of the pricing strategy contemplated in section 13A, is to be tabled in accordance with the provisions of section 77 of the Constitution, within 3 months of the publication of the pricing strategy contemplated in section 13A(5)(b) in the *Gazette*, including detail on-

- (a) the imposition of waste management charges;
- (b) the determination of waste management charges and the review of these waste management charges from time to time;
- (c) procedures for the collection through the national fiscal system; and
- (d) procedures for the appropriation and allocation of such funds referred to in paragraph (c) for the work of the Bureau and the implementation of any

approved industry waste management plan for a specific waste stream as outlined in this Act.

[Chapter 3A inserted by s. 6 of Act 26/2014]

## **CHAPTER 4**

### **WASTE MANAGEMENT MEASURES**

#### *Part I*

#### *Priority wastes*

#### **14. Declaration of priority wastes**

- (1) The Minister may, by notice in the *Gazette*, declare a waste to be a priority waste if the Minister on reasonable grounds believes that the waste poses a threat to health, well-being or the environment because of the quantity or composition of the waste and -
  - (a) that specific waste management measures are required to address the threat; or
  - (b) that the imposition of specific waste management measures in respect of the waste may improve reduction, re-use, recycling and recovery rates or reduce health and environmental impacts.
- (2) The MEC may in writing request the Minister to declare a waste to be a priority waste in the manner contemplated in subsection (1).
- (3) If the declaration under subsection (1) or (2) of a waste as a priority waste is likely to have a significant impact on the national economy, such declaration may only be made after consultation with the Minister of Trade and Industry and the Minister of Finance.
- (4) A notice under subsection (1) or (2) must specify the waste management measures that must be taken.
- (5) The measures contemplated in subsection (4) may include-
  - (a) a requirement for identified persons falling within a category of persons to prepare an industry waste management plan in terms of section 28 in respect of the declared priority waste;
  - (b) a prohibition on the generation of the priority waste;
  - (c) measures for the management of the priority waste;
  - (d) measures for the minimisation, storage, re-use, recycling and recovering, treatment and disposal of the priority waste;
  - (e) requirements for the registration and monitoring of, and reporting on, priority waste; and

- (f) any other measures that the Minister believes are necessary to manage the threat that is presented by the waste or to achieve the objects of this Act.
- (6)
- (a) Before publishing a notice in terms of subsection (1), or any amendment to the notice, the Minister must consult with a person or category of persons that may be affected by the notice, and follow a consultative process in accordance with sections 72 and 73.
  - (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

## **15. Consequences of declaration of priority wastes**

- (1) No person may import, manufacture, process, sell or export a priority waste or a product that is likely to result in the generation of a priority waste unless that waste or product complies with-
  - (a) the waste management measures contemplated in section 14(4);
  - (b) an industrial waste management plan which has been submitted in accordance with the requirements of a notice referred to section 28 or 29; or
  - (c) any other requirement in terms of this Act.
- (2) No person may recycle, recover, treat or dispose of a priority waste unless it is in accordance with this Act and the waste management measures contemplated in section 14(4).

### *Part 2*

#### *General duty*

## **16. General duty in respect of waste management**

- (1) A holder of waste must, within the holder's power, take all reasonable measures to-
  - (a) avoid the generation of waste and where such generation cannot be avoided to minimise the toxicity and amounts of waste that are generated;
  - (b) reduce, re-use, recycle and recover waste;
  - (c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;
  - (d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;

- (e) prevent any employee or any person under his or her supervision from contravening this Act; and
  - (f) prevent the waste from being used for an unauthorised purpose.
- (2) Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.
- (3) The measures contemplated in this section may include measures to-
  - (a) investigate, assess and evaluate the impact of the waste in question on health or the environment;
  - (b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;
  - (c) comply with any norm or standard or prescribed management practice;
  - (d) eliminate any source of pollution or environmental degradation; and
  - (e) remedy the effects of the pollution or environmental degradation.
- (4) The Minister or MEC may issue regulations to provide guidance on how to discharge this duty or identify specific requirements that must be given effect to, after following a consultative process in accordance with sections 72 and 73.
- (5) Subsection (4) need not be complied with if the regulation is amended in a non-substantive manner.

### *Part 3*

#### *Reduction, re-use, recycling and recovery of waste*

#### **17. Reduction, re-use, recycling and recovery of waste**

- (1) Unless otherwise provided for in this Act, any person who undertakes an activity involving the reduction, re-use, recycling or recovery of waste must, before undertaking that activity, ensure that the reduction, re-use, recycling or recovery of the waste-
  - (a) uses less natural resources than disposal of such waste; and
  - (b) to the extent that it is possible, is less harmful to the environment than the disposal of such waste.
- (2) The Minister may, after consultation with the Minister of Trade and Industry and by notice in the *Gazette*, require any person or category of persons to-
  - (a) provide for the reduction, re-use, recycling and recovery of products or components of a product manufactured or imported by that person; or



- (b) include a determined percentage of recycled material in a product that is produced, imported or manufactured by that person or category of persons.
- (3)
  - (a) Before publishing a notice in terms of subsection (2), or any amendment to the notice, the Minister must follow a consultative process in accordance with sections 72 and 73.
  - (b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.

## **18. Extended producer responsibility**

- (1) The Minister after consultation with the Minister of Trade and Industry may, in order to give effect to the objects of this Act, by notice in the *Gazette*-
  - (a) identify a product or class of products in respect of which extended producer responsibility applies;
  - (b) specify the extended producer responsibility measures that must be taken in respect of that product or class of products; and
  - (c) identify the person or category of persons who must implement the extended producer responsibilities measures contemplated in paragraph (b).
- (2) The Minister may in a notice under subsection (1) specify-
  - (a) the requirements in respect of the implementation and operation of an extended producer responsibility programme, including the requirements for the reduction, reuse, recycling, recovery, treatment and disposal of waste;
  - (b) the financial arrangements of a waste minimisation programme, with the concurrence of the Minister of Finance;
  - (c) the institutional arrangements for the administration of a waste minimisation programme;
  - (d) the percentage of products that must be recovered under a waste minimisation programme;
  - (e) the labelling requirements in respect of waste;
  - (f) that the producer of a product or class of products identified in that notice must carry out a life cycle assessment in relation to the product, in such manner or in accordance with such standards or procedures as may be prescribed; and
  - (g) the requirements that must be complied with in respect of the design, composition or production of a product or packaging, including a requirement that-
    - (i) clean production measures be implemented;

- (ii) the composition, volume or weight of packaging be restricted; and
  - (iii) packaging be designed so that it can be reduced, re-used, recycled or recovered.
- (3) Before publishing a notice under subsection (1) or any amendment to the notice, the Minister must-
  - (a) consult affected producers;
  - (b) follow a consultative process in accordance with sections 72 and 73, unless the notice is amended in a non-substantive manner;
  - (c) take into account the Republic's obligations in terms of any applicable international agreements; and
  - (d) consider relevant scientific information.

#### *Part 4*

#### *Waste management activities*

### **19. Listed waste management activities**

- (1) The Minister may by notice in the *Gazette* publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment.
- (2) The Minister may amend the list by-
  - (a) adding other waste management activities to the list;
  - (b) removing waste management activities from the list; or
  - (c) making other changes to the particulars on the list.
- (3) A notice referred to in subsection (1)-
  - (a) must indicate whether a waste management licence is required to conduct the activity or, if a waste management licence is not required, the requirements or standards that must be adhered to when conducting the activity;
  - (b) may exclude certain quantities or categories of waste or categories of persons from the application of the notice if the waste in question is-
    - (i) of such a small quantity or temporary nature that it is unlikely to cause pollution to the environment or harm to human health; or;
    - (ii) adequately controlled by other legislation;

- (c) may contain transitional and other special arrangements in respect of waste management activities that are carried out at the time of their listing; and
  - (d) must determine the date on which the notice takes effect.
- (4) Until such time as the Minister has published a notice contemplated in subsection (1), Schedule 1 of this Act is applicable.
- (5) The MEC, with the concurrence of the Minister, may by notice in the *Gazette*-
  - (a) publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment in the province concerned; and
  - (b) when necessary, amend the list by-
    - (i) adding other waste management activities to the list;
    - (ii) removing waste management activities from the list; or
    - (iii) making other changes to the particulars on the list.
- (6) A list published under subsection (5) by the MEC must include waste management activities listed in Schedule 1 or listed under section (1), if applicable.
- (7) A list published under subsection (5) by the MEC applies to the relevant province only.
- (8) A notice under subsection (1) or (5)-
  - (a) may contain transitional and other special arrangements in respect of waste management activities that are carried out at the time of their listing; and
  - (b) must determine the date on which the notice takes effect.
- (9) For the purposes of administrative efficiency, the lists published under subsection (1) or (5) or Schedule 1 may divide the waste management activities into different categories
- (10)
  - (a) Before publishing a notice under subsection (1) or (5), or any amendment to such notice, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73.
  - (b) Paragraph (a) need not be complied with if the list contemplated in subsection (1) or (5) is amended in a non-substantive manner.

## 20. Consequences of listing waste management activities

No person may commence, undertake or conduct a waste management activity, except in accordance with-

- (a) the requirements or standards determined in terms of section 19(3) for that activity; or
- (b) a waste management licence issued in respect of that activity if a licence is required.

**20A. Prohibited or restricted activities in specified geographical areas**

- (1) Despite section 19 and in accordance with the risk averse and cautious approach contemplated in section 2(4)(a)(vii) of the National Environmental Management Act, 1998, the Minister may by notice in the *Gazette* prohibit or restrict the granting of a waste management licence by the licensing authority for a listed activity in a specified geographical area for such period and on such terms and conditions as the Minister may determine, if it is necessary in order to ensure protection of the environment, conservation of resources, sustainable development or human health and well-being.
  - (2) A prohibition or restriction contemplated in subsection (1) does not affect the undertaking of activities authorised by means of a waste management licence prior to the prohibition becoming effective.
  - (3) Where the prohibition or restriction affects the exercise of a power that the MEC has in terms of this Act, the prohibition or restriction contemplated in subsection (1) may be published in the *Gazette* after consulting the MEC affected by the prohibition or restriction notice.
  - (4) The Minister may by notice in the *Gazette*-
    - (a) lift a prohibition or restriction made in terms of subsection (1) if the circumstances which caused the Minister to prohibit or restrict no longer exist; or
    - (b) amend any period, term or condition applicable to any prohibition or restriction made in terms of subsection (1) if the circumstances which caused the Minister to prohibit or restrict have changed.
  - (5) Before acting in terms of subsection (1), the Minister must-
    - (a) consult all Cabinet members whose areas of responsibility will be affected by the exercise of the power;
    - (b) consult the MEC that will be affected by the exercise of the power; and
    - (c) publish a notice in the *Gazette* inviting members of the public to submit to the Minister, within 30 days of publication of the notice in the *Gazette*, written representations on the proposed prohibition or restriction.
- [S. 20A inserted by s. 20 of Act 25/2014 w.e.f. 2 September 2014]

*Part 5*

*Storage, collection and transportation of waste*

## **21. General requirements for storage of waste**

Any person who stores waste must at least take steps, unless otherwise provided by this Act, to ensure that-

- (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
- (b) adequate measures are taken to prevent accidental spillage or leaking;
- (c) the waste cannot be blown away;
- (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
- (e) pollution of the environment and harm to health are prevented.

## **22. Storage of general waste**

- (1) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorised by the municipality.
- (2) Waste that is reusable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with this Act or any applicable by-laws need not be placed in a container contemplated in subsection (1).

## **23. Waste collection services**

- (1) Waste collection services are subject to-
  - (a) the need for an equitable allocation of such services to all people in a municipal area;
  - (b) the obligation of persons utilising the service to pay any applicable charges;
  - (c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the provision of services, the limitation must not pose a risk to health or the environment; and
  - (d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.
- (2) Every municipality must, subject to this Act, and as far as is reasonably possible, provide containers or receptacles for the collection of recyclable waste that are accessible to the public.

## **24. Collection of waste**

No person may collect waste for removal from premises unless such person is -

- (a) a municipality or municipal service provider;
- (b) authorised by law to collect that waste, where authorisation is required; or
- (c) not prohibited from collecting that waste.

## **25. Duties of persons transporting waste**

- (1) The Minister, an MEC or a municipality may, by notice in the *Gazette*, require any person or category of persons who transports waste for gain to-
  - (a) register with the relevant waste management officer in the Department, province or municipality, as the case may be; and
  - (b) furnish such information as is specified in that notice or as the waste management officer may reasonably require.
- (2) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.
- (3) Where waste is transported for the purposes of disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such waste.
- (4) Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such waste and must obtain written continuation that the waste has been accepted.
- (5) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.

### *Part 6*

#### *Treatment, processing and disposal of waste*

## **26. Prohibition of unauthorised disposal**

- (1) No person may-
  - (a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed of, in or on any land, water body or at any facility unless the disposal of that waste is authorised by law; or
  - (b) dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and well-being.

- (2) Subsection (1) need not be complied with if-
  - (a) the waste was generated as a result of normal household activities and-
    - (i) the municipality does not render a waste collection service in that area; and
    - (ii) the most environmentally and economically feasible option for the management of the waste was adopted; or
  - (b) the disposal of the waste was done to protect human life or as a result of an emergency beyond that person's control.

## **27. Littering**

- (1) An owner of privately owned land to which the general public has access, must ensure-
  - (a) that sufficient containers or places are provided to contain litter that is discarded by the public; and
  - (b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.
- (2) No person may-
  - (a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, vacant erf, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or
  - (b) allow any person under that person's control to do any of the acts contemplated in paragraph (a).

### *Part 7*

#### *Industry waste management plans*

## **28. Preparation of industry waste management plans by certain persons**

- (1) Where any activity results in the generation of waste that affects more than one province or where such activity is conducted in more than one province, the Minister may by written notice require a person, or by notice in the *Gazette* require a category of persons or an industry, that generates waste to prepare and submit an industry waste management plan to the Minister for approval.
- (1A) When exercising the power in terms of subsection (1), the Minister must consult every MEC of the province affected by the waste in question, or where the waste management activity is conducted, prior to taking a decision whether to approve the industry waste management plan or not.  
[Subs. (1A) inserted by s. 7 of Act 26/2014]

- (2) The MEC, with the concurrence of the Minister, may, in respect of any activity not contemplated in subsection (1) and which only affects that province concerned that results in the generation of waste, by written notice require a person, or by notice in the *Gazette* require a category of persons or an industry, that generates that waste to prepare and submit an industry waste management plan to the MEC for approval.  
[Subs. (2) substituted by s. 7 of Act 26/2014]
- (3) .....  
[Subs. (3) deleted by s. 7 of Act 26/2014]
- (4) When exercising a power under subsection (1) or (2), the Minister or MEC, as the case may be, must consider-
- (a) the impact or potential impact of the waste on health and the environment that is generated by the applicable person, category of persons or industry;
  - (b) the environmentally sensitive nature of a natural resource or the amount of natural resources that is consumed in the manufacturing or production processes that result in the waste; and
  - (c) the manner in which an industry waste management plan may contribute to-
    - (i) the avoidance or minimisation of the generation of waste;
    - (ii) the reduction of negative impacts on health and the environment; and
    - (iii) the conserving of natural resources.
- (5) The Minister or MEC must, before exercising a power under subsection (1) or (2), as the case may be, consult the person, category of persons or industry to be affected.
- (6) The Minister or MEC, as the case may be, may give directions that an industry waste management plan must be prepared by an independent person, consistent with sections 13A and 13B, at the cost of the person, category of persons or industry contemplated in subsection (1) or (2).  
[Subs. (6) substituted by s. 7 of Act 26/2014]
- (7)
- (a) A person, category of persons or industry contemplated in subsection (1) or (2) may elect to prepare, consistent with sections 13A and 13B, an industry waste management plan for approval in terms of this Part without being required to do so by the Minister or MEC.  
[Para. (a) substituted by s. 7 of Act 26/2014]  
(Commencement date of para. (a): To be proclaimed)
  - (b) When a person, category of persons or industry submits an industry waste management plan in terms of paragraph (a)-
    - (i) subsections (4), (5) and (6) apply with the changes required by the context; and



- (ii) the Minister or MEC to whom the plan is submitted may exercise any of their respective powers set out in this Part in respect of that plan.

## **29. Preparation of industry waste management plans by organs of state**

- (1) The Minister may, by notice in writing, require an industry waste management plan to be prepared by an organ of state, excluding a municipality, within a stipulated timeframe.
- (2) .....  
[Subs. (2) deleted by s. 8 of Act 26/2014]
- (3) When exercising a power under subsection (1), the Minister or MEC must consider whether-  
[Words preceding para. (a) substituted by s. 8 of Act 26/2014]
  - (a) the diversity, complexity and competitive nature of the industry concerned would make it impractical for a category of persons other than an organ of state or provincial department responsible for environmental affairs to prepare the plan;
  - (b) the knowledge or experience of the persons who are likely to be affected by the plan in the areas of waste reduction, re-use, recycling and recovery is limited;
  - (c) the persons who are likely to be affected by the plan comprise of small-medium or micro enterprises; or
  - (d) the person required to prepare a plan in accordance with section 28, or to revise or amend the plan in terms of section 32(1), has failed to do so.
- (4) The Minister or MEC, as the case may be, may recover the costs of preparing an industry waste management plan from-
  - (a) the person contemplated in section 28 who, after written notice, failed to prepare the plan; or
  - (b) the person who is required to revise or amend the plan in terms of section 32(1), but has failed to do so.
- (5) An organ of state contemplated in subsection (1), may, by written notice, require any person to provide such information as may be necessary to prepare the industry waste management plan.  
[Subs. (5) substituted by s. 8 of Act 26/2014]
- (6) An organ of state contemplated in subsection (1), must follow a consultative process in accordance with sections 72 and 73, unless that plan is being prepared as a result of a person who was required to prepare that plan failing to do so, in which case section 31(2) applies.  
[Subs. (6) substituted by s. 8 of Act 26/2014]

### **30. Contents of industry waste management plans**

- (1) The Minister, in a notice contemplated in section 28(1) or 29(1), or the MEC, with the concurrence of the Minister, in a notice contemplated in section 28(2), must specify the information that must be included the industry waste management plan.  
[Subs. (1) substituted by s. 9 of Act 26/2014]
- (2) The information that the Minister or MEC specifies in terms of subsection (1) may include-
  - (a) the amount of waste that is generated;
  - (b) measures to prevent pollution or ecological degradation;
  - (c) targets for waste minimisation through waste reduction, re-use, recycling and recovery;
  - (d) measures or programmes to minimise the generation of waste and the final disposal of waste;
  - (e) measures or actions to be taken to manage waste;
  - (f) the phasing out of the use of specified substances;
  - (g) opportunities for the reduction of waste generation through changes to packaging, product design or production processes;
  - (h) mechanisms for informing the public of the impact of the waste-generating products or packaging on the environment;
  - (i) the extent of any financial contribution to be made to support consumer-based waste reduction programmes;
  - (j) the period that is required for implementation of the plan;
  - (k) methods for monitoring and reporting; and
  - (l) any other matter that may be necessary to give effect to the objects of this Act.

### **31. Notification of industry waste management plans**

- (1) Any person required to produce an industry waste management plan in terms of section 28 must take appropriate steps to bring the contents of a proposed industry waste management plan to the attention of relevant organs of state, interested persons and the public and must follow any directions given by the Minister or MEC, as the case may be, regarding the consultation process that must be followed.
- (2) An organ of state required to prepare an industry waste management plan in terms of section 29 as a result of a person who was required to prepare that plan failing to do so must bring the contents of a proposed industry waste management plan to the attention of relevant organs of state, interested persons and the public.

- (3) Any comments submitted in respect of an industry waste management plan must be considered by the person responsible for preparing the plan, and a copy of all comments must be submitted to the Minister or MEC, as the case may be, together with the plan.

### **32. Consideration of industry waste management plans**

- (1) The Minister, acting in terms of section 28(1) or 29(1), or the MEC acting in terms of section 28(2), may on receipt of an industry waste management plan-  
[Words preceding para. (a) substituted by s. 10 of Act 26/2014]
  - (a) approve the plan in writing, with any amendments or conditions, and give directions for the implementation of the plan;
  - (b) require additional information to be furnished and a revised plan to be submitted within timeframes specified by the Minister or MEC for approval;
  - (c) require amendments to be made to the plan within timeframes specified by the Minister or MEC; or
  - (d) reject the plan with reasons if it does not comply with the requirements of a notice in terms of section 28(1) or (2) or 29(1), as the case may be, or if a consultation process in accordance with section 31 was not followed.  
[Para. (d) substituted by s. 10 of Act 26/2014]
- (2) Any failure to comply with a requirement referred to in subsection (1)(b) or (c) within the timeframes specified by the Minister or the MEC is regarded as constituting a failure to submit an industry waste management plan
- (3) An industry waste management plan that has been rejected in terms of subsection (1)(d) may be amended and resubmitted to the Minister or MEC.
- (4) On receipt of any information or amendments requested in terms of subsection (1)(b) or (c) or any amended industry waste management plan resubmitted in terms of subsection (2) for the first time, the Minister or MEC must reconsider the plan.
- (5) An approval in terms of subsection (1)(a) must at least specify the period for which the approval is issued, which period may be extended by the Minister or MEC.
- (5A) The Minister or the MEC, as the case may be, must in accordance with sections 72 and 73, follow such consultation process, as may be appropriate under the circumstances, before considering the industry waste management plan for approval in terms of section 28(1) or (2).  
[Subs. (5A) inserted by s. 10 of Act 26/2014]
- (6) Notice must be given in the relevant *Gazette* of any industry waste management plan that has been prepared in terms of section 28 and that has been approved by the Minister or MEC, as the case may be.

- (7) An industry waste management plan that has been prepared by an organ of state in terms of section 29 and that has been approved by the Minister or MEC, as the case may be, must be published in the relevant *Gazette*, together with an indication of when and how the plan must be implemented, if applicable.  
[Subs. (7) substituted by s. 10 of Act 26/2014]

### **33. Specification of measures to be taken**

- (1) If the Minister or MEC rejects an industry waste management plan in terms of section 32, or if any person who is required in terms of section 28(1) or (2) to prepare an industry waste management plan fails to do so, or if a person fails to revise or amend a plan as required by the Minister or the MEC in terms of section 32(1) or section 17 of the National Environmental Management: Waste Amendment Act, 2014, the Minister or MEC, as the case may be, may by notice in writing and without any criminal proceedings being affected, specify the waste management measures that must be taken by that person.  
[Subs. (1) substituted by s. 11 of Act 26/2014]
- (2) When specifying the waste management measures to be taken in terms of subsection (1), the Minister or MEC, as the case may be, must consider, and to the extent possible, align the measures to be taken with the measures that are set out in any other approved industry waste management plan and that is related to the activities of the person whose plan has been rejected more than once or who failed to submit a plan.

### **34. Review of industry waste management plans**

- (1) An industry waste management plan that has been required by the Minister in terms of section 28(1) or 29(1), or by the MEC in terms of section 28(2), must be reviewed at intervals specified in the approval or at intervals specified by the Minister or MEC by notice in writing or in the relevant *Gazette*.  
[Subs. (1) substituted by s. 12 of Act 26/2014]
- (2) When specifying a review period for an industry waste management plan prepared by a person, the Minister or MEC, as the case may be, must take cognisance of the review periods that have been specified in any related waste management licence.

## *Part 7A*

### *Waste Management Bureau*

#### **34A. Establishment of Waste Management Bureau**

- (1) An implementation Bureau dealing with waste management to be known as the “Waste Management Bureau” is hereby established, within the Department, as a juristic person.
- (2) The Bureau must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- (3) In the event of absence of a functional Bureau or a Chief Executive Officer, the powers and duties of the Bureau revert to the Director-General of the Department contemplated in section 34G(1), who, in such a case, must

exercise those powers and perform those duties until the Bureau is functional or a Chief Executive Officer is appointed.

**34B. Determination of policy**

- (1) The Minister must, after consultation with the Bureau, determine and publish a policy within which the Bureau must exercise its powers and perform its functions.
- (2) The Minister may, after consultation with the Bureau, amend, substitute or withdraw the policy determined in terms of subsection (1), and must publish the amended policy.
- (3) The Minister must, 30 days before the final publication of any policy contemplated in subsections (1) and (2), table the policy in Parliament.

**34C. Minister's supervisory powers**

- (1) The Bureau must exercise its powers and perform its functions subject to the policy determined in terms of section 34B (1) or (2), the service level standards and norms contemplated in subsection (2)(b) and any directives issued by the Minister in terms of subsection 2(c).
- (2) The Minister-
  - (a) must monitor the exercising of powers and performance of functions of the Bureau in terms of the policy determined in terms of section 34B(1) or (2);
  - (b) may set service level standards and norms for the Bureau in the execution of its powers and functions; or
  - (c) must issue directives to the Bureau in the case of non-compliance with the policy determined in terms of section 34B(1) or (2) or the service level standards and norms issued in terms of subsection 2(b), to ensure the effective and efficient functioning of the Bureau and for the achievement of the objectives of this Act.

**34D. Objects of Bureau**

The objects of the Bureau are to-

- (a) function as a specialist implementing agent within the Department in respect of matters delegated to the Bureau in terms of this Act;
- (b) promote and facilitate minimisation, re-use, recycling and recovery of waste;
- (c) manage the disbursement of incentives and funds derived from waste management charges contemplated in sections 13B and 34D for the minimisation, reuse, recycling, recovery, transport, storage, treatment and disposal of waste and the implementation of industry waste management plans;
- (d) monitor implementation of industry waste management plans and the impact of incentives and disincentives;

- (e) progressively build capacity within the Bureau to provide specialist support for the development and implementation of municipal waste management plans and capacity building programmes; and
- (f) support and advise on the development of waste management plans, tools, instruments, processes, systems, norms, standards and municipal waste management plans and capacity building programmes.

#### **34E. Functions of Bureau**

- (1) The Bureau must-
  - (a) implement the disbursement of incentives and funds derived from waste management charges contemplated in sections 13B and 34D;
  - (b) identify and promote best practices in the minimisation, re-use, recycling or recovery of waste;
  - (c) progressively build capacity of the Bureau to support municipalities in the development and implementation of integrated waste management plans and capacity building programmes;
  - (d) support and advise on the development of industry waste management plans, integrated waste management plans and other tools, instruments, processes and systems, including specialist support for the development of norms or standards for the minimisation, re-use, recycling or recovery of waste and the building of municipal waste management capacity;
  - (e) monitor the implementation of industry waste management plans;
  - (f) monitor and evaluate the impact of incentives and disincentives; and
  - (g) perform any other task or function that the Minister may assign or delegate to the Bureau in relation to the implementation of this Act.
- (2) The Bureau may-
  - (a) invest any of its money, after having complied with section 34F(2); and
  - (b) charge fees for services rendered, other than services rendered in terms of section 13A or to the Minister or the Department.

#### **34F. Funding of Bureau**

- (1) The funds of the Bureau consist of-
  - (a) money derived and allocated from charges referred to in section 13B;
  - (b) income derived by it for services rendered;
  - (c) money appropriated by Parliament;

- (d) voluntary contributions, donations and bequests received consistent with the provisions of the regulations made in terms of section 76(1)(k) or (l) of the Public Finance Management Act, 1999; and
  - (e) income derived from investments referred to in section 34E(2)(b).
- (2) The Bureau must utilise its funds to defray expenses incurred in the performance of its functions.
- (3) The Bureau must utilise the donations and contributions referred to in subsection (1)(d) in accordance with the conditions, if any, imposed by the donor or contributor concerned, but those conditions must be approved by the Minister, in concurrence with the Minister of Finance, and must not be inconsistent with the objects of the Bureau, provisions of this Act, regulations made in terms of section 76(1)(k) or (l) of the Public Finance Management Act, 1999, or any other law.
- (4) The Chief Executive Officer must, with the concurrence of the Minister and the Minister of Finance-
  - (a) open an account in the name of the Bureau with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
  - (b) deposit therein all money received in terms of subsection (1).
- (5) The Chief Executive Officer is responsible and accountable to the Director-General of the Department as the accounting authority for all money received by the Bureau and the utilisation of that money.

#### **34G. Financial management**

- (1) The Director-General of the Department is, for the purposes of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the accounting authority and must cause full and proper books of account and all the necessary records in relation thereto to be kept.
- (2) The Chief Executive Officer must ensure compliance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), including ensuring that the Bureau's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted.

#### **34H. Reporting and audit**

- (1) The Bureau must in each financial year, on or before a date determined by the Public Finance Management Act, 1999 (Act No. 1 of 1999), submit an annual report on its activities and a statement of its income and estimated expenditure for the next financial year to the Minister through the Director-General for approval.
- (2) Notwithstanding subsection (1), the Bureau must submit such additional reports as the Minister, or the Director-General may require.
- (3) The books, records of account and financial statements of the Bureau must be audited annually by the Auditor-General.

**34I. Immovable property**

- (1) The Bureau may, with the approval of the Minister, acquire, hold or dispose of immovable property in the course of its business.
- (2) The policy and procedure of the Bureau with regard to the acquisition and disposal of immovable property must be in accordance with the policies, regulations and practices of the public service.

**34J. Chief Executive Officer of Bureau**

- (1) The Director-General of the Department must recruit, and the Minister must approve the appointment of a suitably qualified and skilled person as the Chief Executive Officer of the Bureau in accordance with the Public Service Act, 1994, including its employment practices, but at a level of remuneration and employment service conditions as determined by the Minister, in concurrence with the Minister of Finance.
- (2) The appointment of the Chief Executive Officer must follow a transparent and competitive recruitment and selection process, in accordance with the Public Service Act, 1994.
- (3) The Chief Executive Officer must be appointed for a term not exceeding five years subject to subsection (1).
- (4) The Chief Executive Officer must enter into a written performance agreement with the Minister within three months of taking up the post as Chief Executive Officer.
- (5) The Director-General of the Department, with the approval of the Minister, may terminate the Chief Executive Officer's employment in accordance with the Public Service Act, 1994.
- (6) The Chief Executive Officer may not serve for more than two consecutive terms, unless otherwise stipulated by the Minister, after consultation with the Minister of Finance.

**34K. Functions of Chief Executive Officer**

- (1) The Chief Executive Officer is responsible for-
  - (a) the management of the operations of the Bureau, subject to the direction of the Director-General of the Department;
  - (b) the compilation of a business and financial plan and reports in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), for approval by the Director-General of the Department and the Minister;
  - (c) the appointment of members of staff;
  - (d) control of, and maintenance of discipline over, members of staff of the Bureau; and
  - (e) any other function provided for in this Act.



- (2) The Chief Executive Officer is accountable to the Director-General of the Department and must report to him or her on the activities of the Bureau.
- (3) The Chief Executive Officer must ensure that the Bureau complies with all relevant provisions of applicable public service policy, regulations and legislation.
- (4) If the Chief Executive Officer is for any reason unable to perform any of his or her functions, the Director-General of the Department must, in writing, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions, but not for a period longer than six months, except under circumstances where the absence of the Chief Executive Officer is due to a disciplinary matter.
- (5) The Chief Executive Officer may, in writing and on such conditions as he or she may determine, delegate any power or duty of the Chief Executive Officer to a senior member of the Bureau, unless the Director-General of the Department or Minister prohibits a specific delegation.
- (6) A delegation made under subsection (4) does not-
  - (a) divest the Chief Executive Officer of the accountability concerning the performance of the function in question; or
  - (b) prohibit the performance of the function in question by the Chief Executive Officer.
- (7) A delegation made under subsection (4) may be repealed, withdrawn or amended, but the repeal, withdrawal or amendment does not affect any right which may have accrued to a person as a result of the function performed before the delegation was repealed, withdrawn or amended.

#### **34L. Employees of Bureau**

- (1) Subject to subsection (2), the Chief Executive Officer-
  - (a) must appoint such number of employees, within allocated resources available for that purpose, or receive on therefrom such number of persons provided to enable the Bureau to perform its functions;
  - (b) is responsible for the administrative control of the Bureau and for the discipline of the employees and persons contemplated in paragraph (a); and
  - (c) must ensure compliance with applicable public service and labour legislation.
- (2) The employees referred to in subsection (1) must at least have the following specialist expertise:
  - (a) resource economics;
  - (b) financial accounting;
  - (c) financial management;

- (d) process chemistry or engineering; and
  - (e) technical expert knowledge in the waste and environmental resource management fields.
- (3) The provisions relating to employment practice contained in the Public Service Act, 1994, the regulations, determinations, deemed determinations contemplated in section 5(6) of that Act and directives made in terms of that Act apply, except with regard to consideration of scales of remuneration and employment conditions service of the staff referred to in subsection (3).
  - (4) The Minister must determine, in concurrence with the Minister of Finance, the organisational structure and the scale of remuneration for employees referred to in paragraphs (a) to (e) of subsection (3), which may be different from those of the public service.
  - (5) A person employed by the Bureau may become a member of the Government Employees' Pension Fund mentioned in section 2 of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), and is entitled to pension and retirement benefits as if that person were in service in a post classified in a division of the public service.
  - (6) The Bureau may utilise persons seconded from or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).  
[Part 7A inserted by s. 13 of Act 26/2014]

## *Part 8*

### *Contaminated land*

#### **35. Application of this Part**

This part applies to the contamination of land even if the contamination-

- (a) occurred before the commencement of this Act;
  - (b) originated on land other than land referred to in section 38;
  - (c) arises or is likely to arise at a different time from the actual activity that caused the contamination; or
  - (d) arises through an act or activity of a person that results in a change to pre-existing contamination.
- (Commencement date of s. 35: 2 May 2014)

#### **36. Identification and notification of investigation areas**

- (1) The Minister, or the MEC in respect of an area which affects the relevant province, may, after consultation with the Minister of Water Affairs and Forestry and any other organ of state concerned, by notice in the *Gazette*, identify as investigation areas-
  - (a) land on which high-risk activities have taken place or are taking place that are likely to result in land contamination;

- (b) land that the Minister or MEC, as the case may be, on reasonable grounds believes to be contaminated.
- (2) A notice under subsection (1) by the Minister applies nationally, and a notice under that subsection by the MEC applies to the relevant province only.
- (3) Before publishing a notice under subsection (1), or any amendment to the notice, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73.
- (4) Subsection (3) need not be complied with if the notice is amended in a non-substantive manner.
- (5) An owner of land that is significantly contaminated, or a person who undertakes an activity that caused the land to be significantly contaminated, must notify the Minister and MEC of that contamination as soon as that person becomes aware, of that contamination.
- (6) Despite subsection (1), the Minister or MEC may issue a written notice to a particular person identifying specific land as an investigation area if the Minister or MEC on reasonable grounds believes that the land is or is likely to be contaminated.

(Commencement date of s. 36: 2 May 2014)

### **37. Consequences of identification and notification of investigation areas**

- (1) The Minister or MEC, as the case may be, may in respect of an investigation area contemplated in section 36, after consultation with the Minister of Water Affairs and Forestry-
  - (a) cause a site assessment to be conducted in respect of the relevant investigation area; or
  - (b) in a notice published under section 36(1) or issued under section 36(6)-
    - (i) direct the owner of the investigation area; or
    - (ii) direct the person who has undertaken or is undertaking the high-risk activity or activity that caused or may have caused the contamination of the investigation area, to cause a site assessment to be conducted by an independent person, at own cost, and to submit a site assessment report to the Minister or MEC within a period specified in the notice.
- (2)
  - (a) A site assessment report must comply with any directions that may have been published or given by the Minister or MEC in a notice contemplated in section 36(1) or (6) and must at least include information on whether the investigation area is contaminated.
  - (b) Where the findings of the site assessment report are that the investigation area is contaminated, the site assessment report must at least contain information on whether-

- (i) the contamination has already impacted on health or the environment;
  - (ii) the substances present in or on the land are toxic, persistent or bio-accumulative or are present in large quantities or high concentrations or occur in combinations;
  - (iii) there are exposure pathways available to the substances;
  - (iv) the use or proposed use of the land and adjoining land increases or is likely to increase the risk to health or the environment;
  - (v) the substances have migrated or are likely to migrate from the land;
  - (vi) the acceptable exposure for human and environmental receptors in that environment have been exceeded;
  - (vii) any applicable standards have been exceeded; and
  - (viii) the area should be remediated, or any other measures should be taken to manage or neutralise the risk.
- (3) For the purposes of this section, land may be regarded as being contaminated at any particular time if the risk of harm to health or the environment could eventuate only in certain circumstances and those circumstances do not exist at the time that the site assessment is undertaken, but those circumstances are reasonably foreseeable.
- (Commencement date of s. 37: 2 May 2014)

### **38. Consideration of site assessment reports**

- (1) On receipt of a site assessment report contemplated in section 37, the Minister or MEC, as the case may be, may, after consultation with the Minister of Water Affairs and Forestry and any other organ of state concerned, decide that-
  - (a) the investigation area is contaminated, presents a risk to health or the environment, and must be remediated urgently;
  - (b) the investigation area is contaminated, presents a risk to health or the environment, and must be remediated within a specified period;
  - (c) the investigation area is contaminated and does not present an immediate risk, but that measures are required to address the monitoring and management of that risk; or
  - (d) the investigation area is not contaminated.
- (2) If the Minister or MEC, as the case may be, decides that an investigation area is contaminated and requires remediation, the Minister or MEC must declare the land to be a remediation site and make such remediation order as is necessary to neutralise that risk.
- (3) If the Minister or MEC, as the case may be, decides that the investigation area does not present an immediate risk, but that measures are required to address

the monitoring and management of that risk, the Minister or MEC may make an order specifying the measures that must be taken.

- (4) Unless otherwise directed, a remediation order under subsection (2), an order under subsection (3) or a directive under section 37(1) must be complied with at the cost of the person against whom the order or directive is issued.
- (5) The Minister or MEC, as the case may be, may amend a remediation order if-
  - (a) ownership of the land is transferred and the new owner in writing assumes responsibility for the remediation; or
  - (b) new information or evidence warrants amending the order.

(Commencement date of s. 38: 2 May 2014)

### **39. Orders to remediate contaminated land**

- (1) A remediation order issued under section 38(2) or an order issued under section 38(3) must describe, to the extent that it is applicable-
  - (a) the person who is responsible for undertaking the remediation;
  - (b) the land to which the order applies;
  - (c) the nature of the contamination;
  - (d) the measures that must be taken to remediate the land or the standards that must be complied with when remediating the land;
  - (e) the period within which the order must be complied with;
  - (f) whether any limitations in respect of the use of the land are imposed;
  - (g) the measures that must be taken to monitor or manage the risk; and
  - (h) any other prescribed matter.
- (2) Before issuing a remediation order or an amended remediation order, the Minister or MEC, as the case may be, must consult with the Minister of Water Affairs and Forestry and any other organ of state concerned.
- (3) The Minister or MEC, as the case may be, may instruct any official within his or her department to ensure that the remediation order is complied with.

(Commencement date of s. 39: 2 May 2014)

### **40. Transfer of remediation sites**

- (1) No person may transfer contaminated land without informing the person to whom that land is to be transferred that the land is contaminated and, in the case of a remediation site, without notifying the Minister or MEC and complying with any conditions that are specified by the Minister or MEC, as the case may be.
- (2)

- (a) For the purposes of ensuring compliance with this section, the Minister must notify the relevant Registrar of Deeds appointed in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), of any land that has been declared as a remediation site.
- (b) The notification contemplated in paragraph (a) must identify the land sufficiently to enable the Registrar of Deeds to enter the necessary information in or on registers and documents kept by his or her Office.  
(Commencement date of s. 40: 2 May 2014)

#### **41. Contaminated land register**

- (1) The Minister must keep a national contaminated land register of investigation areas that includes information on-
  - (a) the owners and any users of investigation areas;
  - (b) the location of investigation areas;
  - (c) the nature and origin of the contamination;
  - (d) whether an investigation area-
    - (i) is contaminated, presents a risk to health or the environment, and must be remediated urgently;
    - (ii) is contaminated, presents a risk to health or the environment, and must be remediated within a specified period;
    - (iii) is contaminated and does not present an immediate risk, but measures are required to address the monitoring and management of that risk; or
    - (iv) is not contaminated;
  - (e) the status of any remediation activities on investigation areas; and
  - (f) restrictions of use that have been imposed on investigation areas.
- (2) The Minister may change the status of an investigation area contemplated in subsection (1)(d)(i) or (ii) as provided for in subsection (1)(d)(iii) or (iv) if a remediation order has been complied with or other circumstances eventuate that justify such a change.
- (3) An MEC who has identified an investigation area must furnish the relevant information to the Minister for recording in the national contaminated land register.  
(Commencement date of s. 41: 2 May 2014)

### *Part 9*

#### *Other measures*

#### **42. Recognition programmes**

- (1) A waste management officer may establish a programme for the public recognition of significant achievements in the area of waste avoidance, minimisation or other forms of waste management.
- (2) The programme contemplated in subsection (1) may contain mechanisms to make the public aware of sound waste management practices.

## **CHAPTER 5**

### **LICENSING OF WASTE MANAGEMENT ACTIVITIES**

#### **43. Licensing authority**

- (1) The Minister is the licensing authority where-
  - (a) unless otherwise indicated by the Minister by notice in the *Gazette*, the waste management activity involves the establishment, operation, cessation or decommissioning of a facility at which hazardous waste has been or is to be stored, treated or disposed of;
  - (b) the waste management activity involves obligations in terms of an international obligation, including the importation or exportation of hazardous waste;
  - (c) the waste management activity is to be undertaken by-
    - (i) a national department;
    - (ii) a provincial department responsible for environmental affairs; or
    - (iii) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government;
  - (d) the waste management activity will affect more than one province or traverse international boundaries; or
  - (e) two or more waste management activities are to be undertaken at the same facility and the Minister is the licensing authority for any one of those activities.
- (1A) The Minister responsible for mineral resources is the licensing authority where the waste management activity is, or is directly related to-
  - (a) prospecting or exploration of a mineral or petroleum resource;
  - (b) extraction and primary processing of a mineral or petroleum resource; or
  - (c) residue deposits and residue stockpiles from a prospecting, mining, exploration or production operation.

[Subs. (1A) inserted by s. 21 of Act 25/2014 w.e.f. 2 September 2014]

- (1B) The Minister responsible for mineral resources is responsible for the implementation of the provisions that relate to matters referred to in subsection (1A).  
[Subs. (1B) inserted by s. 21 of Act 25/2014 w.e.f. 2 September 2014]
- (2) Subject to subsection (1), the MEC of the province in which the waste management activity is being or is to be carried out is the licensing authority.
- (3) Despite subsections (1) and (2), the Minister and an MEC may agree that an application or applications for waste management licences regarding any waste management activity-
- (a) referred to in subsection (1), may be dealt with by the MEC; or
  - (b) in respect of which the MEC has been identified as the licensing authority, may be dealt with by the Minister.

#### **43A. Residue stockpiles and residue deposits**

- (1) Residue stockpiles and residue deposits must be managed in the prescribed manner on any site demarcated for that purpose in the environmental management plan or environmental management programme for that prospecting, mining, exploration or production operation.
- (2) No person may temporarily or permanently deposit any residue stockpile or residue deposit on any site other than on a site contemplated in subsection (1).  
[S. 43A inserted by s. 22 of Act 25/2014 w.e.f. 2 September 2014]

#### **44. Co-operative governance in waste management licence applications**

- (1) For the purposes of issuing a licence for a waste management activity, the licensing authority must as far as practicable in the circumstances co-ordinate or consolidate the application and decision-making processes contemplated in this Chapter with the decision-making process in Chapter 5 of the National Environmental Management Act and other legislation administered by other organs of state, without whose authorisation or approval or consent the activity may not commence, or be undertaken or conducted.
- (2) If the licensing authority decides to issue a licence it may, for the purposes of achieving coordination-
- (a) issue an integrated licence jointly with the other organs of state contemplated in subsection (1), which licence grants approval in terms of this Act and any other legislation specified in the licence; or
  - (b) issue the licence as part of a consolidated authorisation consisting of different authorisations issued under different legislation by the persons competent to do so, that have been consolidated into a single document in order to ensure that the conditions that are imposed by each competent authority are comprehensive and mutually consistent.
- (3) If an integrated licence contemplated in subsection (2)(a) is to be regarded as a valid authorisation or approval for the purposes of other legislation specified in the integrated licence, then the decision-making process for issuing that



integrated licence must comply with both the requirements of this Act and of that other legislation.

- (4) An integrated licence must-
  - (a) specify the statutory provisions in terms of which it has been issued;
  - (b) identify the authority or authorities that have issued it;
  - (c) indicate to whom applications for any amendment or cancellation of the integrated licence must be made; and
  - (d) indicate the appeal procedure to be followed.
- (5) An integrated licence may be enforced in terms of this Act and any other Act in terms of which it has been issued: Provided that a condition of an integrated licence may only be enforced in terms of the legislation that authorises the imposition of such a condition.
- (6) Where an integrated licence procedure or a consolidated authorisation procedure is established in terms of this section, the provisions of this Chapter must be read with the necessary changes as the context may require to enable a single application procedure or combined application procedure to be followed.
- (7) An integrated licence must be regarded as an integrated environmental authorisation contemplated in section 24L of the National Environmental Management Act.

#### **45. Application for waste management licences**

- (1) A person who requires a waste management licence must apply for the licence by lodging an application with the licensing authority.
- (2) An application for a waste management licence must be accompanied by-
  - (a) the prescribed processing fee; and
  - (b) such documentation and information as may be reasonably required by the licensing authority.
- (3) A person who requires a waste management licence for a waste management activity which involves the treatment of waste by incineration must submit, together with any documentation or information contemplated in subsection (2), information on-
  - (a) the types of waste that will be incinerated;
  - (b) the existence of any incinerators in the jurisdiction of the licensing authority which are authorised to incinerate waste which is substantially similar to that waste; and
  - (c) alternative environmentally sound methods, if any, that could be used to treat that waste.

**46. Appointment of persons to manage waste management licence applications**

- (1) The licensing authority may by written notice to an applicant require that applicant, or by notice in the *Gazette* require applicants, at own cost, to appoint an independent and suitably qualified person to manage an application.
- (2) If an applicant is required to appoint an independent person, the applicant must-
  - (a) take all reasonable steps to verify that the person to be appointed is independent and has expertise in the managing of waste management licence applications; and
  - (b) provide the appointed person with access to all information at the disposal of the applicant reasonably required for the application, whether or not that information is favourable to the applicant.  
(Commencement date of s. 46: To be proclaimed)

**47. Procedure for waste management licence applications**

- (1) The licensing authority-
  - (a) may, by written notice, require the applicant, at the applicant's cost, to obtain and provide it within a specified period with any other information in addition to the information contained in or submitted in connection with the application;
  - (b) may conduct its own investigation on the likely effect of the waste management activity on health and the environment;
  - (c) must invite written comments from any organ of state that has an interest in the matter; and
  - (d) must afford the applicant an opportunity to make representations on any adverse statements or objections to the application.
- (2) An applicant must take appropriate steps to bring the application to the attention of relevant organs of state, interested persons and the public.
- (3) The steps contemplated in subsection (2) must include the publication of a notice in at least two newspapers circulating in the area in which the waste management activity applied for is to be carried out.
- (4) The notice contemplated in subsection (3) must-
  - (a) describe the nature and purpose of the waste management licence applied for;
  - (b) give particulars of the waste management activity, including the place where it is or is to be carried out;
  - (c) state where further information on the waste management activity can be obtained;

- (d) stating a reasonable period within which written representations on, or objections to, the application may be submitted, and the address or place where representations or objections must be submitted; and
- (e) contain such other particulars as the licensing authority may require.

**48. Factors to be taken into account by licensing authority**

When considering an application for a waste management licence, the licensing authority must take into account all relevant matters, including-

- (a) the need for, and desirability of, the waste management activity and alternatives considered, including similar waste management activities, if any, that have already been licensed;
- (b) the pollution caused or likely to be caused by the activity that is the subject of the application, whether alone or together with existing operations or pollution and the effect or likely effect of that pollution on the environment, including health, social conditions, economic conditions and cultural heritage;
- (c) the best practicable environmental options available and alternatives that could be taken-
  - (i) to prevent, control, abate or mitigate pollution; and
  - (ii) to protect the environment, including health, social conditions, economic conditions and cultural heritage from harm as a result of the undertaking of the waste management activity;
- (d) any increased health and environmental risks that may arise as a result of the location where the waste management activity will be undertaken;
- (e) any reasons for a decision made in terms of regulations issued under section 24 of the National Environmental Management Act;
- (f) whether the applicant is a fit and proper person as contemplated in section 59;
- (g) the applicant's submissions;
- (h) any submissions received from organs of state, interested persons and the public; and
- (i) any guidelines the licensing authority may wish to issue relevant to the application.

**49. Decision of licensing authorities on waste management licence applications**

- (1) The licensing authority may in respect of an application for a waste management licence-
  - (a) grant the application;
  - (b) refuse the application; or

- (c) reject the application where it does not comply with the requirements of this Act.
- (2) A decision to grant an application for a waste management licence in respect of a waste disposal facility is subject to the concurrence of the Minister of Water Affairs and forestry.
- (3) Any decision by a licensing authority to grant an application for a waste management licence must be consistent with-
  - (a) this Act, including any integrated waste management plans prepared in terms of this Act;
  - (b) any applicable national environmental management policies and, where the MEC is the licensing authority, any applicable provincial environmental management policies;
  - (c) the national environmental management principles set out in section 2 of the National Environmental Management Act;
  - (d) any applicable industry waste management plan;
  - (e) the objectives of any applicable waste management plan; and
  - (f) any standards or requirements that have been set in terms of this Act or the waste management licence.
- (4) After a licensing authority has reached a decision in respect of an application for a waste management licence, it must within 20 days-
  - (a) notify the applicant of the decision and give written reasons for the decision;
  - (b) if the decision is to grant the application, issue a waste management licence; and
  - (c) in a manner determined by the licensing authority, instruct the applicant to notify any persons who have objected to the application of the decision and the reasons for the decision.
- (5) An application which is substantially similar to a previous application that has been refused in terms of subsection (1)(b) may only be resubmitted if-
  - (a) the new application contains new and material information not previously submitted to the licensing authority; or
  - (b) a period of three years has elapsed since the application was lodged.
- (6) An application which is rejected in terms of subsection (1)(c) may be amended and resubmitted to the licensing authority for reconsideration.

## **50. Issuing of waste management licences**

- (1) A waste management licence is subject to such conditions and requirements-

- (a) as specified in terms of section 51;
  - (b) as the licensing authority may determine and specify in the licence; and
  - (c) as the Minister or MEC has prescribed for the waste management activity in question.
- (2) The licensing authority may issue a single waste management licence where the applicant has applied to undertake more than one waste management activity at the same location.
- (3) The issuing of a waste management licence for a waste disposal facility is subject to the inclusion in the licence of any conditions contained in a Record of Decision issued by the Minister of Water Affairs and Forestry regarding any measures that the Minister of Water Affairs and Forestry considers necessary to protect a water resource as defined in the National Water Act, 1998 (Act No. 36 of 1998).

## **51. Contents of waste management licences**

- (1) A waste management licence must specify-
  - (a) the waste management activity in respect of which it is issued;
  - (b) the premises or area of operation where the waste management activity may take place;
  - (c) the person to whom it is issued;
  - (d) the period from which the waste management activity may commence;
  - (e) the period for which the licence is issued and period within which any renewal of the licence must be applied for;
  - (f) the name of the licensing authority;
  - (g) the periods at which the licence may be reviewed, if applicable;
  - (h) the amount and type of waste that may be generated, handled, processed, stored, reduced, re-used, recycled, recovered or disposed of;
  - (i) if applicable, the conditions in terms of which salvaging of waste may be undertaken;
  - (j) any other operating requirements relating to the management of the waste; and
  - (k) monitoring, auditing and reporting requirements.
- (2) A waste management licence may-

- (a) specify conditions in respect of the reduction, reuse, recycling and recovery of waste;
- (b) specify conditions for the decommissioning of a waste disposal facility or cessation of the waste management activity;
- (c) require the holder of a waste management licence to establish committees for the participation of interested and affected parties;
- (d) provide that the licence is subject to the holder of a waste management licence providing an environmental management plan, contemplated in section 11 of the National Environmental Management Act, to the satisfaction of the licensing authority;
- (e) require the holder of a waste management licence to undertake remediation work;
- (f) specify the financial arrangements that the holder of a waste management licence must make for the undertaking of remediation work during the operation of the waste management activity or on decommissioning of the waste management activity;
- (g) require the holder of the waste management licence to comply with all lawful requirements of an environmental management inspector carrying out his or her duties in terms of the National Environmental Management Act, including a requirement that the licence holder must, on request, submit to the inspector a certified statement indicating-
  - (i) the extent to which the conditions and requirements of the licence have or have not been complied with;
  - (ii) particulars of any failure to comply with any of those conditions or requirements;
  - (iii) the reasons for any failure to comply with any of those conditions or requirements; and
  - (iv) any action taken, or to be taken, to prevent any recurrence of that failure or to mitigate the effects of that failure; and
- (h) include any other matters which are necessary for the protection of the environment.

## **52. Transfer of waste management licences**

- (1) If ownership of a waste management activity for which a waste management licence was issued is transferred, the holder may, with the permission of a licensing authority, transfer the licence to the new owner of the waste management activity.
- (2) A person applying for permission to transfer a waste management licence must lodge the application with the licensing authority.
- (3) The application must be in the form required by the licensing authority.

- (4) An application for the transfer of a waste management licence must be accompanied by-
  - (a) the prescribed processing fee; and
  - (b) such documentation and information as may be reasonably required by the licensing authority.
- (5) If the environment or the rights or interests of other parties are likely to be adversely affected, the Minister or MEC must, before deciding the application for transfer, request the applicant to conduct a consultation process that may be appropriate in the circumstances to bring the application for the transfer of a waste management licence to the attention of relevant organs of state, interested persons and the public.
- (6) When considering an application for the transfer of a waste management licence, the licensing authority may request any additional information, and must take into account all relevant matters, including whether the person to whom the licence is to be transferred is a fit and proper person as contemplated in section 59.
- (7) If the licensing authority's decision is to grant permission for the transfer of the waste management licence, the licensing authority-
  - (a) must issue an amended licence which reflects the details of the person to whom the licence is being transferred; and
  - (b) may make such amendments to the licence as are necessary to ensure that the purpose of any financial arrangements that are required in that licence are given effect to.
- (8) The transfer of a waste management licence does not relieve the holder of the licence from whom the licence was transferred of any liability that the licence holder may have incurred whilst he or she was the holder of that licence.

### **53. Review of waste management licences**

- (1) A licensing authority must review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary.
- (2) The licensing authority must inform the holder of the waste management licence, in writing, of any proposed review and the reason for such review if the review is undertaken at another interval than is provided for in a waste management licence.
- (3) For purposes of the review, a waste management officer may require the holder of the waste management licence to compile and submit a waste impact report contemplated in section 66.

### **54. Variation of waste management licences**

- (1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence-

- (a) if it is necessary or desirable to prevent pollution;
  - (b) if it is necessary or desirable for the purposes of achieving waste management standards or minimum requirements;
  - (c) if it is necessary or desirable to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands;
  - (d) to make a non-substantive amendment;
  - (e) at the written request of the holder of the waste management licence;  
or
  - (f) if it is reviewed in terms of section 53.
- (2) The variation of a waste management licence includes -
- (a) the attaching of an additional condition or requirement to the waste management licence;
  - (b) the substitution of a condition or requirement;
  - (c) the removal of a condition or requirement; or
  - (d) the amendment of a condition or requirement.
- (3) If a licensing authority receives a request from the holder of a waste management licence in terms of subsection (1)(e), the licensing authority must require the licence holder to take appropriate steps to bring the request to the attention of relevant organs of state, interested persons and the public if the variation of the licence is to authorise an increase in the environmental impact regulated by the waste management licence.
- (4) Steps in terms of subsection (3) must include the publication of a notice in at least two newspapers circulating in the area in which the waste management activity authorised by the waste management licence is or is to be carried out.
- (5) The notice contemplated in subsection (4) must-
- (a) describe the nature and purpose of the request;
  - (b) give particulars of the waste management activity, including the place where it is, or is to be, carried out;
  - (c) state a reasonable period within which written representations on, or objections to, the request may be submitted, and the address or place where representations or objections must be submitted; and
  - (d) contain such other particulars as the licensing authority may require.
- (6) Sections 47, 48 and 49 apply with the changes required by the context to the variation of a waste management licence.

## **55. Renewal of waste management licences**



- (1) A waste management licence may, on application by the holder of the licence, be renewed by a licensing authority.
- (2) The holder of a waste management licence must, before the expiry date of the licence and within the period specified in the licence, apply for the renewal of the licence to the licensing authority of the area in which the activity is carried out by lodging an application with the licensing authority in the form required by the licensing authority.
- (3) An application for the renewal of a waste management licence must be accompanied by-
  - (a) the prescribed processing fee; and
  - (b) such documentation and information as may reasonably be required by the licensing authority.
- (4) If the environment or the rights or interests of other parties are likely to be adversely affected, the licensing authority must, before deciding the application, request the applicant to conduct a consultation process that may be appropriate in the circumstances to bring the application for the renewal of a waste management licence to the attention of relevant organs of state, interested persons and the public.
- (5) Sections 47, 48, 49 and 51 apply with the changes required by the context to an application for the renewal of a waste management licence.
- (6) If the holder of a waste management licence does not apply for renewal of that licence, the licence holder remains liable for taking all measures that are necessary to ensure that the cessation of the activity that was authorised by the licence is done in a manner that does not result in harm to health or the environment.

## **56. Revocation and suspension of waste management licences**

- (1) The licensing authority may, by written notice to the holder of a waste management licence, revoke or suspend that licence if the licensing authority is of the opinion that the licence holder has contravened a provision of this Act or a condition of the licence and such contravention may have, or is having, a significant effect on health or the environment.
- (2) The licensing authority may not revoke or suspend a waste management licence before it has-
  - (a) consulted relevant organs of state;
  - (b) afforded the holder of the waste management licence an opportunity to make a submission in respect of the intended revocation or suspension; and
  - (c) in the event that the holder has made a submission contemplated in paragraph (b) the licensing authority has considered that submission.

- (3) Despite subsection (2), if urgent action is necessary for the protection of the environment, the licensing authority may immediately issue a notice of revocation or suspension and, as soon thereafter as is possible, consult with relevant organs of state and give the holder of the waste management licence an opportunity to make a submission.

#### **57. Surrender of waste management licences**

- (1) A holder of a waste management licence may surrender that licence with the permission of the licensing authority.
- (2) In considering a request to surrender a waste management licence, the licensing authority may-
  - (a) request such information as it requires to consider the request; and
  - (b) require the licence holder to take such steps as it considers necessary for the protection of the environment before accepting that surrender of the licence.
- (3) The surrender of a waste management licence does not relieve the holder of the licence of any liability that the licence holder may have incurred whilst he or she was the holder of that licence.

#### **58. Waste management control officers**

- (1) A waste management officer may require the holder of a waste management licence to designate a waste management control officer, having regard to the size and nature of the waste management activity for which the licence was granted.
- (2) A waste management control officer must-
  - (a) work towards the development and introduction of clean production technologies and practices to achieve waste minimisation;
  - (b) identify and submit potential measures in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste to the waste management licence holder and the licensing authority;
  - (c) take all reasonable steps to ensure compliance by the holder of the waste management licence with the licence conditions and requirements and the provisions of this Act; and
  - (d) promptly report any non-compliance with any licence conditions or requirements or provisions of this Act to the licensing authority through the most effective means reasonably available.
- (3) This section does not affect the liability of the holder of a waste management licence or the liability of that licence holder to comply with the conditions and requirements of the licence.

#### **59. Criteria for fit and proper persons**

In order to determine whether a person is a fit and proper person for the purposes of an application in terms of this Chapter, a licensing authority must take into account all relevant facts, including whether-

- (a) that person has contravened or failed to comply with this Act, the Environment Conservation Act, the National Environmental Management Act or any other legislation applicable to waste management;
- (b) that person has held a waste management licence or other authorisation that has been suspended or revoked or that person has not complied with a material condition of such waste management licence or authorisation;
- (c) that person is or has been a director or senior manager of a company, firm or entity to whom paragraph (a) or (b) applies;
- (d) that person has the ability to comply with this Act and any conditions subject to which the application may be granted; and
- (e) the management of the waste management activity that is the subject of the application will be in the hands of a technically competent person.

## **CHAPTER 6**

### **WASTE INFORMATION**

#### **60. Establishment of national waste information systems**

- (1) The Minister must establish a national waste information system for the recording, collection, management and analysis of data and information that must include-
  - (a) data on the quantity and type or classification of waste generated, stored, transported, treated, transformed, reduced, re-used, recycled, recovered and disposed of; and
  - (b) a register of-
    - (i) waste management activities that have been licensed;
    - (ii) the holders of waste management licences authorised to commence the waste management activities recorded in terms of subparagraph (i); and
    - (iii) the locations where the licensed waste management activities are or may be conducted.
- (2) The waste information system may include information on-
  - (a) the levels and extent of waste management services provided by municipalities;
  - (b) information on compliance with this Act; and
  - (c) any other information that is necessary for the purposes of effective administration of this Act.

- (3) The national waste information system may be implemented incrementally.

**61. Objectives of national waste information system**

The objective of the national waste information system is to-

- (a) store, verify, analyse, evaluate and provide data and information for the protection of the environment and management of waste;
- (b) provide information for the development and implementation of any integrated waste management plan required in terms of this Act; and
- (c) provide information to organs of state and the public-
  - (i) for education, awareness raising, research and development purposes;
  - (ii) for planning, including the prioritisation of regulatory, waste minimisation and other initiatives;
  - (iii) for obligations to report in terms of any legislation;
  - (iv) for public safety management;
  - (v) on the status of the generation, collection, reduction, re-use, recycling and recovery, transportation, treatment and disposal of waste; and
  - (vi) the impact of waste on health and the environment.

**62. Establishment of provincial waste information system**

- (1) The MEC may establish a provincial waste information system.
- (2) A provincial waste information system must at least include the information required by the national information system.
- (3) The Minister may, by notice in the *Gazette*, and for the purposes of ensuring efficient administration, exempt a category of persons who must furnish information to the provincial waste information system established in terms of subsection (1) from furnishing that information to the national waste information system established in terms of section 60.
- (4) If the Minister exercises a power under subsection (3), the MEC is responsible for furnishing that information to the Minister, unless otherwise directed by the Minister by notice in the *Gazette*.

**63. Provision of information**

- (1) The Minister may, by notice in the *Gazette* or in writing, require any person to provide, within a reasonable time or on a regular basis, any data, information, documents, samples or materials to the Minister that are reasonably required for the purposes of the national waste information system established in terms of section 60 or the management of waste.

- (2) The MEC may, by notice in the *Gazette* or in writing, require any person or organ of state to provide, within a reasonable time or on a regular basis, any data, information, documents, samples or materials to the MEC that are reasonably required for the purposes of a provincial waste information system established in terms of section 62 or the management of waste in the province.
- (3) A notice under subsection (1) or (2) may also indicate the manner in which the information must be furnished and, if required, how the information must be verified.
- (4) Where the Minister or MEC requires a municipality to furnish data, information, documents, samples or materials in terms of subsection (1) or (2), the municipality concerned may, by notice in the *Gazette* or in writing, require any person or organ of state to provide, within a reasonable time or on a regular basis, such data, information, documents, samples or materials, and the verification of such information, to the municipality that are reasonably required to discharge its obligations in terms of subsection (1) or (2).

#### **64. Access to information**

Information contained in the national waste information system or a provincial waste information system established in terms of section 60 or 62, as the case may be, must be made available by the Minister or MEC, subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

### **CHAPTER 7**

#### **COMPLIANCE AND ENFORCEMENT**

#### **65. Compliance powers of Minister of Water Affairs and Forestry**

- (1) Despite the powers conferred on the Minister or MEC by or under this Act, the Minister of Water Affairs and Forestry may exercise any powers conferred on him or her by section 19, 53 and 155 or the National Water Act, 1998 (Act No. 36 of 1998), in respect of a person who contravenes or fails to comply with any condition of a waste management licence, a remediation order or measures specified in terms of section 38(3) that may lead to an impact on a water resource.
- (2) The Minister of Water Affairs and Forestry must exercise the powers contemplated in subsection (1) after consultation with the Minister or MEC.

#### **66. Waste impact reports**

- (1) An environmental management inspector appointed in terms of the National Environmental Management Act may, in writing, require any person to submit a waste impact report in a specified form and within a specified period to the environmental management inspector if the environmental management inspector on reasonable grounds suspects that such person has on one or more occasions contravened or failed to comply with this Act or any conditions of a waste management licence or exemption and that the contravention or failure has had or is likely to have a detrimental effect on health or the environment, including social conditions, economic conditions, ecological conditions or cultural heritage, or has contributed to the degradation of the environment.

- (2) A waste management officer may, in writing, require any person to submit a waste impact report in a specified form and within a specified period to the waste management officer if a review of a waste management licence is undertaken in terms of section 53.
- (3) An environmental management inspector or waste management officer must stipulate the documentation and information that should be included in a report submitted in terms of subsection (1) or (2).
- (4) Before making a request in terms of subsection (1) an environmental management inspector must afford the person to whom the request is to be made an opportunity to show cause why a waste impact report should not be required.
- (5) A waste management officer may indicate that a waste impact report to be submitted in terms of subsection (1) or (2) must be compiled by an independent person.
- (6) The costs incurred in compiling a waste impact report, including any costs of an independent person, are the liability of the person required to submit the report.
- (7) If the person who is required to submit a waste impact report in terms of subsection (1) or (2) fails to submit the report within the specified period, the waste management officer may-
  - (a) appoint an independent person to compile the report; and
  - (b) recover the cost of compiling the report from the person required to submit the report.

## **67. Offences**

- (1) A person commits an offence if that person-
  - (a) contravenes or fails to comply with a provision of section 15, 16(1)(c), (d), (e) or (f), 20, 26(1), 43A or any order under section 38(2) or (3) or a notice under section 17(2) or 18(1);  
[Para. (a) substituted by s. 23 of Act 25/2014 w.e.f. 2 September 2014]
  - (b) contravenes or fails to comply with a provision of section 21, 22(1), 24, 27(2), 36(5) or 40(1);
  - (c) fails to submit or to prepare an industry waste management plan when required to do so in terms of section 28;
  - (d) contravenes or fails to comply with an industry waste management plan;
  - (e) contravenes or fails to comply with a waste management measure specified in terms of section 14(4) or 33(1);
  - (f) contravenes or fails to comply with a norm or standard established in terms of this Act;

- (g) fails to conduct a site assessment or to submit a site assessment report in terms of section 37(1);
  - (h) contravenes or fails to comply with a condition or requirement of a waste management licence or an integrated licence contemplated in section 44;
  - (i) fails to submit a waste impact report required in terms of section 66(1) or (2);
  - (j) contravenes or fails to comply with a condition subject to which exemption from a provision of this Act was granted in terms of section 76(3)(c);
  - (k) knowingly supplies false or misleading information in any application made in terms of this Act;
  - (l) knowingly supplies false or misleading information to a waste management officer or environmental management inspector for the purpose of this Act;
  - (m) fails to provide the information contemplated in section 29(5) or 63(4).
- (2) A person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is guilty of an offence if that person -
- (a) fails to take all reasonable steps to prevent spillage of waste or littering from the vehicle;
  - (b) intentionally or negligently cause spillage or littering from the vehicle;
  - (c) dispose of waste at a facility which is not authorised to accept such waste;
  - (d) fails to ensure that waste is disposed of at a facility that is authorised to accept such waste; or
  - (e) fails to comply with any duty set out in section 25(4).

## **68. Penalties**

- (1) A person convicted of an offence referred to in section 67(1)(a), (g) or (h) is liable to a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment, in addition to any other penalty or award that may be imposed or made in terms of the National Environmental Management Act.
- (2) A person convicted of an offence referred to in section 67(1)(b), (c), (d), (e), (f), (i), (j), (k) or (l) or section 67(2)(a), (b), (c), (d) or (e) is liable to a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment, in addition to any other penalty or award that may be imposed or made in terms of the National Environmental Management Act.

- (3) Any person convicted of an offence referred to in section 67(1)(m) is liable to a fine or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment.
- (4) A person who is convicted of an offence in terms of this Act and who persists after conviction in the act or omission that constituted the offence commits a continuing offence and is liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 20 days, or to both such fine and such imprisonment, in respect of each day that person persists with that act or omission.
- (5) A fine contemplated in subsection (1), (2), (3) or (4) must be determined with due consideration of-
  - (a) the severity of the offence in terms of its impact or potential impact on health, well-being, safety and the environment; and
  - (b) the monetary or other benefits that accrued to the convicted person through the commission of the offence.

## **CHAPTER 8**

### **GENERAL MATTERS**

#### *Part 1*

#### *Regulations*

#### **69. Regulations by Minister**

- (1) The Minister may make regulations regarding-
  - (a) the identification and categorisation of waste;
  - (b) the manner in which particular waste types must be dealt with and managed;
  - (c) the manner in which priority waste must be dealt with and managed;
  - (d) requirements for monitoring of compliance with this Act or any licence issued in terms of this Act;
  - (e) waste management planning;
  - (f) the exercise of the duty of care;
  - (g) measures that are required for the environmentally sound management of waste;
  - (h) requirements in respect of waste management activities;
  - (i) measures that must be taken in respect of the implementation of waste minimisation, including the separation of waste at the point of



generation and setting of targets or percentage of products that must be recovered under a re-use, recycling, refundable deposit or take-back programme;

- (iA) the management and control of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation.  
[Para. (iA) inserted by s. 24 of Act 25/2014 w.e.f. 2 September 2014]
- (j) the control of the import or export of waste;
- (k) the obligation of producers of a specified product or class of product to carry out a life cycle assessment in relation to the product, in such manner or in accordance with such standards or procedures as may be specified;
- (l) the requirements that must be complied with in respect of the design, composition or production of a product or packaging, including requirements in respect of-
  - (i) the restriction of the composition, volume or weight of packaging;
  - (ii) the reduction, re-use, recycling and recovery of packaging; and
  - (iii) the use of alternate materials that are less harmful to the environment;
- (m) the utilisation of waste by way of recovery, re-use and recycling;
- (n) the reduction of waste by-
  - (i) the adoption of certain manufacturing processes; and
  - (ii) the use of alternative materials or products;
- (o) the financial arrangements of waste minimisation programmes;
- (p) the institutional arrangements for the administration of waste minimisation programmes;
- (q) the control over waste management facilities;
- (r) labelling requirements in respect of waste management;
- (s) the location, planning and design of waste management activities;
- (t) the registration of persons transporting waste;
- (u) the manner in which a site assessment in terms of section 37 must be conducted and the person who may conduct such assessments;
- (v) the contents of a site assessment report contemplated in section 37, including persons who may undertake such site assessments;

- (w) the manner in which an application for a waste management licence must be made, including the persons who may manage such applications;
  - (x) requirements in respect of the funding or insuring of a waste management activity;
  - (y) the nature, type, time period and format of data and information to be submitted in terms of a waste information system established in terms of this Act;
  - (z) the procedure for the institution of appeals against decisions of officials in the performance of their functions in terms of this Act;
  - (aa) the dissemination of information to the public;
  - (bb) incentives and disincentives to encourage a change in behaviour towards the generation of waste and waste management by all sectors of society;
  - (cc) matters that must be regulated by a contract between a municipality and any waste management service provider;
  - (dd) any matter that may or must be prescribed in terms of this Act; and
  - (ee) any other administrative or procedural matter that it is necessary for the proper administration and implementation of this Act.
- (2) A regulation under subsection (1)(i), (j), (k), (l), (n) and (r) may only be made after consultation with the Minister of Trade and Industry.
  - (3) A regulation under subsection (1)(o) and (x) and a regulation in respect of financial incentives and disincentives made under subsection (1)(bb), may only be made with the concurrence of the Minister of Finance.
  - (4) A regulation under subsection (1)(cc) may only be made after consultation with the Minister for Provincial and Local Government.
  - (5) A regulation under subsection (1)(u), (v) and (w) may only be made after consultation with the Minister of Water Affairs and Forestry.
  - (6) Any regulation which pertains to the treatment of waste by means of incineration must be submitted to the National Assembly 30 days prior to publication.

#### **69A. Regulations for Bureau**

The Minister must make regulations regarding-

- (a) any matter required or to be prescribed in terms of Part 7A;
- (b) the setting or determination of service fees by the Bureau, other than those referred to in section 13B;
- (c) the circumstances under which service fees can be charged;

- (d) the manner in which the Bureau will receive and disburse funds referred to in section 34F(1); or
- (e) any other matter in relation to the Bureau that is necessary to be prescribed for the proper implementation of this Act.  
[S. 69A inserted by s. 14 of Act 26/2014]

## **70. Regulations by MECs**

- (1) The MEC with the concurrence of the Minister may make regulations for the province concerned in respect of any matter for which the MEC may or must make regulations in terms of this Act, including any matter referred to in section 69(1)(b) to (h), inclusive, (m), (p), (q), (s) to (w), inclusive, and (y) to (dd), inclusive.
- (2) A regulation in respect to a matter referred to in section 69(1)(cc) may only be made after consultation with the Minister for Provincial and Local Government.
- (3) A regulation in respect of a matter referred to in terms of section 69(1)(u),(v) and (w) may only be made after consultation with the Minister of Water Affairs and Forestry.

## **71. General regulatory powers**

- (1) Regulations made under this Act may-
  - (a) restrict or prohibit any act, either absolutely or conditionally;
  - (b) apply-
    - (i) generally, to the Republic or a province, or only in a specified areas or category of areas; or
    - (ii) generally, to all persons or only to a specified category of persons;
  - (c) differentiate between different-
    - (i) areas or category of areas;
    - (ii) persons or categories of persons; or
    - (iii) types, classes or categories of waste;
  - (d) incorporate by reference any guideline, minimum requirements, code of practice or any national or international standard relating to waste management.
- (2) Regulations made under this Act may provide that any person who contravenes or fails to comply with a provision thereof commits an offence and is liable on conviction to-
  - (a) imprisonment for a period not exceeding 15 years;

- (b) an appropriate fine; or
  - (c) both a fine and imprisonment.
- (3)
- (a) Before publishing any regulation under this Act, or any amendment to the regulations, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73.
  - (b) Paragraph (a) need not be complied with if the regulations are amended in a non-substantive manner.

*Part 2*  
*Consultative process*

**72. Consultation**

- (1) Before exercising a power which, in terms of this Act, must be exercised in accordance with this section and section 73, the Minister or MEC must follow such consultative process as may be appropriate in the circumstances.
- (2) When conducting the consultations contemplated in subsection (1), the Minister must-
  - (a) consult all Cabinet members whose areas of responsibility will be affected by the exercise of the powers;
  - (b) in accordance with the principles of co-operative governance as set out in Chapter 3 of the Constitution and subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), consult the MEC responsible for waste management in each province that will be affected by the exercise of the power; and
  - (c) conduct a public participation process in accordance with section 73.
- (3) When conducting the consultations contemplated in subsection (1), the MEC must-
  - (a) consult all members of the Executive Council whose areas of responsibility will be affected by the exercise of the powers;
  - (b) in accordance with the principles of co-operative governance as set out in Chapter 3 of the Constitution and subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), consult the Minister and all other national organs of state that will be affected by the exercise of the power; and
  - (c) conduct a public participation process in accordance with section 73.

**73. Public participation**

- (1) Before exercising a power that, in terms of this Act, must be exercised in accordance with this section, the Minister or MEC, as the case may be, must give notice of the proposed exercise of the relevant power-

- (a) in the *Gazette*; and
  - (b) in at least one newspaper distributed nationally or, if the exercise of power will only affect a specific area, in at least one newspaper distributed in that area.
- (2) The notice must-
  - (a) invite members of the public to submit to the Minister or MEC, as the case may be, within no less than 30 days of publication of the notice in the *Gazette*, written representations on or objections to the proposed exercise of power; and
  - (b) contain sufficient information to enable members of the public to submit representations or objections.
- (3) The Minister or MEC, as the case may be, may, in appropriate circumstances, allow any interested person or community to present oral representations or objections to the Minister or MEC, or a person designated by the Minister or MEC.
- (4) The Minister or MEC, as the case may be, must give due consideration to all representations or objections received or presented before exercising the relevant power.

### *Part 3*

#### *Exemptions and appeals*

#### **74. Applications for exemption**

- (1) Any person may apply in writing for exemption from the application of a provision of this Act to the Minister or, where the MEC is responsible for administering the provision of the Act from which the person or organ of state requires exemption, to the MEC.
- (2) An application in terms of subsection (1) must be accompanied by-
  - (a) an explanation of the reasons for the application; and
  - (b) any applicable supporting documents.

#### **75. Consideration of applications for exemption**

- (1) The Minister or MEC, as the case may be, may request an applicant contemplated in section 74 to furnish additional information where such information is necessary for the purposes of informing the Minister or MEC's decision.
- (2) If the rights or interests of other parties are likely to be adversely affected by the proposed exemption, the Minister or MEC, as the case may be, must, before deciding the application, request the applicant to-

- (a) bring the application to the attention of relevant organs of state, interested persons and the public by conducting a public participation process indicated by the Minister or MEC; and
- (b) to submit any comments received from the public following such process to the Minister or MEC.

## **76. Decisions on applications for exemption**

- (1) The Minister or the MEC, as the case may be, may-
  - (a) grant an exemption from the application of a provision of this Act; or
  - (b) refuse to grant such exemption.
- (2) Sections 48 and 49(2) to (6), inclusive, apply with the changes required by the context to the consideration of applications for exemptions.
- (3) If an application is granted, the Minister or MEC must issue a written exemption notice to the applicant stating-
  - (a) the name, address and telephone number of the person to whom the exemption is granted;
  - (b) the provision of this Act from which exemption is granted;
  - (c) the conditions subject to which the exemption is granted, if the exemption is granted subject to conditions; and
  - (d) the period for which exemption is granted if the exemption is granted for a period.
- (4) The Minister or the MEC, as the case may be, may by notice in the *Gazette* exempt an organ of state from a provision of this Act if-
  - (a) the provision, but for the definition of “person” contained in section (1), clearly should not apply to an organ of state;
  - (b) the exemption would not defeat the objects of this Act; and
  - (c) it is in the public interest to grant the exemption.

## **77. Review and transfer of exemptions**

- (1) The Minister or MEC may-
  - (a) from time to time review any exemption granted in terms of section 76; and
  - (b) on good grounds suspend or withdraw such exemption or amend the exemption, or any part thereof.
- (2) Before suspending, withdrawing or amending an exemption, the Minister or MEC must give the person to whom the exemption was granted an opportunity

to comment, in writing, on the reasons for the suspension, withdrawal or amendment.

- (3) If an exemption has been granted in respect of a waste management activity, or part thereof, and ownership of that waste management activity is transferred, the exemption may, with the permission of the Minister or MEC, be transferred by the holder of the exemption to the new owner of the waste management activity.
- (4) Section 52 applies with the changes required by the context to the transfer of exemptions.

**78.** .....

[S. 78 repealed by s. 15 of Act 26/2014]

## **CHAPTER 9**

### **MISCELLANEOUS**

#### **79. Delegation and assignment**

- (1) The Minister or MEC, respectively, may delegate or assign to an official in their respective departments any power or duty conferred on the Minister or MEC, by or under this Act, except-
  - (a) the power conferred on the Minister or MEC, respectively, by section 7(2) or (3), 8(1), 14, 18, 19, 28, 69 or 70; or
  - (b) the duty imposed on the Minister by section 6 or 7(1).
- (2) The Minister or MEC must regularly review and, if necessary, amend or withdraw a delegation or assignment under subsection (1).
- (3) A delegation or assignment to an official under subsection (1)-
  - (a) is subject to such limitations and conditions as the Minister or MEC may impose;
  - (b) may either be to a specific official or to the holder of a specific post in the relevant department;
  - (c) may authorise that official to sub delegate or further assign, in writing, the power or duty to another official in the Department, or to the holder of a specific post in the Department;
  - (d) does not prevent the exercise of that power or the performance of that duty by the Minister or MEC; and
  - (e) does not divest the Minister or MEC of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.
- (4) The Minister or MEC may confirm, vary or revoke any decision taken by an official as a result of a delegation or sub-delegation under this section, subject to any rights that may have become vested as a consequence of that decision.

#### **79A. Delegation by Minister responsible for mineral resources**

- (1) The Minister responsible for mineral resources may delegate a function entrusted to him or her in terms of this Act to-
  - (a) the Director-General of the Department responsible for mineral resources; or
  - (b) the holder of a specific post in the Department responsible for mineral resources who is not below the rank of director or its equivalent.
- (2) A delegation in terms of subsection (1)-
  - (a) must be in writing;
  - (b) may be made subject to any condition;
  - (c) may be withdrawn by the Minister responsible for mineral resources.  
[S. 79A inserted by s. 25 of Act 25/2014 w.e.f. 2 September 2014]

#### **80. Repeal and amendment of laws, and savings**

- (1) Subject to subsections (2) and (3) and section 81, the laws set out in Schedule 2 are hereby repealed or amended to the extent set out in the third column thereof.
- (2) Any regulation or direction made in terms of a provision of the Environment Conservation Act repealed by section (1) and in force immediately before the date of the coming into effect of this Act, remains in force and is considered to have been made under this Act until anything done under this Act overrides it.
- (3) Anything lawfully done under a provision repealed by subsection (1) remains valid until anything done under this Act overrides it.
- (4) A person operating a waste disposal facility that was established before the coming into effect of the Environment Conservation Act and that is operational on the date of the coming into effect of this Act may continue to operate the facility until such time as the Minister, by notice in the *Gazette*, calls upon that person to apply for a waste management licence.
- (5) Any criminal proceedings instituted under section 19, 19A or 20(1) of the Environment Conservation Act that have not been finalised on the date of coming into effect of this Act, must be finalised as if those sections had not been repealed.

#### **81. Transitional provisions in respect of permits issued in terms of Environment Conservation Act**



- (1) Despite the repeal of section 20 of the Environment Conservation Act by this Act, a permit issued in terms of that section remains valid subject to subsections (2) and (3).
- (2) The holder of a permit issued in terms of section 20 of the Environment Conservation Act must apply for a waste management licence in terms of this Act, when required to do so by the licensing authority, in writing, and within the period stipulated by the licensing authority.
- (3) A permit issued in terms of section 20 of the Environment Conservation Act lapses-
  - (a) if a waste management licence is issued in terms of this Act to the same person in respect of the same waste management activity;
  - (b) if the holder of the permit did not apply, within the stipulated period, for a waste management licence within the period contemplated in subsection (2); or
  - (c) if the licensing authority refuses an application contemplated in subsection (2).
- (4) If a permit issued in terms of section 20 of the Environment Conservation Act lapses as contemplated in subsection (3)(b) or (c), the permit holder remains liable for taking all measures that are necessary to ensure that the cessation of the activity is done in a manner that does not result in harm to health or the environment.
- (5) During the period for which a permit issued in terms of section 20 of the Environment Conservation Act continues to be valid, the provisions of this Act apply in respect of the holder of such a permit, as if that person were the holder of a waste management licence issued in terms of this Act.
- (6) Despite the repeal of section 20 of the Environment Conservation Act by this Act, an application for a permit made in terms of section 20 of the Environment Conservation Act that was not decided when section 81 of this Act took effect, must be proceeded with in terms of this Act as if that application were an application for a waste management licence in terms of this Act.

## **82. Transitional provision regarding listed waste management activities**

A person who conducts a waste management activity listed in Schedule 1 on the date of coming into effect of this Act, and who immediately before that date lawfully conducted that waste management activity under Government Notice No. 91 of 1 February 2002, may continue with the activity until such time that the Minister by notice in the *Gazette* directs that person to apply for a waste management licence under this Act.

## **83. Act regarded as specific environmental management Act**

This Act must be regarded as a specific environmental management Act for the purposes of the definition of “specific environmental management Act” contained in section 1 of the National Environmental Management Act.

## **84. Short title and commencement**

- (1) This Act is called the National Environmental Management: Waste Act, 2008, and takes effect on a date determined by the Minister by proclamation in the *Gazette*.
- (2) Different dates may be so determined for different provisions of this Act.

## **SCHEDULE 1**

### **(Section 19)**

#### **Waste management activities in respect of which a waste management licence is required**

##### **CATEGORY A**

The activities listed under Category A are equivalent to those that require a basic assessment process as stipulated in the environmental impact assessment regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 101 of 1998)

##### **Storage and transfer of waste**

1. The temporary storage of general waste at a facility, including a waste transfer facility and container yard, that has the capacity to receive in excess of 30 tonnes of general waste per day or that has a throughput capacity in excess of 20m<sup>3</sup> per day, including the construction of a facility and associated structures and infrastructure for such storage.
2. The temporary storage of hazardous waste at a facility, including a waste transfer facility and container yard that has the capacity to receive in excess of three tonnes of hazardous waste per day, including the construction of a facility and associated structures and infrastructure for such storage.

##### **Recycling and recovery**

3. The sorting and shredding of general waste at a facility that has the capacity to receive in excess of one ton of general waste per day, including the construction of a facility and associated structures and infrastructure for such sorting or shredding.
4. The recovery of waste, excluding recovery that takes place as an integral part of an internal manufacturing process, at a facility that has the capacity to receive in excess of three tonnes of general waste or 100 kilograms of hazardous waste per day, including the construction of a facility and associated structures and infrastructure for such recovery.

##### **Treatment of waste**

5. The biological, physical or physicochemical treatment of general waste or the autoclaving, drying or microwaving of general waste at a facility that has the capacity to receive in excess of 10 tonnes of general waste per day, including the construction of a facility and associated structures and infrastructure for such treatment.
6. The biological or physicochemical treatment of hazardous waste or the autoclaving, drying or microwaving of hazardous waste, including the construction of a facility and associated structures and infrastructure for such treatment.
7. The treatment of waste in sludge lagoons.

### **Disposal of waste on land**

8. The disposal of inert waste, excluding the disposal of less than 25 tonnes of inert waste for the purposes of levelling and building that has been authorised by or under legislation, including the construction of a facility and associated structures and infrastructure for such disposal.
9. The disposal of general waste to land covering an area of less than 100 m<sup>2</sup> or 200 m<sup>3</sup> air space, including the construction of a facility and associated structures and infrastructure for such disposal.

### **Storage, treatment and processing of animal waste**

10. The storage, treatment or processing of animal manure, including the composting of animal manure, at a facility that has a throughput capacity in excess of 10 tonnes per month, including the construction of a facility and associated structures and infrastructure for such storage, treatment or processing.
11. The processing of waste at biogas installations with a capacity for receiving five tonnes or more per day of animal waste, animal manure, abattoir waste or vegetable waste, including the construction of a facility and associated structures and infrastructure for such processing animal manure and abattoir waste.

### **Expansion or decommissioning of facilities and associated structures and infrastructure**

12. The expansion or decommissioning of facilities and associated structures and infrastructure for activities listed in this Schedule.

## **CATEGORY B**

The activities listed under Category B are equivalent to those that require an environmental impact assessment process stipulated in the environmental impact assessment regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998)

### **Treatment of waste**

1. The treatment of general waste by a method other than biological, physical or physicochemical treatment at a facility with the capacity to receive in excess of 10 tonnes of general waste per day, including the construction of a facility and associated structures and infrastructure for such treatment.
2. The treatment of hazardous waste by a method other than biological or physicochemical treatment, including the construction of a facility and associated structures and infrastructure for such treatment.
3. The incineration of waste, including the construction of a facility and associated structures and infrastructure for the incineration of waste.

### **Disposal of waste on land**

4. The disposal of hazardous waste to land, including the construction of a facility and associated structures and infrastructure for such disposal.

5. The disposal of general waste to land covering an area of more than 100m<sup>2</sup> or 200 m<sup>3</sup> of airspace, including the construction of a facility and associated structures and infrastructure for such disposal.

## SCHEDULE 2

### (Section 80)

#### Laws repealed or amended

No. and year of Law	Short title	Extent of repeal or amendment
Act No. 73 of 1989	Environment Conservation Act, 1989	<p>1. The amendment of section 1 by the deletion of the definitions of “disposal site” and “waste”.</p> <p>2. The repeal of sections 19, 19A, 20, 24, 24A, 24B and 24C.</p> <p>3. The amendment of section 29-</p> <p>(a) by the substitution for subsection (3) of the following subsection;  “(3) Any person who <b>[contravenes a provision of section 19 or 19A or fails to comply therewith, or]</b> fails to comply with a direction in terms of section 31A(1) <u>or</u> (2), or prevents any person authorized in terms of section 41A to enter upon such land or hinders him <u>or</u> <u>her</u> in the execution of his <u>or</u> <u>her</u> powers, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three months.”; and</p> <p>(b) by the substitution for subsection (4) of the following subsection:  “(4) Any person who contravenes a provision of section <b>[20(1), 20(9),]</b> 22(1) or 23(2) <b>[or a direction</b></p>

		<b>issued under section 20(8)] or fails to comply with [a condition of a permit, permission or] an authorization [or direction] issued [or granted] under the said provisions shall be guilty of an offence and liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, and to a fine not exceeding three times the commercial value of anything in respect of which the offence was committed.”.</b>
Act No. 79 of 1992	Environment Conservation Amendment Act, 1992	The repeal of sections 8 and 9.
Government Notice No. 1986. 1 August 1990		The repeal of the whole.
Government Notice No. 292. 28 February 2003		The repeal of the whole.

### SCHEDULE 3

#### Defined Wastes

#### CATEGORY A: Hazardous Waste

**“hazardous waste”** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles as outlined below:

**“business waste”** means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes, which include:

<b>1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing</b>	(a) hazardous portion of wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
<b>2. Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard</b>	(a) hazardous portion of wastes from wood processing and the production of panels and furniture
	(b) hazardous portion of wastes from wood preservation
	(c) hazardous portion of wastes from pulp, paper and cardboard production and processing

<b>3. Wastes from the leather, fur and textile industries</b>	(a) hazardous portion of wastes from the leather and fur industry
	(b) hazardous portion of wastes from the textile industry
<b>4. Wastes from petroleum refining, natural gas purification and pyrolytic treatment of coal</b>	(a) wastes from petroleum refining
	(b) wastes from the pyrolytic treatment of coal
	(c) wastes from natural gas purification and transportation
<b>5. Wastes from inorganic chemical processes acids</b>	(a) wastes from the manufacture, formulation, supply and use (MFSU) of acids
	(b) wastes from the MFSU of bases
	(c) wastes from the MFSU of salts and their solutions and metallic oxides
	(d) metal-containing wastes
	(e) wastes from the MFSU of sulphur chemicals, sulphur chemical processes and desulphurisation processes
	(f) wastes from the MFSU of halogens and halogen chemical processes
	(g) wastes from the MFSU of silicon and silicon derivatives
	(h) wastes from the MFSU of phosphorous chemicals and phosphorous chemical processes
	(i) wastes from the MFSU of nitrogen chemicals, nitrogen chemical processes and fertiliser manufacture
	(j) wastes from the manufacture of inorganic pigments
	(k) other wastes from inorganic chemical processes
<b>6. Wastes from organic chemical processes</b>	(a) wastes from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals
	(b) wastes from the MFSU of plastics, synthetic rubber and man-made fibres
	(c) wastes from the MFSU of organic dyes and pigments
	(d) wastes from the MFSU of organic plant protection products, wood preserving agents and other biocides
	(e) wastes from the MFSU of pharmaceuticals
	(f) wastes from the MFSU of fats, grease, soaps, detergents, disinfectants and cosmetics
	(g) other wastes from the MFSU of fine chemicals and chemical products
<b>7. Wastes from thermal processes</b>	(a) hazardous portion of wastes from power stations and other combustion plants
	(b) hazardous portion of wastes from the iron and steel industry
	(c) wastes from aluminium thermal metallurgy
	(d) wastes from lead thermal metallurgy
	(e) wastes from zinc thermal metallurgy
	(f) wastes from copper thermal metallurgy

	(g) wastes from silver, gold and platinum thermal metallurgy
	(h) wastes from other non-ferrous thermal metallurgy
	(i) hazardous portion of wastes from casting of ferrous pieces
	(j) hazardous portion of wastes from casting of non-ferrous pieces
	(k) hazardous portion of wastes from manufacture of glass and glass products
	(l) hazardous portion of wastes from manufacture of ceramic goods, bricks, tiles and construction products
	(m) hazardous portion of wastes from manufacture of cement, lime and plaster and articles and products made from them
<b>8. Waste from the photographic industry</b>	(a) hazardous portion of waste from the photographic industry
<b>9. Wastes from the manufacture, formulation, supply and use (MFSU) of coatings (paints, varnishes and vitreous enamels), adhesives, sealants and printing inks</b>	(a) wastes from MFSU and removal of paint and varnish
	(b) wastes from MFSU of other coatings (including ceramic materials)
	(c) wastes from MFSU of printing inks
	(d) wastes from MFSU of adhesives and sealants (including waterproofing products)
<b>10. Wastes from chemical surface treatment and coating of metals and other materials; non-ferrous hydrometallurgy</b>	(a) wastes from chemical surface treatment and coating of metals and other materials (for example galvanic processes, zinc coating processes, pickling processes, etching, phosphating, alkaline degreasing, anodising)
	(b) wastes from non-ferrous hydrometallurgical processes
	(c) wastes from sludge and solids from tempering processes
	(d) wastes from hot galvanising processes
<b>11. Wastes from shaping and physical and mechanical surface treatment of metals and plastics</b>	(a) hazardous portion of wastes from shaping and physical and mechanical surface treatment of metals and plastics
	(b) wastes from water and steam degreasing processes
<b>12. Oil wastes and wastes of liquid fuels (except edible oils)</b>	(a) waste hydraulic oils
	(b) waste engine, gear and lubricating oils
	(c) waste insulating and heat transmission oils
	(d) oil/water separator contents
	(e) wastes of liquid fuels
<b>13. Waste organic solvents, refrigerants and propellants</b>	(a) waste organic solvents, refrigerants and foam/aerosol propellants
<b>14. Other wastes not specified in the list</b>	(a) hazardous portion of wastes from end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance
	(b) hazardous portion of wastes from electrical and electronic equipment

	(c) hazardous portion of wastes from off-specification batches and unused products
	(d) wastes from discarded gases in pressure containers and discarded chemicals
	(e) wastes from discarded batteries and accumulators
	(f) wastes from transport tank, storage tank and barrel cleaning
	(g) spent catalysts wastes
	(h) oxidising substances wastes
	(i) aqueous liquid wastes destined for off-site treatment
	(j) waste linings and refractories
<b>15. Construction wastes</b>	(a) wastes from bituminous mixtures, coal tar and tarred products
	(b) discarded metals (including their alloys)
	(c) waste soil (including excavated soil from contaminated sites), stones and dredging spoil
	(d) wastes from insulation materials and asbestos-containing construction materials
	(e) wastes from gypsum-based construction material
	(f) wastes from other construction and demolition
<b>16. Wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)</b>	(a) wastes from natal care, diagnosis, treatment or prevention of disease in humans
	(b) wastes from research, diagnosis, treatment or prevention of disease involving animals
<b>17. Wastes from waste management facilities</b>	(a) hazardous portion of wastes from incineration or pyrolysis of waste
	(b) hazardous portion of wastes from physico/chemical treatments of waste
	(c) hazardous portion of stabilised/solidified wastes
	(d) hazardous portion of wastes from aerobic treatment of solid wastes
	(e) hazardous portion of wastes from anaerobic treatment of waste
	(f) landfill leachate wastes
	(g) wastes from shredding of metal-containing wastes
	(h) wastes from oil regeneration
	(i) wastes from soil remediation

**“residue deposits”** means any residue stockpile remaining at the termination, cancellation or expiry of a prospecting right, mining right, mining permit, exploration right or production right;

**“residue stockpile”** means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, mineral processing plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated within the mining area for potential re-use, or which is disposed of, by the holder of a mining right, mining



permit or, production right or an old order right, including historic mines and dumps created before the implementation of this Act.

Residue deposits and residue stockpiles include:

<b>1) Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals</b>	(a) wastes from mineral excavation
	(b) wastes from physical and chemical processing of metalliferous minerals
	(c) wastes from physical and chemical processing of non-metalliferous minerals
	(d) wastes from drilling muds and other drilling operations

### **CATEGORY B: General Waste**

**“general waste”** means waste that does not pose an immediate hazard or threat to health or to the environment, and includes-

- (a) domestic waste;
- (b) building and demolition waste;
- (c) business waste;
- (d) inert waste; or
- (e) any waste classified as non-hazardous waste in terms of the regulations made under section 69,

and includes non-hazardous substances, materials or objects within business, domestic, inert, building and demolition wastes as outlined below:

**“business waste”** means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes, which include:

<b>1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing</b>	(a) wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing not otherwise specified in Category A
	(b) wastes from the preparation and processing of meat, fish and other foods of animal origin
	(c) wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation
	(d) wastes from sugar processing
	(e) wastes from the dairy products industry
	(f) wastes from the baking and confectionery industry
	(g) wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)
<b>2. Wastes from wood processing and the production of panels</b>	(a) wastes from wood processing and the production of panels and furniture not otherwise specified in Category A

<b>and furniture, pulp, paper and cardboard</b>	(b) wastes from wood preservation not otherwise specified in Category A
	(c) wastes from pulp, paper and cardboard production and processing not otherwise specified in Category A
<b>3. Wastes from the leather, fur and textile industries</b>	(a) wastes from the leather and fur industry not otherwise specified in Category A
	(b) wastes from the textile industry not otherwise specified in Category A
<b>4. Wastes from thermal processes</b>	(a) wastes from power stations and other combustion plants not otherwise specified in Category A
	(b) wastes from the iron and steel industry not otherwise specified in Category A
	(c) wastes from casting of ferrous pieces not otherwise specified in Category A
	(d) wastes from casting of non-ferrous pieces not otherwise specified in Category A
	(e) wastes from manufacture of glass and glass products not otherwise specified in Category A
	(f) wastes from manufacture of ceramic goods, bricks, tiles and construction products not otherwise specified in Category A
	(g) wastes from manufacture of cement, lime and plaster and articles and products made from them not otherwise specified in Category A
<b>5. Waste from the photographic industry</b>	(a) waste from the photographic industry not otherwise specified in Category A
<b>6. Wastes from shaping and physical and mechanical surface treatment of metals and plastics</b>	(a) wastes from shaping and physical and mechanical surface treatment of metals and plastics not otherwise specified in Category A
<b>7. Oil wastes and wastes of liquid fuels</b>	(a) oil wastes not otherwise specified in Category A
<b>8. Other wastes not specified in the list</b>	(a) wastes from end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance not otherwise specified in Category A
	(b) wastes from electrical and electronic equipment not otherwise specified in Category A
	(c) wastes from off-specification batches and unused products not otherwise specified in Category A
<b>9. Food wastes</b>	(a) waste from kitchen and restaurant facilities
<b>10. Wastes from waste management facilities</b>	(a) wastes from incineration or pyrolysis of waste not otherwise specified in Category A
	(b) wastes from aerobic treatment of solid wastes not otherwise specified in Category A
	(c) wastes from anaerobic treatment of waste not otherwise specified in Category A
	(d) wastes from shredding of metal-containing wastes not otherwise specified in Category A

	(e) wastes from the mechanical treatment of waste not otherwise specified in Category A (for example sorting, crushing, compacting, pelletizing) not otherwise specified
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**“building and demolition waste”** means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition, which include:

<b>11. Building and demolition wastes</b>	(a) discarded concrete, bricks, tiles and ceramics
	(b) discarded wood, glass and plastic
	(c) discarded metals
	(d) discarded soil, stones and dredging spoil
	(e) Other discarded building and demolition wastes

**“domestic waste”** means waste, excluding hazardous waste, that emanates from premises that are used wholly or mainly for residential, educational, health care, sport or recreation purposes, which include:

<b>12. Domestic wastes</b>	<b>(a) garden and park waste</b>
	(b) municipal waste
	(c) food waste

**“inert waste”** means waste that-

- a. does not undergo any significant physical, chemical or biological transformation after disposal;
- b. does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- c. does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant; and which include:

<b>13. Inert waste</b>	(a) discarded concrete, bricks, tiles and ceramics
	(b) discarded glass
	(c) discarded soil, stones and dredging spoil

[Schedule 3 inserted by s. 18 of Act 26/2014]

## **REGULATIONS**

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **FEE STRUCTURE FOR CONSIDERATION AND PROCESSING OF APPLICATIONS FOR WASTE MANAGEMENT LICENCES, TRANSFER AND RENEWAL THEREOF**

Published under Government Notice 142 in *Government Gazette* 37383 of 28 February 2014 and amended by:

**GN R44**

**GG 38417**

**2015/01/23**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby prescribe the fees for the consideration and processing of applications for waste management licences and the transfer and the renewal thereof under sections 45(2), 52(4)(a), 55(3)(a) and 69(1)(dd), read with section 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA, MP  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **TABLE OF CONTENTS**

1. Definitions
  2. Application of regulations
  3. Applicable Fee
  4. Payment
  5. Commencement
- Annexure

## **SCHEDULE**

### **1. Definitions**

- (1) In these regulations any word or expression to which a meaning has been assigned in the Act, 2008 (Act No. 59 of 2008) and the Environmental Impact Assessment Regulations has the meaning so assigned, unless the context indicates otherwise, and-

**“application”** means an application for -

- (a) a waste management licence applied for in terms of sections 45 of the Act;
- (b) a transfer of a waste management licence applied for in terms of section 52 of the Act; or
- (c) a renewal of a waste management licence applied for in terms of section 55 of the Act;

**“Environmental Impact Assessment Regulations”** means the regulations made in terms of section 24(5)(b) of the National Environmental Management Act 1998 (Act No. 107 of 1998) and includes the amendments thereto;

**“proof of payment”** includes a receipt, a stamped deposit slip, electronic fund transfer copy or a payment advice; and

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

- (2) When a period of days must be reckoned in terms of these regulations, it will be reckoned as indicated in the Environmental Impact Assessment Regulations.

### **2. Application of regulations**

These regulations apply to an application, but will exclude an application-

- (a) for a community-based project funded by government grants; or
- (b) made by an organ of state.

### **3. Applicable Fee**

The fees applicable for an application are as indicated in the Annexure hereto.

### **4. Payment**

- (1) The proponent for an application must pay the applicable fees, as indicated in the Annexure, before or on the date of the submission of the application to the licensing authority.  
[Subreg. (1) amended by GN R44/2014 w.e.f. 23 January 2015]
- (2) The applicant must attach proof of payment to the application form submitted to the licensing authority.

- (3) Where an applicant is not required to pay a fee as contemplated in regulation 2, the applicant must inform the licensing authority in writing and attach proof thereof or a motivation to the application form.
- (4) In the instance where an application-
  - (a) is rejected in terms of the ECA Regulations or the previous NEMA Regulations, but the correct prescribed fee was paid;  
[Para. (a) amended by GN R44/2014 w.e.f. 23 January 2015]
  - (b) is withdrawn; or
  - (c) has lapsed,the fee will not be refunded.
- (5) A re-submission of an application referred to in sub regulation (4)(b) or (c) will be considered as a submission of a new application and will require the payment of the relevant fee indicated in the Annexure.
- (6) Where an application for basic assessment is lodged, and it later transpires that the application requires S&EIR, the balance of the fee must be paid by the applicant and proof of payment must be submitted within 30 days from the date that the applicant has been informed by the licensing authority thereof, otherwise it will be deemed that the applicant has withdrawn the application.  
[Subreg. (6) amended by GN R44/2014 w.e.f. 23 January 2015]
- (7) Payment of the fees referred to in sub regulations (1), (5) and (6) may be made only by electronic transfer or a deposit into the bank account of the relevant licensing authority as indicated on the application form.
- (8) The fees specified in the Annexure will be charged per application and not per waste management activity triggered.

## 5. Commencement

These regulations will come into operation 1 April 2014.

### ANNEXURE

Application	Fee
Application for a waste management licence for which basic assessment is required in terms of the Act.	R2000
Application for a waste management licence for which S&EIR is required in terms of the Act.	R10 000
Application for a transfer of a waste management licence in terms of section 52(2) or for the renewal of a waste management licence in terms of section 55(2) of the Act.	R2000

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **NATIONAL WASTE INFORMATION REGULATIONS, 2012**

Published under Government Notice R625 in *Government Gazette* 35583 of 13 August 2012.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby make the National Waste Information Regulations under section 69(1)(y), (aa) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

**BOMO EDITH EDNA MOLEWA  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **CHAPTER 1 INTERPRETATION AND PURPOSE OF REGULATIONS**

1. Definitions
2. Purpose of Regulations
3. Application of Regulations
4. Confidentiality of information
5. Application for registration

### **CHAPTER 2 REGISTRATION**

6. Consideration of applications for registration
7. Changes to registration certificates

### **CHAPTER 3 REPORTING AND RECORD KEEPING**

8. Reporting or submission of information
9. Record keeping

### **CHAPTER 4 VERIFICATION OF INFORMATION AND GENERAL MATTERS**

10. Verification of information
11. General matters
12. Offences and penalties
13. Short title and commencement

ANNEXURE 1: LIST OF PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER ON THE SAWIS IN TERMS OF REGULATION 5

ANNEXURE 2: REPORTING REQUIREMENTS IN TERMS OF REGULATION 8(1)



ANNEXURE 3: GENERAL WASTE TYPES FOR REPORTING TO THE SAWIS

ANNEXURE 4: HAZARDOUS WASTE TYPES FOR REPORTING TO THE SAWIS

ANNEXURE 5: WASTE MANAGEMENT METHODS: LIST OF RECYCLING, RECOVERY, TREATMENT AND DISPOSAL (R, R, T & D) CODES FOR CATEGORIZATION

## **CHAPTER 1 INTERPRETATION AND PURPOSE OF REGULATIONS**

### **1. Definitions**

- (1) In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition -

**“independent person”** means a person who is not an employee of, and not otherwise related to, the entity he or she is auditing;

**“provincial authority”** means Provincial Government Department or an agency responsible for the management of waste in the province;

**“provincial waste information system”** means a provincial waste information system established in terms of section 62 of the Act;

**“registration certificate”** means a written proof issued by the Department to a registered person to submit information to the South African Waste Information System in terms of Chapter 3 of the Regulations;

**“registered person”** means a person who is the holder of a registration certificate;

**“reporting period”** means the quarterly period of a year calculated from January in respect of which information must be reported;

**“source”** means the point of origin of waste whereby registered hazardous waste generators are selected or municipality or province in the case of general waste;

**“South African Waste Information System”** or **“SAWIS”** means a national waste information system established in terms of section 60 of the Act;

**“The Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

**“these Regulations”** include the Annexures to these Regulations;

**“waste information registration number”** or **“WIR number”** means the unique number allocated by the Department to a registered person in terms of these Regulations;

**“waste management method”** means a systematic procedure, technique, or process for the management of waste;

**“waste quantification equipment”** means a measuring device used to determine or express the quantity of waste; and

**“waste quantification survey”** means the collection of data which is performed for the purpose of obtaining measurements and analysis of waste quantities.

- (2) When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

## **2. Purpose of Regulations**

The purpose of these Regulations is to regulate the collection of data and information to fulfil the objectives of the national waste information system as set out in section 61 of the Act.

## **3. Application of Regulations**

- (1) These Regulations apply uniformly to all persons conducting an activity listed in Annexure 1 to these Regulations.
- (2) A person who conducts an activity in a province that has an established waste information system in terms of section 62 of the Act and collects the minimum information required by these Regulations must submit the information to the provincial waste information system.
- (3) Where a province has developed waste information regulations that are compatible with these Regulations, a person who conducts an activity contemplated in Annexure 1 to these Regulations must comply with the provincial waste information regulations.

## **4. Confidentiality of information**

- (1) No person may disclose confidential information obtained in terms of these Regulations, unless-
  - (a) the information is disclosed in compliance with the provisions of any law;
  - (b) the person is ordered to disclose the information by a court of law;
  - (c) the information is disclosed to enable a person to perform a function in terms of these Regulations.

# **CHAPTER 2**

## **REGISTRATION**

## **5. Application for registration**

- (1) Any person conducting an existing activity listed in Annexure 1 must apply to the Department to be registered on the SAWIS within ninety (90) days of the coming into operation of these Regulations.

- (2) Any person commencing such an activity after the promulgation of the Regulations must apply to be registered on the SAWIS thirty (30) days after the commencement of such an activity.
- (3) Where a person in sub-regulation (1) (a) conducts more than one activity in different facilities, such activities must be registered individually.
- (4) An application contemplated in sub-regulation (1) must be in a form determined by the Department.

## **6. Consideration of applications for registration**

- (1) The Department must, within thirty (30) days of receiving an application for registration, either-
  - (a) register the applicant and issue a registration certificate to the applicant which contains-
    - (i) name of the activity;
    - (ii) a waste information registration number;
    - (iii) waste management method or hazardous waste generator; and
    - (iv) the date of registration; or
  - (b) refer the application for registration back to the applicant for correction.
- (2) An application for registration which has been referred back for correction must be amended and resubmitted to the Department within thirty (30) days after the date the Department issued a written notification to the applicant for correction.
- (3) The provisions of sub-regulation (1) (a) shall apply to an application for registration which has been referred back, corrected and resubmitted.

## **7. Changes to registration certificate**

- (1) A registered person must notify the Department of any change in respect of that person's registration certificate within thirty (30) days of such change occurring.
- (2) If a registered person transfers ownership of the business or no longer undertakes the activity which caused that person to register, the registered person must notify the Department in the form determined by the Department within thirty (30) days prior to the business being transferred or the activity being discontinued.
- (3) The person to whom the business is transferred to in sub-regulation (2), must within thirty (30) days of taking ownership of the business, amend the registration details of the business in a form determined by the Department.
- (4) On receipt of a notification in sub-regulations (1) and (2) and after the amendment of the registration details of a registered person in sub-regulation (3), the first application is deemed withdrawn.

- (5) If a person intends to recommence with an activity for which the registration was withdrawn, the person must comply with the legal requirements as set out in regulation 6.

### **CHAPTER 3 REPORTING AND RECORD KEEPING**

#### **8. Reporting or submission of information**

- (1) The submission of information to the SAWIS commence ninety (90) days after the end of registration period in regulation 6(1).
- (2) A registered person conducting an activity listed in Annexure 1 must submit quarterly information as prescribed in Annexure 2, within sixty (60) days of the end of a reporting period.
- (3) Sub-regulation (1) does not apply to the registered generators of hazardous waste.
- (4) A registered person submitting information on hazardous waste must submit the information based on actual quantities.
- (5) A registered person submitting information on general waste may submit information that is based on an estimation of quantities for a period of five (5) years after promulgation of the Regulations, where after the information must be based on actual quantities.
- (6) The five (5) year period in sub-regulation (5) does not apply to waste disposal of general waste to land covering an area in excess of 200m<sup>2</sup>.
- (7) The provision in sub-regulation (5) regarding estimation of quantities for a period of five (5) years does not apply to waste management facilities installed with waste quantification equipment.
- (8) The information must be submitted to the SAWIS.
- (9) If a registered person is not able to submit the required information to the SAWIS, a registered person must submit the required information to the Department by facsimile, post or hand delivery within sixty (60) days of the end of a reporting period.

#### **9. Record keeping**

- (1) A registered person must keep a record of the information submitted to the SAWIS or the Department.
- (2) The records contemplated in sub-regulation (1) must be-
  - (a) retained for a period of at least 5 (five) years; and
  - (b) made available for inspection by a representative of the Department on request.

### **CHAPTER 4 VERIFICATION OF INFORMATION AND GENERAL MATTERS**

## **10. Verification of information**

- (1) If a provincial authority responsible for the management of waste information in that province reasonably believes that the information submitted is incorrect or misleading, a provincial authority as the case may be, may instruct a registered person who the information belongs to, in writing, to-
  - (a) submit an audit report prepared by an independent person on the accuracy of the information that has been submitted to the Department; or
  - (b) undertake a waste quantification survey and submit a waste quantification report prepared by an independent person.
- (2) An audit report or waste quantification report requested in terms of sub-regulation (1) must be submitted within the period determined by a provincial authority, which period may not be less than thirty (30) days.
- (3) A registered person is liable for all costs in connection with compliance with an instruction in terms of sub-regulation (2).
- (4) If a registered person fails to submit an audit report or waste quantification survey report contemplated in sub-regulation (2) within the period determined by a provincial authority, a provincial authority may-
  - (a) appoint an independent auditor/person to perform the audit or waste quantification survey; and
  - (b) recover the cost of the audit or waste quantification survey from the registered person.

## **11. General matters**

Where a provincial authority is not able to conduct the requirements in terms of regulation 10 the Department may, after consultation with the provincial authority, conduct such requirements as stipulated in these Regulations.

## **12. Offences and penalties**

- (1) A person commits an offence if that person-
  - (a) provides incorrect or misleading information to the SAWIS; or
  - (b) fails to comply with regulations 4, 5, 6(2), 7, 8 and 9.
- (2) A person who commits an offence in terms of sub-regulation (1) is liable on conviction to-
  - (a) imprisonment for a period not exceeding fifteen (15) years;
  - (b) an appropriate fine; or
  - (c) both a fine and imprisonment.

### **13. Short title and commencement**

These Regulations are called the National Waste Information Regulations, 2012 and take effect on 1 January 2013.

### **ANNEXURE 1 LIST OF PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER ON THE SAWIS IN TERMS OF REGULATION 5**

#### **Generators of waste**

- (a) Generators of hazardous waste in excess of 20kg per day.

#### **Recovery or recycling of waste**

- (b) Recovery of energy from general waste in excess of three (3) tons per day.
- (c) Recovery of waste at a facility that has the capacity to process in excess of 10 tons of general waste or in excess of 500kg of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.
- (d) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m<sup>2</sup>.
- (e) Recycling of general waste at a facility that has an operational area in excess of 500m<sup>2</sup>.
- (f) Recycling of hazardous waste in excess of 500kg per day calculated as a monthly average.

#### **Treatment of waste**

- (g) Treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons of general waste or 500kg of hazardous waste per day excluding the treatment of effluent, wastewater or sewerage.
- (h) Treatment of health care risk waste regardless of size or capacity of the facility.

#### **Disposal of waste**

- (i) Disposal of general waste to land covering an area in excess of 200m<sup>2</sup>.
- (j) Disposal of any quantity of hazardous waste to land.

#### **Exportation of hazardous waste**

- (k) Hazardous waste exported from the Republic of South Africa.

### **ANNEXURE 2 REPORTING REQUIREMENTS IN TERMS OF REGULATION 8(1)**

The required quarterly information for reporting to the SAWIS, read with the Annexure 1 of these Regulations must include-

- (a) The month and year to which the information applies;

- (b) Categories of waste as detailed in Annexures 3 and 4;
- (c) Source from which waste comes
- (d) The quantity of waste reported in tons.

**ANNEXURE 3**  
**GENERAL WASTE TYPES FOR REPORTING TO THE SAWIS**

	No	Name	No	Name
<b>General waste</b>	GW 01	Municipal waste	01	
	GW 10	Commercial and industrial waste	01	
	GW 13	Brine	01	
	GW 14	Fly ash and dust from miscellaneous filter sources	01	
	GW 15	Bottom ash	01	
	GW 16	Slag	01	Ferrous metal slag
			02	Non-ferrous metal slag
			03	Other
	GW 17	Mineral waste	01	Foundry sand
			02	Refractory waste
			03	Other
	GW 18	Waste of electric and electronic equipment (WEEE) from which hazardous components / substances have been removed	01	Large household appliances
			02	Small household appliances
			03	Office, information and communication equipment
			04	Entertainment and consumer electronics and toys, leisure, sports and recreational equipment and automatic issuing machines
			05	Lighting equipment
			06	Electric and electronic tools
			07	Security and health care equipment
			08	Mixed WEEE
	GW 20	Organic waste	01	Garden waste

			02	Food waste
			03	Wood waste
	GW 21	Sewage sludge	01	Sewage sludge
	GW 30	Construction and demolition waste	01	
	GW 50	Paper	01	Newsprint and magazines
			02	Brown grades
			03	White grades
			04	Mixed grades
	GW 51	Plastics	01	Polyethylene terephthalate (PET)
			02	Polyvinyl Chloride (PVC)
			03	Low-density polyethylene (LPDE)
			04	Polypropylene (PP)
			05	Polystyrene (PS)
			06	Other
	GW 52	Glass	01	
	GW 53	Metals	01	Ferrous metal
			02	Non-ferrous metal
	GW 54	Tyres	01	
	GW 99	Other	01	

**ANNEXURE 4**  
**HAZARDOUS WASTE TYPES FOR REPORTING TO THE SAWIS**

	No	Name	No	Name
<b>Hazardous waste</b>	HW 01	Gaseous waste	01	Gases (excluding Greenhouse gases)
			02	Obsolete ozone depleting gases
	HW 02	Mercury containing waste	01	Liquid waste containing mercury
			02	Solid waste containing mercury
	HW 03	Batteries	01	Lead batteries
			02	Mercury batteries
			03	Ni/Cd batteries
			04	Manganese dioxide and alkali batteries
			05	Lithium and Lithium-ion batteries



			06	Nickel-metal hydride batteries
			07	Mixed batteries
HW 04	POP waste		01	PCB containing waste (>50mg/kg)
			02	Other POP- containing waste
HW 05	Inorganic waste		01	Liquid and sludge inorganic waste
			02	Solid inorganic waste
			03	Spent pot lining (inorganic)
HW 06	Asbestos containing waste		01	Asbestos containing waste
HW 07	Waste oils		01	Waste oil
HW 08	Organic halogenated and / or sulphur containing solvents		01	Solvents containing halogens and / or sulphur
HW 09	Organic halogenated and / or sulphur containing waste		01	Liquids and sludges containing halogens and / or sulphur
			02	Solids containing halogens and / or sulphur
HW 10	Organic solvents without halogens and sulphur		01	Solvents without halogens and sulphur
HW 11	Other organic waste without halogen or sulphur		01	Liquid and sludge organic waste
			02	Solid organic waste
			03	Spent pot lining (organic)
HW 12	Tarry and bituminous waste		01	Tarry waste
			02	Bituminous waste
HW 13	Brine		01	Brine
HW 14	Fly ash and dust from miscellaneous filter sources		01	Fly ash
HW 15	Bottom ash		01	Bottom ash
HW 16	Slag		01	Ferrous metal slag
			02	Non-ferrous metal slag
			03	Other
HW 17	Mineral waste		01	Foundry sand
			02	Refractory waste

			03	Other
	HW 18	Waste of electric and electronic equipment (WEEE)	01	Large household appliances
			02	Small household appliances
			03	Office, information and communication equipment
			04	Entertainment and consumer electronics and toys, leisure, sports and recreational equipment and automatic issuing machines
			05	Lighting equipment
			06	Electric and electronic tools
			07	Security and health care equipment
			08	Mixed WEEE
	HW 19	Health care risk waste	01	Pathological waste
			02	Infectious waste and sharps
			03	Chemical waste
	HW 20	Sewage sludge	01	Sewage sludge
	HW 99	Miscellaneous	01	Miscellaneous

For mixtures, report under the waste type which represents the largest fraction of the waste under consideration. Report under a specific waste type e.g., mercury battery would be reported under mercury battery and not mercury containing waste.

**ANNEXURE 5**  
**WASTE MANAGEMENT METHODS:**  
**LIST OF RECYCLING, RECOVERY, TREATMENT AND DISPOSAL (R, R, T & D)**  
**CODES FOR CATEGORIZATION**

Code	Description
<b>RECYCLING AND RECOVERY</b>	
<b>R1</b>	Direct recovery of energy from waste
<b>R2</b>	Direct recovery of raw material from waste
<b>R3</b>	Regeneration or rejuvenation of waste (solvents, carbons, acids & alkalis)
<b>R4</b>	Recycling of organic substances
<b>R5</b>	Recycling of metals and metal compounds
<b>R6</b>	Recycling of other inorganic materials
<b>Treatment (treatment not for the purposes of disposal)</b>	
<b>T1</b>	Biological treatment (e.g., biodegradation, composting, biogas generation)
<b>T2</b>	Physical treatment

<b>T3</b>	Chemical treatment
<b>T4</b>	Thermal treatment (incineration, pyrolysis, etc.)
<b>Disposal</b>	
<b>D1</b>	Disposal of waste to land (e.g., specially engineered landfill)
<b>D2</b>	Disposal of waste to landfill (e.g., non-engineered landfill)
<b>D3</b>	Storage/disposal of waste in surface impoundments (e.g., placement of liquid or sludge discards into pits, ponds, lagoons etc.)
<b>D4</b>	Release of waste into water bodies (except seas/oceans)
<b>D5</b>	Permanent storage (stabilization, micro-encapsulation, macro-encapsulation)

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS, 2013**

Published under Government Notice R634 in *Government Gazette* 36784 of 23 August 2013.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby make regulations pertaining to waste classification and management under section 69(1)(a), (b), (g), (h), (m), (q), (r), (s), (dd), and (ee) read with section 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) for implementation in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA  
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **CHAPTER 1**

#### **INTERPRETATION, PURPOSE AND APPLICATION OF REGULATIONS**

1. Definitions
2. Purpose of Regulations
3. Application of Regulations

### **CHAPTER 2**

#### **WASTE CLASSIFICATION**

4. Waste Classification
5. Safety Data Sheets

### **CHAPTER 3**

#### **WASTE MANAGEMENT**

6. General
7. Waste Treatment
8. Waste Disposal to Landfill

### **CHAPTER 4**

#### **WASTE MANAGEMENT ACTIVITIES THAT DO NOT REQUIRE A WASTE MANAGEMENT LICENCE**

9. Motivation for and consideration of listing Waste Management Activities that do not require a Waste Management License

### **CHAPTER 5**

#### **RECORD KEEPING AND WASTE MANIFEST SYSTEM**

10. Records of Waste Generation and Management
11. Waste Manifest System

## **CHAPTER 6 GENERAL MATTERS**

12. Implementation and Transitional Provisions
13. Offences and Penalties
14. Short Title and Commencement

## **CHAPTER 7 ANNEXURES TO REGULATIONS**

ANNEXURE 1: WASTES THAT DO NOT REQUIRE CLASSIFICATION OR ASSESSMENT  
ANNEXURE 2: WASTE MANIFEST SYSTEM INFORMATION REQUIREMENTS

## **CHAPTER 1 INTERPRETATION AND PURPOSE OF REGULATIONS**

### **1. Definitions**

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

**“emergency”** means an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed;

**“SANS 10234”** means the latest edition of the South African National Standard Globally Harmonized System of Classification and Labelling of Chemicals (GHS);

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

**“waste classification”** means establishing-

- (a) whether a waste is hazardous based on the nature of its physical, health and environmental hazardous properties (hazard classes); and
- (b) the degree or severity of hazard posed (hazard categories);

**“waste generator”** means any person whose actions, production processes or activities, including waste management activities, results in the generation of waste;

**“waste manager”** means any person who re-uses, recycles, recovers, treats or disposes of waste;

**“waste management facility”** means a place, infrastructure, structure or containment of any kind, wherein, upon or at, a waste management activity takes place and includes a waste transfer station, container yard, landfill site, incinerator, a lagoon, recycling or a composting facility;

**“waste manifest system”** means a system of control documentation, which accompanies a load of hazardous waste transported from the point of generation to the waste management facility;

**“waste transporter”** means any person who conveys or transfers waste-

- (a) between the waste generator and a waste management facility; or
  - (b) between waste management facilities.
- (2) The term waste in these Regulations has the meaning as assigned by the Act and is deemed to include both general waste and hazardous waste.
  - (3) General waste and hazardous waste have the meanings as assigned by the Act, and are referred to as such in these Regulations, where specific provisions are only applicable to either general or hazardous waste.
  - (4) For any action contemplated in terms of these Regulations for which a timeframe is prescribed, the specified numbers of days are ordinary days.

## **2. Purpose of Regulations**

- (1) The purpose of these Regulations is to-
  - (a) regulate the classification and management of waste in a manner which supports and implements the provisions of the Act;
  - (b) establish a mechanism and procedure for the listing of waste management activities that do not require a Waste Management License;
  - (c) prescribe requirements for the disposal of waste to landfill;
  - (d) prescribe requirements and timeframes for the management of certain wastes; and
  - (e) prescribe general duties of waste generators, transporters and managers.

## **3. Application of Regulations**

- (1) These Regulations apply uniformly in all Provinces of the Republic of South Africa.
- (2) These Regulations do not apply to generators of domestic waste that is collected by a municipality.
- (3) Subject to subregulation (2), these regulations apply to all waste generators, waste transporters and waste managers.

## **CHAPTER 2 WASTE CLASSIFICATION**

## **4. Waste Classification**

- (1) Wastes listed in Annexure 1 of these Regulations do not require classification in terms of SANS 10234.

- (2) Subject to subregulation (1), all waste generators must ensure that the waste they generate is classified in accordance with SANS 10234 within one hundred and eighty (180) days of generation.
- (3) Waste must be kept separate for the purposes of classification in terms of subregulation (2) and must not be mixed prior to classification.
- (4) Waste must be re-classified in terms of subregulation (2) every five (5) years, or within 30 days of modification to the process or activity that generated the waste, changes in raw materials or other inputs, or any other variation of relevant factors.
- (5) Waste that has been subjected to any form of treatment must be re-classified in terms of subregulation (2), including any waste from the treatment process.
- (6) If the Minister reasonably believes that a waste has not been classified correctly in terms of subregulation (2), he or she may require the waste generator to have the classification peer reviewed to confirm the classification.

## **5. Safety Data Sheets**

- (1) Subject to Regulation 4(2) and subregulations (2) and (3), generators of hazardous waste must ensure that a safety data sheet for the hazardous waste is prepared in accordance with SANS 10234.
- (2) Subregulation (1) does not apply to generators of waste listed in item (2)(b) of Annexure 1 to these Regulations provided that the safety data sheets for these wastes are prepared as follows-
  - (a) safety data sheets for waste listed in item (2)(b)(i) of Annexure 1 to these Regulations must be prepared in accordance with SANS 10234 for the product the waste originates from; and
  - (b) safety data sheets for waste listed in item (2)(b)(ii) of Annexure 1 to these Regulations must be prepared in accordance with SANS 10234 reflecting the details of the specific hazardous waste/s or hazardous chemical/s in the waste.
- (3) Generators of waste listed in item (2)(b)(iii) of Annexure 1 to these Regulations do not have to prepare a safety data sheet for the waste.
- (4) Every holder of hazardous waste, except waste listed in item (2)(b)(iii) of Annexure 1 to these Regulations, must be in possession of the safety data sheet/s for the waste referred to in subregulations (1) and (2).

## **CHAPTER 3 WASTE MANAGEMENT**

## **6. General**

- (1) Waste transporters and waste managers must not accept waste that has not been classified in terms of Regulation 4 unless such waste is listed in Annexure 1 of these Regulations.
- (2) Waste must not be diluted solely to reduce the concentration of its constituents for the purposes of classification in terms of Regulation 4(2), or assessment of the

waste in accordance with the Norms and Standards for Assessment of Waste for Landfill Disposal set in terms of section 7(1) of the Act.

- (3) Any container or storage impoundment holding waste must be labelled, or where labelling is not possible, records must be kept, reflecting the following-
  - (a) the date on which waste was first placed in the container;
  - (b) the date on which waste was placed in the container for the last time when the container was filled, closed, sealed or covered;
  - (c) the dates when, and quantities of, waste added and waste removed from containers or storage impoundments, if relevant;
  - (d) the specific category or categories of waste in the container or storage impoundment as identified in terms of the National Waste Information Regulations, 2012; and
  - (e) the classification of the waste in terms of Regulation 4 once it has been completed.
- (4) Waste generators must ensure that their waste is re-used, recycled, recovered, treated and/or disposed of within eighteen (18) months of generation.
- (5) Waste managers must not store waste for more than eighteen (18) months from the date of receipt from the waste generator.
- (6) The re-use, recycling, recovery, treatment or disposal of waste stored in an existing facility prior to promulgation of these Regulations must be commenced with within five (5) years from the date of commencement of these Regulations.

## **7. Waste Treatment**

- (1) Waste must not be mixed or treated where this would-
  - (a) reduce the potential for re-use, recycling or recovery; or
  - (b) result in treatment that is not controlled and not permanent.
- (2) Notwithstanding Regulations 6(2) and 7(1), waste may be blended or pre-treated to-
  - (a) enable potential for re-use, recycling, recovery or treatment; or
  - (b) reduce the risk associated with the management of the waste.

## **8. Waste Disposal to Landfill**

- (1) Unless otherwise directed by the Minister to ensure a better environmental outcome, or in response to an emergency so as to protect human health, property or the environment-
  - (a) waste generators must ensure that their waste is assessed in accordance with the Norms and Standards for Assessment of Waste for Landfill Disposal



set in terms of section 7(1) of the Act prior to the disposal of the waste to landfill;

- (b) waste generators must ensure that the disposal of their waste to landfill is done in accordance with the Norms and Standards for Disposal of Waste to Landfill set in terms of section 7(1) of the Act; and
  - (c) waste managers disposing of waste to landfill must only do so in accordance with the Norms and Standards for Disposal of Waste to Landfill set in terms of section 7 (1) of the Act.
- (2) Subregulation (1)(a) applies to all waste generators, excluding-
- (a) generators of waste listed in items (2)(a) and (b) of Annexure 1 to these Regulations; and
  - (b) generators of business waste that is collected by a municipality.
- (3) Subregulation (1)(b) applies to all waste generators, excluding-
- (a) generators of waste listed in item (2)(a) of Annexure 1 to these Regulations; and
  - (b) generators of business waste that is collected by a municipality.

#### **CHAPTER 4**

### **WASTE MANAGEMENT ACTIVITIES THAT DO NOT REQUIRE A WASTE MANAGEMENT LICENCE**

#### **9. Motivation for and consideration of listing Waste Management Activities that do not require a Waste Management License**

- (1) Any person may submit a motivation to the Minister to list a specific waste management activity as an activity that does not require a waste management license in terms of section 19 of the Act, but that is required to adhere to the requirements or standards determined in terms of section 19(3)(a) of the Act for that activity.
- (2) A motivation to the Minister in terms of subregulation (1) must demonstrate that the waste management activity, including associated storage and handling, can be implemented and conducted consistently and repeatedly in a controlled manner without unacceptable impact on, or risk to, the environment or health.
- (3) In accordance with subregulation (2), a motivation to the Minister in terms of subregulation (1) must contain the following information, as relevant to the proposed waste management activity:
  - (a) basis for the motivation, including benefits of the proposed activity relating to achieving waste minimisation or diversion of waste from landfill;
  - (b) description of the waste or wastes the proposed activity relates to, including quantities, classification, physical characteristics, chemical composition, sources generating the waste, and current management thereof;

- (c) description of the proposed waste management activity and processes, including the waste manager, storage and handling, infrastructure, pre-treatment activities, and other inputs or raw materials required;
- (d) description of the quantity, classification and management of any waste generated by the proposed activity;
- (e) information on the successful implementation of the proposed activity, or similar activities, locally and internationally, where available;
- (f) details of local and international specifications or standards relating to the waste and the proposed waste management activity, where available;
- (g) reference to legislation and policy applicable to the proposed activity, including relevant waste minimisation or waste management plans;
- (h) description of how the physical, biological, social, economic and cultural aspects of the environment may be adversely affected by the proposed activity, and how these would be mitigated or managed;
- (i) identification of aspects that may constrain the wide or general implementation of the proposed activity, and how these can be managed;
- (j) an assessment of the potential environmental and health impacts and risks that could result from the proposed activity, which would test the general implementation of the proposed activity at several sites with different characteristics;
- (k) proposed requirements or standards specific to the proposed waste management activity, including associated storage and handling, that would ensure that the activity can be implemented and conducted consistently and in a controlled manner, which must include the following as relevant to the proposed waste management activity:
  - (i) roles and responsibilities of the waste generator and waste manager;
  - (ii) management, monitoring and reporting procedures;
  - (iii) quality assurance and control measures, including sampling and analyses, as well as chemical concentration limits for specific components in the waste, or other characteristics of the waste, which may render it unsuitable for the proposed waste management activity;
  - (iv) sources from which the waste may originate, and any other limitations to the use or prohibited uses of the waste;
  - (v) locality or geographical area where the proposed activity may or may not take place;
  - (vi) standard operating procedures;
  - (vii) environmental management plan; and
  - (viii) design specifications or standards.

- (l) discussion on the practicality of, and ability to effectively implement, the requirements or standards that the activity may be subjected to;
  - (m) a description of any assumptions made and any uncertainties or gaps in knowledge; and
  - (n) any other specific information that may be required by the Minister, including an independent review of information submitted in support of the motivation.
- (4) Based on the review and consideration of the information supplied in support of a motivation in terms of Regulation 9(1) the Minister may-
- (a) subject to section 19(10)(a) of the Act, list the specific waste management activity in terms of section 19(1) and (3)(a) of the Act as an activity that does not require a waste management license;
  - (b) require additional information to be furnished within a specified timeframe; or
  - (c) reject the motivation with reasons.
- (5) A motivation in terms of Regulation 9(1) which is substantially similar to a previous motivation that had been rejected in terms of subregulation (2)(c), may only be resubmitted if-
- (a) the application contains new and material information not previously submitted to the Minister; or
  - (b) a period of three (3) years has elapsed since the application was lodged.

## **CHAPTER 5**

### **RECORD KEEPING AND WASTE MANIFEST SYSTEM**

#### **10. Records of waste generation and management**

- (1) Waste generators must keep accurate and up to date records of the management of the waste they generate, which records must reflect-
  - (a) the classification of the wastes;
  - (b) the quantity of each waste generated, expressed in tons or cubic meters per month;
  - (c) the quantities of each waste that has either been re-used, recycled, recovered, treated or disposed of; and
  - (d) by whom the waste was managed.
- (2) Subregulation (1) does not apply to generators of waste listed in item (2) (a) of Annexure 1 to these Regulations.
- (3) The records contemplated in subregulation (1) must be-
  - (a) retained for a period of at least five (5) years; and

- (b) made available to the Department upon request.

## **11. Waste Manifest System**

- (1) Every holder of waste that has been classified as hazardous in terms of Regulation 4(2) or a waste that is listed in item (2)(b) of Annexure 1 to these Regulations, must be in possession of a waste manifest document containing the relevant information specified in Annexure 2 to these Regulations.
- (2) Generators of waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations, must complete a waste manifest document containing the information specified in item (2)(a) of Annexure 2 to these Regulations for each consignment of waste transported to a waste manager.
- (3) Subregulations (1) and (2) do not apply to waste generators who are also the waste manager and manage the waste at the same premises where it was generated.
- (4) Waste transporters must not accept waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations for transport, unless the waste manifest document accompanies the waste.
- (5) All transporters of waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations must-
  - (a) complete a waste manifest document containing the information specified in item (2)(b) of Annexure 2 to these Regulations for each consignment of waste transported;
  - (b) provide the information to the generator before the waste is transported from the premises of the generator; and
  - (c) provide the information to the waste manager at the time of delivery of the waste to the facility for a waste management activity.
- (6) Waste managers must not accept waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations, unless the waste manifest document accompanies the waste.
- (7) All managers of waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations, must complete the waste manifest document with the information specified in item (2)(c) of Annexure 2 to these Regulations, confirming that the waste load has been accepted and that the waste has been managed.
- (8) All waste generators, transporters and managers subjected to the requirements of subregulations (1), (2), (4), (5), (6) and (7) must-
  - (a) retain copies, or be able to access copies/records, of the waste manifest documentation for a period of at least five (5) years; and
  - (b) make the waste manifest documentation available to the Department upon request.

## **CHAPTER 6 GENERAL MATTERS**

### **12. Implementation and Transitional Provisions**

- (1) All wastes that were classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry), or waste for which an alternative classification was approved by the Department of Water Affairs or Department of Environmental Affairs, prior to these Regulations taking effect, must be-
  - (a) re-classified in terms of Regulation 4(2); and
  - (b) assessed in terms of Regulation 8(1)(a) if the waste is to be disposed to landfill, within three (3) years from the date of commencement of these Regulations.
- (2) Waste that has been produced prior to these Regulations taking effect, but that has not been classified at the date of commencement of these Regulations must be-
  - (a) classified in terms of Regulation 4(2); and
  - (b) assessed in terms of Regulation 8(1)(a) if the waste is to be disposed to landfill, within eighteen (18) months from the date of commencement of these Regulations.
- (3) Regulations 4(2) and 6(1) do not apply for a period of three (3) years from the date of commencement of these Regulations, provided that the waste has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) or an alternative classification of the waste was approved by the Department of Water Affairs or Department of Environmental Affairs prior to these Regulations taking effect.
- (4) Regulation 4(2) does not apply for a period of eighteen (18) months from the date of commencement of these Regulations, provided that the waste has been generated but not classified prior to the date of commencement of these Regulations.
- (5) Subject to subregulation (6), Regulation 6(3) must be complied with within one (1) year from the date of commencement of these Regulations.
- (6) Regulation 6(3)(e) does not apply for a period of-
  - (a) three (3) years from the date of commencement of these Regulations, provided that the waste has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) prior to these Regulations taking effect, and this classification is reflected in the labelling or records required in terms of Regulation 6(3); or
  - (b) three (3) years from the date of commencement of these Regulations, provided that an alternative classification of the waste was approved by the

Department of Water Affairs or Department of Environmental Affairs prior to these Regulations taking effect, and this classification is reflected in the labelling or records required in terms of Regulation 6(3).

- (7) Regulation 6(6) does not apply to waste that has been or is being treated through macro-encapsulation approved by the Department of Water Affairs or the Department of Environmental Affairs.
- (8) Regulation 8(1)(a) does not apply for a period of-
  - (a) three (3) years from the date of commencement of these Regulations, provided that the waste has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) prior to the date of commencement of these Regulations; or
  - (b) three (3) years from the date of commencement of these Regulations, provided that an alternative classification of the waste was approved by the Department of Water Affairs or the Department of Environmental Affairs prior to the date of commencement of these Regulations.
- (9) Regulations 10 and 11 take effect one (1) year after the date of commencement of these Regulations.
- (10) The requirements of Regulations 10 and 11 apply to waste that was classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) prior to the date of commencement of these Regulations.

### **13. Offences and Penalties**

- (1) A person is guilty of an offence if that person-
  - (a) fails to comply with Regulations 4(2), (3), (4), (5), (6), 5, 6, 7(1), 8(1), 10(1), 10(3), 11(1), (2), (4), (5), (6), (7), (8) or 12; or
  - (b) provides incorrect or misleading information in any record or document required or submitted in terms of these Regulations.
- (2) A person convicted of an offence under subregulation (1)(a) is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine or such imprisonment.
- (3) A person convicted of an offence under subregulation (1)(b) is liable to a fine of R20 000 or to imprisonment for a period not exceeding 1 year or to both a fine and such imprisonment.

### **14. Short Title and Commencement**

These Regulations are called the Waste Classification and Management Regulations, 2013.

## **CHAPTER 7 ANNEXURES TO REGULATIONS**

## **Annexure 1: Wastes that do not require Classification or Assessment**

- (1) The wastes specified in item 2 of this Annexure do not require classification in terms of Regulation 4(1), nor assessment in terms of Regulation 8(1)(a).
- (2)
  - (a) General waste-
    - (i) Domestic waste;
    - (ii) Business waste not containing hazardous waste or hazardous chemicals;
    - (iii) Non-infectious animal carcasses;
    - (iv) Garden waste;
    - (v) Waste packaging;
    - (vi) Waste tyres;
    - (vii) Building and demolition waste not containing hazardous waste or hazardous chemicals; and
    - (viii) Excavated earth material not containing hazardous waste or hazardous chemicals.
  - (b) Hazardous waste-
    - (i) Waste Products:
      - Asbestos Waste;
      - PCB waste or PCB containing waste (> 50 mg/kg or 50 ppm); and
      - Expired, spoilt or unusable hazardous products.
    - (ii) Mixed Waste:
      - General waste, excluding domestic waste, which contains hazardous waste or hazardous chemicals; and
      - Mixed, hazardous chemical wastes from analytical laboratories and laboratories from academic institutions in containers less than 100 litres.
    - (iii) Other:
      - Health Care Risk Waste (HCRW).

## **Annexure 2: Waste Manifest System Information Requirements**

- (1) The information specified in item 2 of this Annexure must be reflected in the waste manifest document required in terms of Regulation 11.

(2)

(a) Information to be supplied by the Waste Generator (Consignor)-

- (i) Unique consignment identification number;
- (ii) If applicable, the SAWIS Registration number in terms of the National Waste Information Regulations, 2012;
- (iii) Generator's contact details (contact person, physical & postal address, phone, fax, email);
- (iv) Physical address of the site where the waste was generated (if different from (iii));
- (v) Contact number in case of an incident or after hours;
- (vi) Origin / source of the waste (process or activity);
- (vii) Classification of the waste and Safety Data Sheet;
- (viii) Quantity of waste by volume (m<sup>3</sup>) or weight (tons);
- (ix) Date of collection / dispatch;
- (x) Intended receiver (waste manager); and
- (xi) Declaration (content of the consignment is fully and accurately described, classified, packed, marked and labelled, and in all respects in proper condition for transportation in accordance with the applicable laws and regulations).

(b) Information to be supplied by the Waste Transporter-

- (i) Name of transporter;
- (ii) Address and telephone number of transporters; and
- (iii) Declaration acknowledging receipt of the waste.

(c) Information to be supplied by the Waste Manager (Consignee)-

- (i) Name, address and contact details;
- (ii) Receiving waste management facility name, address and contact details (where different);
- (iii) Waste management facility license number;
- (iv) Date of receipt;
- (v) Quantity of waste received by weight (tons), and volume (m<sup>3</sup>) if applicable;



- (vi) Type of waste management applied (re-use, recycling, recovery, treatment, disposal);
- (vii) Any discrepancies in information between the different holders of the waste (related to waste quantity, type, classification, physical and chemical properties);
- (viii) Waste management reporting description and code in terms of the National Waste Information Regulations, 2012;
- (ix) Details on any waste diverted to another waste management facility, and details of the facility; and
- (x) Certification and declaration of receipt and final management of the waste.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

**REGULATIONS REGARDING THE  
PLANNING AND MANAGEMENT OF  
RESIDUE STOCKPILES AND RESIDUE  
DEPOSITS, 2015**

Published under Government Notice R632 in *Government Gazette* 39020 of 24 July 2015.

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, make regulations regarding the planning and management of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation, under section 69(1)(iA) of the National Environmental Management: Waste Act, 2008 as set out in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

**CHAPTER 1**

**DEFINITIONS AND PURPOSE OF THE REGULATIONS**

1. Definitions
2. Purpose of the regulations

**CHAPTER 2**

**PLANNING, MANAGEMENT AND REPORTING OF RESIDUE STOCKPILES AND  
RESIDUE DEPOSITS**

3. The assessment of impacts and analyses of risks relating to the management of residue stockpiles and residue deposits
4. Characterisation of residue stockpiles and residue deposits
5. Classification of residue stockpiles and residue deposits
6. Investigation and the selection of site for residue stockpiling
7. Design of the residue stockpiles and residue deposits
8. Impact Management
9. Duties of the holder of right or permit
10. Monitoring and reporting system for residue stockpiles and residue deposits
11. Dust management and control
12. Decommissioning, closure and post closure management of residue stockpiles and residue deposits

### **CHAPTER 3**

#### **GENERAL MATTERS**

13. Transitional arrangements
14. Offences and penalties
15. Short title and commencement

### **CHAPTER 1**

#### **DEFINITIONS AND PURPOSE OF REGULATIONS**

##### **1. Definitions**

In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context indicates otherwise-

**“competent person”** means a person who-

- (i) is qualified by virtue of his or her knowledge, expertise, qualifications, skills and experience; and
- (ii) is knowledgeable with the provisions of the National Environmental Management Act, 1998 (Act No. 107 of 1998), National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), Mineral and Petroleum Resources Development Act, 2002 and other related legislation;
- (iii) has been trained to recognise any potential or actual problem in the performance of the work; and
- (iv) is registered with the legislated regulatory body for the natural scientific profession or an appropriate legislated professional body.

**“classification”** means classification as provided for in regulation 5 of these Regulations;

**“exploration”** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002;

**“Mineral and Petroleum Resources Development Act, 2002”** means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

**“Mineral and Petroleum Resources Development Regulations, 2004”** as contemplated in the transitional arrangements means the Mineral and Petroleum Resources Development Regulations published in terms of section 107(1) of the Mineral and Petroleum Resources Development Act, 2002 under Government Notice R527 in *Government Gazette* 26275 of 23 April 2004 and as amended by Government Notice R1288 in *Government Gazette* 26942 of 29 October 2004 and Government Notice R1203 in *Government Gazette* 29431 of 30 November 2006;

**“production operation”** has the same meaning assigned in the Mineral and Petroleum Resources Development Act, 2002;

**“prospecting”** has the meaning assigned to it in section 1 of the Mineral and Petroleum Resources Development Act, 2002; and

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

## **2. Purpose**

The purpose of these Regulations is to regulate the planning and management of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation.

## **CHAPTER 2**

### **PLANNING, MANAGEMENT AND REPORTING OF RESIDUE STOCKPILES AND RESIDUE DEPOSITS**

#### **3. The assessment of impacts and analyses of risks relating to the management of residue stockpiles and residue deposits**

- (1) The identification and assessment of environmental impacts arising from residue stockpiles and residue deposits must be done as part of the environmental impact assessment conducted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), if required.
- (2) The management of residue stockpiles and residue deposits must be in accordance with any conditions set out and any identified measures in the environmental authorisation issued in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), an environmental management programme and a waste management licence issued in terms of the Act.
- (3) A risk analysis based on the characteristics and the classification set out in regulation 4 and 5 must be used to determine the appropriate mitigation and management measures.
- (4) The pollution control barrier system shall be defined by the-
  - (a) National Norms and Standards for the Assessment of Waste for Landfill Disposal, 2013; and
  - (b) National Norms and Standards for Disposal of Waste to Landfill, 2013.

#### **4. Characterisation of residue stockpiles and residue deposits**

- (1) Residue stockpile and residue deposit must be characterised to identify any potential risk to health or safety hazard and environmental impact that may be associated with the residue when stockpiled or deposited at the site on a prospecting, mining, exploration or production operation.
- (2) Residue stockpile and residue deposit must be characterised in terms of its-

- (a) physical characteristics, that must include-
  - (i) the size distribution of the principal constituents;
  - (ii) the permeability of the material;
  - (iii) void ratios of the material;
  - (iv) the consolidation or settling characteristics of the material under its own weight and that of any overburden;
  - (v) the strength of material;
  - (vi) the specific gravity of the solid constituents;
  - (vii) the water content of the material at the time of deposition, and at other phases in the life of the deposit; and
  - (viii) the change in the above properties with time.
- (b) chemical characteristics, that must include-
  - (i) the toxicity;
  - (ii) the propensity to oxidize and decompose;
  - (iii) toe propensity to undergo spontaneous combustion;
  - (iv) the pH and chemical composition of the water separated from the solids;
  - (v) stability and reactivity and the rate thereof;
  - (vii) acid generating and neutralising potential; and
  - (vii) the concentration of the volatile organic compounds.
- (c) mineral content that may include the specific gravity of the residue articles and its impact on particle segregation and consolidation.

## **5. Classification of residue stockpiles and residue deposits**

- (1) Residue stockpile and residue deposit must be classified by a competent person.
- (2) A risk analysis must be conducted and documented on all residue stockpiles and residue deposits.
- (3) The classification of residue stockpile and residue deposit must be undertaken on the basis of the-

- (a) characteristics of toe residue;
- (b) location and dimensions of the deposit (height, surface area);
- (c) importance and vulnerability of toe environmental components that are at risk;
- (d) spatial extent, duration and intensity of potential impacts; and
- (e) pollution control barrier system compliant with the commensurate norms and standards for disposal of waste to landfill.

## **6. Investigation and site selection for residue stockpiling and deposit**

- (1) The process of investigation and selection of a site for residue stockpiling and residue deposit must entail-
  - (a) the identification of a sufficient number of possible candidate sites.
  - (b) qualitative evaluation and ranking of all alternative sites;
  - (c) qualitative investigation of the top-ranking sites to review the ranking done in terms of paragraph (b);
  - (d) a feasibility study on the highest-ranking site or sites, involving-
    - (i) a preliminary health and safety classification;
    - (ii) an environmental classification;
    - (iii) geotechnical investigations, and
    - (iv) hydrological investigations.
- (2) A geotechnical investigation must include the-
  - (a) characterisation of the soil and rock profiles over the entire area to be covered by the residue stockpile facility and associated infrastructure to define the spatial extent and depth of the different soil horizons; and
  - (b) characterisation of the relevant engineering properties of foundations soils and the assessment of strength and drainage characteristics.
- (3) A hydrological investigation must include the-
  - (a) geohydrological properties of the strata within the zone that could potentially be affected by the quality of seepage;

- (b) vulnerability and existing potential use of the groundwater resource within the zone that could potentially be affected by the residue facility; and
  - (c) potential rate of seepage from the facility and the quality of the seepage.
- (4) A preferred site must be identified based on the investigations contemplated in sub-regulations (1), (2) and (3).
- (5) Further investigation on the preferred site, must include-
  - (a) land use;
  - (b) topography and surface drainage;
  - (c) infrastructure and man-made features;
  - (d) climate;
  - (e) flora and fauna;
  - (f) soils;
  - (g) ground water morphology, flow, quality and usage; and
  - (h) surface water.
- (6) The investigations, laboratory test work, interpretation of data and recommendations for the identification and selection of the most appropriate and suitable site for the disposal of all residues that has the potential to generate leachate that could have a significant impact on the environment and groundwater must be conducted by a competent person.

## **7. Design of the residue stockpile and residue deposit**

- (1) The design of a residue stockpile and residue deposit must be undertaken by a registered Professional civil or mining, registered under the Engineering Profession of South Africa Act 1990 (Act No.114 of 1990).
- (2) An assessment of the typical soil profile on the site is required for all residue stockpile and residue deposit.
- (3) The design of a residue stockpile and residue deposit must take into account all phases of the life cycle of the residue stockpile and residue deposit, from construction through to post closure and must include the-
  - (a) characteristics of the residue;
  - (b) characteristics of the site and the receiving environment;



- (c) general layout of the residue stockpile or residue deposit, whether it is a natural valley, ring dyke, impoundment or a combination thereof and its three-dimensional geometry at appropriate intervals throughout the planned incremental growth of the residue stockpile or residue deposit;
  - (d) type of deposition method used;
  - (e) rate of rise of the stockpile or deposit; and
  - (f) design of the pollution control barrier system.
- (4) Other design considerations, as appropriate to the particular type of the residue stockpile and residue deposit that must be incorporated include-
- (a) the control of storm water on and around the residue stockpile or deposit taking into account the requirements of the National Water Act, 1998 (Act No. 36 of 1998);
  - (b) a capping layer for residue stockpiles in order to prevent the generation and mobilisation of contaminants of concern;
  - (c) the provision, throughout the clean and dirty water systems making up the control measures, of a freeboard of at least 0.5 m above the expected maximum water level to prevent overtopping;
  - (d) keeping the pool away at least 50 meters from the walls and a factor of safety not less than 1,5; where there are valid technical reasons for deviating from this, adequate motivation must be provided, and the design must be reviewed by a competent person;
  - (e) the control of decanting of excess water under normal and storm conditions, including-
    - (i) the retention of polluted water in terms of the General and Special Standards, requirements for the purification of wastewater or effluent, published under Government Notice or Regulation No. 991 of 18 May 1984, where measures may be required to prevent water from the residue deposit from leaving the residue management system;
    - (ii) the design of the penstock, outfall pipe, under-system and return water dams;
    - (iii) the height of the phreatic surface, slope angles and method of construction of the outer walls and their effects on shear stability;
    - (iv) the erosion of slopes by wind and water, and its control by vegetation, berms or catchment paddocks; and
    - (v) the potential for pollution.
- (5) A design report and operating manual must be signed off by a registered professional civil or mining engineer.

## **8. Impact Management**

The owner of the mine must determine and manage the impacts of the residue management practices and facilities in the following manner-

- (a) Identify all residue materials and residue management practices with a potential to contaminate water;
- (b) Conduct statistical defensible and representative characterisation programme of relevant materials; and
- (c) Conduct an impact prediction study to assess the potential impacts of such actions or activities on the water resource over the full life cycle of the mining operations and until the impact from the operation is acceptable, which includes a monitoring programme and an evaluation of the effect of the mitigatory measures to demonstrate acceptable levels of impact.

## **9. Duties of the holder of right or permit**

- (1) The holder of any right or permit in terms of the Mineral and Petroleum Resources Development Act, 2002 must ensure that-
  - (a) a residue stockpile and residue deposit, including any surrounding catchment paddocks, are constructed and operated in accordance with the approved environmental management programme;
  - (b) the design of a residue stockpile and residue deposit is followed implicitly throughout the construction and operation thereof, and that any deviations from the design are approved by the delegated official within the Department responsible for mineral resources and that the environmental management programme is amended accordingly;
  - (c) as part of the monitoring system, measurements of all residues transported to the site and of all surplus water removed from the site are recorded;
  - (d) appropriate security measures are implemented to limit unauthorised access to ail residues;
  - (e) preventative or remedial action is taken in respect of any sign of pollution;
  - (f) adequate measures are implemented to control dust pollution and erosion of the slopes at all residues; and
  - (g) details of rehabilitation of ail residues are provided in the environmental management programme.

- (2) A system of routine maintenance and repair in respect of all residues must be implemented to ensure the control of pollution and the integrity of rehabilitation, monitoring and reporting system for residue stockpiles and residue deposits

#### **10. Monitoring and reporting system for residue stockpiles and residue deposits**

- (1) A monitoring system for a residue stockpile and residue deposit with respect to potentially significant impacts as identified in the environmental impact assessment must be included in the environmental authorisation issued in terms of the National Environmental Management Act 1998 (Act No. 107 of 1998) if an environmental authorisation is required or a waste management licence issued in terms of the Act.
- (2) In the design of a monitoring system for a residue stockpile or residue deposit, consideration must be given to-
  - (a) baseline and background conditions with regard to air, surface and groundwater quality;
  - (b) the air, surface and groundwater quality objectives;
  - (c) residue characteristics;
  - (d) the degree and nature of residue containment;
  - (e) the receiving environment and specifically the climatic, local geological, hydrogeological and geochemical conditions;
  - (f) potential migration pathways;
  - (g) potential impacts of leachate;
  - (h) the location of monitoring points and the monitoring protocols; and
  - (i) the reporting frequency and procedures.

#### **11. Dust management and control**

Dust at residue stockpiles and residue deposits must be managed in accordance with the requirements on dust control as regulated by Mine Health and Safety Act, 1996 (Act No. 29 of 1996) and in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

## **12. Decommissioning, closure and post closure management of residue stockpiles and residue deposits**

The decommissioning, closure and post closure management of a residue stockpile and residue deposit must be done in accordance with-

- (a) the relevant provisions in the environmental authorisation if it was issued;
- (b) an environmental management programme; and
- (c) any other applicable legislation.

## **CHAPTER 3 GENERAL MATTERS**

## **13. Transitional arrangements**

- (1) Anything done in terms of regulation 73 of the Mineral and Petroleum Resources Development Regulations, 2004 relating to the management of residue stockpiles and residues deposits which can be done in terms of a provision of these Regulations must be regarded as having been done in terms of the provision of these Regulations.
- (2) Management measures of residue stockpiles and residue deposits approved in terms of the Mineral and Petroleum Resources Development Regulations, 2004, at the time of the coming into operation of these Regulations, must be regarded as having been approved in terms of these Regulations.
- (3) A holder of a right or permit in terms of the Mineral and Petroleum Resources Development Act, 2002 must continue the management of the residue stockpiles and residue deposits in accordance with the approved management measures.

## **14. Offences and penalties**

- (1) A person commits an offence if that person contravenes or fails to comply with regulations 3, 4, 5, 6, 7, 8, 9, 10 or 11 of these Regulations.
- (2) A person convicted of an offence contemplated in sub-regulation (1) is liable on conviction to-
  - (a) imprisonment for a period not exceeding 15 years;

- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

**15. Short title and commencement**

These Regulations are called the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits, 2015 and come into operation on the date of publication.

# PLASTIC CARRIER BAGS AND PLASTIC FLAT BAGS, 2003

Published under Government Notice R625 in *Government Gazette* 24839 of 9 May 2003.

The Minister of Environmental Affairs and Tourism has, under section 24 (d) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), made the regulations in the Schedule.

**M V MOOSA**

**Minister of Environmental Affairs and Tourism**

## SCHEDULE

1. Definitions
2. Prohibition of certain plastic bags
3. Offences and penalties
4. Commencement date

### 1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Environment Conservation Act, 1989 (Act No. 73 of 1989) shall bear the meaning so assigned to it in that Act and, unless the context indicates otherwise:

**“commercial distribution”** means making plastic bags directly or indirectly available for the packaging or the carrying of goods

**“plastic carrier bag”** means a bag, made of plastic film, with handles, with or without gussets, and which complies with paragraphs 4 and 5 of the Compulsory Specification;

**“plastic flat bag”** means a bag, made of plastic film, without handles, with or without gussets, and which complies with paragraphs 4 and 5 of the Compulsory Specification;

**“plastic film”** means a continuous, thin, non-woven membranous skin or layer of flexible material made of thermoplastic materials;

**“Compulsory Specification”** means the Compulsory Specification for Plastic Carrier Bags and Flat Bags published in terms of the Standards Act, 1993 (Act No. 29 of 1993);

**“trade”** means the sale of plastic carrier bags and plastic flat bags to any person, including, but not limited to, manufacturers, wholesalers and retailers of goods, for use within the Republic of South Africa.

### 2. Prohibition of certain plastic bags

The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier bags and plastic flat bags, for use within the Republic of South Africa, other than those which comply with paragraphs 4 and 5 of the Compulsory Specification, is hereby prohibited.

**3. Offences and penalties**

- (1) Any person who contravenes regulation 2 shall be guilty of an offence and liable on conviction-
  - (a) to a fine; or
  - (b) to imprisonment for a period not exceeding 10 years; or
  - (c) to both such a fine and such imprisonment; and
  - (d) to a fine not exceeding three times the commercial value of anything in respect of which the offence was committed.
- (2) Any person convicted of an offence in terms of these regulations and, who after such conviction, persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and be liable, on conviction, to a fine or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which such offence continues.

**4. Commencement date**

These regulations will come into effect on 09 May 2003.

# REGULATIONS FOR THE PROHIBITION OF THE USE, MANUFACTURING, IMPORT AND EXPORT OF ASBESTOS AND ASBESTOS CONTAINING MATERIALS, 2008

Published under Government Notice R. 341 in *Government Gazette* 30904 of 28 March 2008.

I, Marthinus Van Schalkwyk, the Minister for Environmental Affairs and Tourism hereby make the Regulations for the Prohibition of the Use, Manufacturing, Import and Export of Asbestos and Asbestos Containing Materials under section 24B of the Environment Conservation Act, 1989 (Act No. 73 of 1989) contained in the schedule hereto.

**MARTHINUS VAN SCHALKWYK**  
**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

## SCHEDULE

1. Definitions
2. Prohibitions
3. Transitional Provisions
4. Registration and Reporting
5. Asbestos Phase-Out Plan
6. Disposal of Asbestos or Asbestos Containing Material
7. Packaging and Transport of Asbestos
8. Offences
9. Short Title

## ANNEXURE A

### 1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates -

**"asbestos"** means any of the following minerals:

- (a) Amosite;
- (b) chrysotile;
- (c) crocidolite;
- (d) fibrous actinolite;
- (e) fibrous anthophyllite; and



(f) fibrous tremolite, or any mixture containing any of these minerals;

**“asbestos containing material”** means any mixture, product, component or material to which asbestos has been added;

**“Asbestos Phase-out Plan”** means the plan referred to in regulation 5 of these regulations;

**“Asbestos Regulations, 2001”** means the regulations published under Government Notice R.155 in Government Gazette 23108 of 10 February 2002;

**“asbestos waste”** means any asbestos containing material that:

- (a) is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) the generator has no further use of, for the purposes of production or consumption; and
- (c) must be disposed of;

**“Identified product”** means heat and arc resistant electrical insulation boards, acetylene gas cylinders, gaskets, seals and insulation materials which contain asbestos;

**“SANS 10228”** means the identification and classification of dangerous goods for transport, SANS 10228, published by the South African Bureau of Standard (SABS);

**“SANS 10229”** means the Transport of dangerous goods - Packaging and large packaging for road and rail transport, SANS 10229, published by the South African Bureau of Standards (SABS);

**“the Act”** means the Environment Conservation Act, 1989 (Act No. 73 of 1989), as amended.

## **2. Prohibitions**

- (1) No person shall acquire, process, package or repackage asbestos; manufacture asbestos containing materials, or distribute asbestos or asbestos containing materials.
- (2) No person shall import asbestos or asbestos containing material into the Republic, or export asbestos or asbestos containing materials from the Republic.
- (3) No. person shall import asbestos containing waste into the Republic.
- (4) The provisions of sub-regulation (2) and (3) shall not apply to a person -
  - (a) importing asbestos or asbestos containing material which is in transit from a State outside the Republic to another State outside of the Republic, unless further repackaging or processing of the asbestos or asbestos containing material is performed in the Republic; or
  - (b) importing asbestos which is solely for use in analysis or research, and which is not intended to develop a new use for asbestos or asbestos containing material; or

- (c) importing asbestos or asbestos waste from a State, which is a member of the Southern African Development Community, for safe disposal at a disposal site for which a permit has been issued in terms of section 20 of the Environment Conservation Act, 1989;

provided that persons conducting the activities in paragraphs (a), (b) and (c) register the activity with the Minister as contemplated in regulation 4 of these regulations.

- (5) The provisions of sub-regulation (1) and (2) shall not apply to a person who, on the date of the commencement of these regulations, is lawfully importing an identified product or asbestos for use in the manufacture of an identified product, nor to any person manufacturing or distributing an identified product for local use, provided that the person conducting the activity registers the activity with the Minister as contemplated in regulation 4 and acts in accordance with an approved Asbestos Phase-out Plan as referred to in regulation 5 of these regulations.

### **3. Transitional Provisions**

- (1) A person importing an identified product or asbestos for use in the manufacture of an identified product, or any person manufacturing or distributing an identified product for local use immediately prior to the date of commencement of these regulations and intends to continue with the activity, may carry on with that activity for a period of one year after the date of commencement of these regulations: provided that he or she has registered the activity with the Minister as contemplated in regulation 4 and follows the procedure as set out in regulation 5 of these regulations.
- (2) A person referred to in regulation 2(1), 2(2) and 2(3) who does not intend to continue with the activity in terms of regulation 2(4) and 2(5) must stop the activity. 120 days after the date of commencement of these regulations.

### **4. Registration and Reporting**

- (1) A person who undertakes or intends to undertake an activity as contemplated in regulation 2(4) or 2(5) must within 120 days of the commencement of these regulations register the activity with the Minister on the form contained in Annexure A to these regulations.
- (2) After registration in terms of sub-regulation (1) the Minister will issue the applicant with a registration number.
- (3) The registered person must be displaying the registration number on all trading documentation.
- (4) If any of the information provided to the Minister in terms of this regulation changes, the Minister must be notified within 14 days after the date that the information provided changed.
- (5) A person referred to in sub-regulation (1) of regulation 4 above must, before 31 March of each and every year, submit an annual report from an external auditor commissioned at own expense to audit at least the following:
  - (a) The correctness of the information supplied on the registration form;

- (b) In the case of identified products, progress made in terms of the Asbestos Phase-out Plan provided in terms of these regulations;
- (c) The person's compliance with the relevant legislation;
- (d) In the case of the transport of asbestos, the amount of asbestos transported through the country; and
- (e) In the case of a research project, how much asbestos or asbestos containing materials were used in the research project and the outcome of the research.

## **5. Asbestos Phase-Out Plan**

- (1) A person contemplated in regulation 2 (5) must submit an Asbestos Phase-out Plan to the Minister for approval within one year of the commencement of these Regulations: Provided that a group of people importing, manufacturing or distributing the same or substantially similar identified products may submit a joint Asbestos Phase-out Plan for the purposes of complying with these Regulations.
- (2) An Asbestos Phase-out Plan must at least contain information on -
  - (a) proposed alternatives to the use of asbestos or asbestos containing materials in the manufacture of the identified product;
  - (b) where such alternatives do not exist, reasons why such alternatives do not exist and the steps that will be taken to develop such alternatives; and
  - (c) the time periods within which the manufacturer intends replacing the use of asbestos with alternatives to asbestos or asbestos containing materials.
- (3) The Minister may require a person who has submitted an Asbestos Phase-out Plan to provide additional information and to submit a revised Asbestos Phase-out Plan within a time period indicated by the Minister or to furnish the Minister with a written review of the Asbestos Phase-out Plan by an independent expert within a time period indicated by the Minister.
- (4) The Minister may, on written application by a person who is required to submit an Asbestos Phase-out Plan, grant an extension in respect of the period within which the plan must be submitted, on good cause shown, with or without conditions attached to such an extension.
- (5) After considering any Asbestos Phase-out Plan that has been submitted in terms of these regulations, the Minister may accept such a plan and may set conditions for the implementation of such a plan or reject such a plan with reasons provided: Provided that where the date for the submission of an Asbestos Phase-out Plan, revised Asbestos Phase-out Plan or an independent review of the Asbestos Phase-out Plan has passed and such a plan has not been submitted, the Minister may exercise this power on the basis of other information at his disposal.

## **6. Disposal of Asbestos or Asbestos Containing Material**

Any person who wishes to dispose of any asbestos or asbestos containing material in his or her possession must dispose of that asbestos or asbestos containing material in accordance with section 20 of the Act and regulation 20 of the Asbestos Regulations, 2001.

**7. Packaging and Transport of Asbestos**

A person who transports or packages asbestos must comply with the standards set for transport and packaging in SANS 10228 and SANS 10229.

**8. Offences**

- (1) Any person who contravenes any provision of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment, and to a fine not exceeding three times the commercial value of anything in respect of which the offence was committed.
- (2) Any person convicted in terms of these Regulations who, after such conviction, persists in the act or omission, which constituted such offence, shall be guilty of a continuing offence and be liable on conviction to a fine not exceeding R250 or to imprisonment not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which such offence continues.

**9. Short Title**

These Regulations shall be called Regulations for the Prohibition of the Use, Manufacturing, Import and Export of Asbestos and Asbestos Containing Materials, 2007.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **WASTE TYRE REGULATIONS, 2017**

Published under Government Notice 1064 in *Government Gazette* 41157 of 29 September 2017.

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the Waste Tyre Regulations, under section 69(1)(b), (e) and (ee) of the National Environmental Management: Waste Act, 2008, in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA  
MINISTER OF ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **PART 1**

#### **INTERPRETATION, PURPOSE AND APPLICATION OF REGULATIONS**

1. Definitions
2. Purpose of Regulations
3. Application of Regulations

### **PART 2**

#### **PROHIBITIONS AND REGISTRATION**

4. Prohibitions
5. Registration

### **PART 3**

#### **DUTIES OF TYRE DEALERS**

6. Duties of tyre dealers

### **PART 4**

#### **WASTE TYRE STOCKPILE ABATEMENT PLAN**

7. Contents of a waste tyre stockpile abatement plan
8. Notification of a waste tyre stockpile abatement plan
9. Consideration of a waste tyre stockpile abatement plan

## **PART 5 STORAGE OF WASTE TYRES**

10. Storage of waste tyres

## **PART 6 GENERAL**

11. Offences and penalties
12. Transitional provisions
13. Repeal of Regulations
14. Short Title and Commencement

## **PART 1 INTERPRETATION, PURPOSE AND APPLICATION OF REGULATIONS**

### **1. Definitions**

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

**“collection points”** means areas of business from which waste tyres derived, or a commercial area where waste tyres may be collected including, but not limited to, mines, farms and tyre dealers;

**“load index”** means the international code imprinted on the side of a tyre that indicates the load, or weight, that the tyre can carry at its maximum design pressure;

**“micro-collector”** means an individual from the informal sector that collects waste tyres;

**“part worn tyre”** means a used tyre, which can be safely returned to its original intended use, and which, after being retreaded, is not of such nature and condition that it is not suitable to be fitted on a vehicle that operates on a public road in accordance with the National Road Traffic Act, 1996 (Act No. 93 of 1996) or the regulations made in terms of that Act;

**“pre-processing”** means pre-treatment of waste tyres to make the waste tyres suitable for transportation or for a specified treatment or processing option. Pre-processing includes sorting, baling, cutting (downsizing), shredding or debanding;

**“retreadable casing”** means the structural part of a used tyre that may or may not have residual tread depth for further road use and when subjected to inspection of the structural soundness of the casing, can be reprocessed by vulcanising new tread to the casing and can then be safely returned to its original intended use;

**“register with the Bureau”** means the submission of information by a person to the Bureau in order for the particulars of that person to be recorded in its database for the purpose of the administration of these Regulations;

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended;

**“tyre”** means a continuous covering made of natural rubber or synthetic rubber or a combination of natural and synthetic rubber encircling a wheel, whether new, used or retreaded, excluding tyres from monocycles, bicycles and tricycles;

**“tyre dealer”** means any person or entity that distributes, or otherwise deals commercially, in tyres;

**“tyre producer”** means any person or institution engaged in the commercial manufacture or import of tyres and retreadable casings, and the import of vehicles fitted with tyres for distribution in South Africa;

**“vehicle”** means any motorized or towed mode of transport or implement fitted with tyres;

**“waste tyre”** means-

- (a) a new;
- (b) used;
- (c) retreaded; or
- (d) unroadworthy,

tyre not suitable to be retreaded, repaired, or sold as a part worn tyre and not fit for its original intended use;

**“waste tyre management plan”** means-

- (a) the Integrated Industry Waste Tyre Management Plan of the Recycling and Economic Development Initiative of South Africa, published in Government Notice No. 988, Gazette No. 35927 of 30 November 2012 and approved by the Minister;  
or
- (b) an industry waste management plan for the waste stream of waste tyres as contemplated in section 28 or 29 of the Act, which has been approved by the Minister and published in the Gazette;

**“waste tyre storage site or depot”** means a facility that is used for the temporary storage of waste tyres;

**“waste tyre stockpile abatement plan”** means a plan, prepared by a person or entity who had a waste tyre stockpile prior to 30 November 2012, indicating the manner and timeframe in which the stockpile will be removed;

**“waste tyre stockpile”** means a site on which predominantly waste tyres of any form are stored and have been stored continuously for a period greater than two years, and which covers an area greater than 500m<sup>2</sup>, but excludes a waste disposal facility;

**“waste tyre stockpile owner”** means the owner, possessor or person in control of the waste tyre stockpile or the waste tyres therein;

**“waste tyre processor”** means a person or facility that is engaged in the commercial re-use, recycling or recovery of waste tyres; and

**“waste tyre transporter”** means any person who conveys or transfers waste tyres between any of the following facilities: a producer, a tyre dealer, a waste tyre storage site, a depot or collection points where waste tyres may be collected or waste tyre processors.

## **2. Purpose of Regulations**

The purpose of these Regulations is to regulate the management of waste tyres.

## **3. Application of Regulations**

These Regulations apply uniformly in all provinces of the Republic of South Africa.

# **PART 2 PROHIBITIONS AND REGISTRATION**

## **4. Prohibitions**

No person may-

- (a) manage waste tyres in a manner which does not comply with these Regulations;
- (b) recover or dispose of a waste tyre in a manner that is likely to cause pollution of the environment or harm to health and well-being;
- (c) dispose of a waste tyre at a waste disposal facility;
- (d) recover any financial contribution in terms of a waste tyre management plan from a subscriber to the plan, unless authorised by law; or
- (e) export waste tyres in whatever form unless the exportation of such waste tyres is authorised by the Minister in writing.

## **5. Registration**



- (1) The following persons must register with the Bureau, in a format specified by the Bureau, within 90 days after the commencement of these Regulations:
- (a) A tyre producer not registered in terms of the repealed regulations as contemplated in regulation 13(a);
  - (b) A tyre dealer;
  - (c) A person in control of a collection point where waste tyres may be collected;
  - (d) A waste tyre stockpile owner;
  - (e) A waste tyre processor;
  - (f) An owner or operator waste tyre pre-processing facility;
  - (g) A depot owner or operator;
  - (h) A micro-collector of waste tyres;
  - (i) A waste transporter; and
  - (j) An owner or operator of a waste tyre storage site.

### **PART 3 DUTIES OF TYRE DEALERS**

#### **6. Duties of tyre dealers**

- (1) A tyre dealer must classify any used tyre in his or her possession or control as either a part worn tyre or a retreadable casing and any used tyre not falling into either of these categories must be classified as a waste tyre.
- (2) A tyre dealer must mutilate or cause all waste tyres with a load index of 121 or less in his or her possession or control, or must cause such waste tyres to be mutilated, which includes, but is not limited to-
- (a) the cutting of the bead of a waste tyre in two places;
  - (b) punching a hole with a minimum diameter of 50mm in the sidewall; or
  - (c) making a cut of at least 100mm in the sidewall.
- (3) A tyre dealer must manage all waste tyres in his or her possession or control, or cause such waste tyres to be managed in accordance with a waste tyre management plan, or by direction of the Bureau contemplated in regulation 12(1)(b).

**PART 4**  
**WASTE TYRE STOCKPILE ABATEMENT PLAN**

**7. Submission and contents of a waste tyre stockpile abatement plan**

- (1) A waste tyre stockpile owner, who owned a waste tyre stockpile prior to 30 November 2012 and who had not already submitted a waste tyre stockpile abatement plan in terms of the repealed regulations contemplated in regulation 13(a), must within 120 days of the date of the commencement of these Regulations, submit such a plan to the Minister for approval.
- (2) A waste tyre stockpile owner may not add to the stockpile after the commencement of these Regulations.
- (3) A waste tyre stockpile abatement plan must at least:
  - (a) provide the name and where applicable the registration number of the company, closed corporation or trust of the owner of the waste tyre stockpile;
  - (b) provide the physical address of the location of the waste tyre stockpile;
  - (c) provide the physical and postal address of the waste tyre stockpile owner;
  - (d) provide an estimation of the number of waste tyres stored within the waste tyre stockpile, including the square area of the footprint of the stockpile;
  - (e) provide the current fire prevention measures in place;
  - (f) provide a plan of the stockpiles site, locating the waste tyre piles on site, indicating distances between the piles, height of the piles, distance to the fence line, access points, water points, the location of offices or buildings, powerline, vegetation and providing any other information that is relevant to the waste tyre stockpile;
  - (g) provide a proposal and timeframe for eliminating the waste tyre stockpile;
  - (h) identify the waste tyre management plan into which the tyres will be accepted or the waste tyre processor who will accept the waste tyres;
  - (i) provide a budget and funding sources for eliminating the waste tyre stockpile;
  - (j) be accompanied by copies of agreements with waste tyre management plans or waste tyre processors, which indicate their acceptance of the waste tyres and of the financial arrangements made; and

- (k) meet the storage requirements contemplated in regulation 10.

## **8. Notification of a waste tyre stockpile abatement plan**

- (1) Any person producing a waste tyre stockpile abatement plan in terms of regulation 8(1) must take appropriate steps to bring the contents of a proposed waste tyre stockpile abatement plan to the attention of relevant organs of state, interested and affected parties and must call for comments to the plan.
- (2) Any comments submitted in respect of a waste tyre stockpile abatement plan must be considered by the person responsible for preparing the plan, and a copy of all comments and responses must be submitted to the Minister, together with the plan.

## **9. Consideration of a waste tyre stockpile abatement plan**

- (1) The Minister on receipt of a waste tyre stockpile abatement plan-
  - (a) may require additional information to be furnished and a revised plan to be submitted within a timeframe indicated by the Minister; and
  - (b) must, after incorporation of any comments, review the revised waste tyre stockpile abatement plan and approve it with or without conditions, or reject the waste tyre stockpile abatement plan with reasons and with a timeframe for resubmission.
- (2) A waste tyre stockpile abatement plan that has been rejected in terms of sub-regulation (1)(b) must be amended and resubmitted to the Minister within the timeframe indicated by the Minister.
- (3) The Minister may refuse to consider a waste tyre stockpile abatement plan-
  - (a) if resubmitted more than once; or
  - (b) after failure to resubmit the amended waste tyre stockpile abatement plan within the specified timeframe.
- (4) An approval in terms of sub-regulation (1)(b) must at least specify the period for which the approval is issued, which period may be extended by the Minister.
- (5) Any person producing a waste tyre stockpile abatement plan in terms of regulation 8(1) must submit an annual audit report to the Minister prepared by an external auditor commissioned at own expense to audit compliance with the plan.
- (6) Once the waste tyre stockpile abatement plan has been approved it is an offence not to comply with the plan.

**PART 5**  
**STORAGE OF WASTE TYRES**

**10. Storage of waste tyres**

- (1) The waste tyre storage area for a tyre dealer shall not exceed 500m<sup>2</sup>.
- (2) Any other waste tyre storage area must not exceed 30 000m<sup>2</sup>.
- (3) A waste tyre storage plan must be developed by the waste tyre processor and the waste tyre storage site owner.
- (4) The waste tyre storage plan must be-
  - (a) submitted to the relevant Chief Fire Officer of the municipality for endorsement;
  - (b) available on site at all times;
  - (c) made available on request to an official of the national or provincial department responsible for environmental affairs, or of the municipality.
- (5) If the Chief Fire Officer referred to in sub-regulation (4) has not made a decision within 60 days of receipt of the request for endorsement, the waste tyre storage plan must be regarded as having been endorsed by him or her, subject to providing proof of submission to the Chief Fire Officer by the person responsible for the waste tyre storage plan.
- (6) The site on which waste tyres are stored must meet the following minimum requirements-
  - (a) clearly visible signs with operating hours, contact details and site regulations must be posted near the entrance to the facility;
  - (b) a security attendant trained in fire prevention must be on site at all times;
  - (c) the site manager must be on site at all times when the facility is open;
  - (d) a person designated to manage the site must ensure the site is secured and no unauthorized person can access the site;
  - (e) no single pile of waste tyres may exceed a height of 3 metres, a length of 20 metres and a width of 10 metres;

- (f) all interior firebreaks between piles of waste tyres must be at least five metres wide;
  - (g) the site must be flat and hard packed;
  - (h) the site must make provision for storm water management;
  - (i) the edges of the piles must be at least 8 metres from the perimeter fence, and any buildings, and the area between the piles and the fence and buildings must be clear of debris and vegetation;
  - (j) all firebreaks must be at least 8 metres wide; and
  - (k) waste tyre piles may not be located within 8 metres of a powerline.
- (7) Waste tyres must not be stored in a manner which impact or pose a significant environmental risk to any sensitive environment.

## **PART 6 GENERAL**

### **11. Offences and penalties**

- (1) A person is guilty of an offence if that person contravenes or fails to comply with-
- (a) a provision of regulations 4, 5, 6, 7(1)-(2), 9(5), 9(6), 10(1)-(4), (6), and (7); or
  - (b) a waste tyre management plan; or
  - (c) a waste tyre stockpile abatement plan; or
  - (d) a written instruction in terms of regulation 12(1)(b).
- (2) A person is liable on conviction of an offence in terms of sub-regulation (1) to-
- (a) imprisonment for a period not exceeding 15 years;
  - (b) an appropriate fine; or
  - (c) both such fine and imprisonment.

### **12. Transitional arrangements in the event that a waste tyre management plan expires, be withdrawn or be terminated**

- (1) In the event that a waste tyre management plan expires, be withdrawn or be terminated for any reason whatsoever and at the time there exists no other

industry waste management plan in terms of section 28 or 29 of the Act for the same or substantially the same waste stream-

- (a) the Bureau shall be responsible to facilitate, supervise and control the management of waste tyres for the interim until a new industry waste tyre management plan is approved in terms of section 28 or 29 of the Act;
  - (b) the Bureau may, in accordance with the provisions of these Regulations, issue instructions in writing for the management of waste tyres on such terms and conditions, which instruction must be complied with within the time frame stated in such instruction;
  - (c) all participants that were registered with the waste tyre management plan upon the expiry, withdrawal or termination thereof, shall in the interim register with the Bureau.
- (2) From the date of registration with the Bureau, all tyre producers must on a quarterly basis, at the same time that their declarations are submitted to the South African Revenue Service, submit to the Bureau the very same declaration in respect of the quantity of tyres produced or imported.
- (3) The Bureau must establish a waste tyre forum with all affected industry to deal with governance and operational matters pertaining to the management of waste tyres during the interim until a new industry waste tyre management plan is approved in terms of section 28 or 29 of the Act.

### **13. Repeal of regulations**

The following regulations are hereby repealed:

- (a) Waste Tyre Regulations, 2009, published under Government Notice No. R149 in *Government Gazette* No. 31901 of 13 February 2009;
- (b) The amendment to the Waste Tyre Regulations, 2009, published in Government Notice No. 1493, *Government Gazette* No. 40470 of 2 December 2016.

### **14. Short title and commencement**

These Regulations shall be called the Waste Tyre Regulations, 2017 and take effect immediately upon publication in the *Government Gazette*.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

**LIST OF WASTE MANAGEMENT ACTIVITIES  
THAT HAVE, OR ARE LIKELY TO HAVE, A  
DETRIMENTAL EFFECT ON THE  
ENVIRONMENT, 2013**

Published under Government Notice 921 in *Government Gazette* 37083 of 29 November 2013 and amended by:

**GN 332**

**GG 37604**

**2/5/2014**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby amend the List of Waste Management Activities that have, or are likely to have, a detrimental effect on the environment published under Government Notice 718 in *Government Gazette* 32368 of 3 July 2009, in terms of section 19(2) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

**(Section 19(2))**

**WASTE MANAGEMENT ACTIVITIES IN RESPECT OF WHICH A WASTE MANAGEMENT LICENCE IS REQUIRED IN ACCORDANCE WITH SECTION 20(b) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)**

1. Definitions
2. General
3. Category A
4. Category B
5. Category C
6. Transitional provisions
- 7.
8. Special arrangements
9. Repeal of laws

## 1. Definitions

In this Schedule any word or expression to which a meaning has been assigned in the Act and associated regulations, shall have the meaning so assigned, and unless the context otherwise indicates-

**“construction”** means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a waste management activity, but excludes any modification, expansion, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the range of outputs for the facility;

**“co-processing”** means the utilisation of alternative fuels and/or raw materials in industrial processes for the purpose of energy and/or resource recovery and resultant reduction in the use of conventional fuels and/or raw materials through substitution;

**“expansion”** means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which a waste management activity takes place in such a manner that the capacity of the facility or the volume of waste recycled, used, treated, processed or disposed of is increased;

**“facility”** means a place, infrastructure, structure or containment of any kind including associated structures or infrastructure, wherein, upon or at, a waste management activity takes place and includes a waste transfer facility, a waste storage facility, container yard, waste disposal facility, incinerators, lagoons, recycling, co-processing or composting facilities;

**“lagoon”** means the containment of waste in excavations and includes evaporation dams, earth cells, sewage treatment facilities and sludge farms;

**“operational area”** an area where waste is handled including the storage areas;

**“temporary storage”** means a once off storage of waste for a period not exceeding 90 days;

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

## 2. General

No person may commence, undertake or conduct a waste management activity listed in this Schedule unless a waste management licence is issued in respect of the waste management activity.

## 3. Category A

A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must conduct a basic assessment process set out in the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as part of a waste management licence application contemplated in section 45 read with section 20(b) of this Act.

### Storage of waste



- (1) The storage of general waste in lagoons.

#### **Recycling or recovery of waste**

- (2) The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area in excess of 1000m<sup>2</sup>.
- (3) The recycling of general waste at a facility that has an operational area in excess of 500m<sup>2</sup>, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (4) The recycling of hazardous waste in excess of 500kg but less than 1 ton per day calculated as a monthly average, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (5) The recovery of waste including the refining, utilisation, or co-processing of waste in excess of 10 tons but less than 100 tons of general waste per day or in excess of 500kg but less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

#### **Treatment of waste**

- (6) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons but less than 100 tons.
- (7) The treatment of hazardous waste using any form of treatment at a facility that has the capacity to process in excess of 500kg but less than 1 ton per day excluding the treatment of effluent, wastewater or sewage.

- (8) .....

[Activity (8) deleted by GN 332/2014]

#### **Disposal of waste**

- (9) The disposal of inert waste to land in excess of 25 tons but not exceeding 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.
- (10) The disposal of general waste to land covering an area of more than 50m<sup>2</sup> but less than 200m<sup>2</sup> and with a total capacity not exceeding 25 000 tons.
- (11) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed exceeds 500kg per month.

#### **Construction, expansion or decommissioning of facilities and associated structures and infrastructure**

- (12) The construction of a facility for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity).
- (13) The expansion of a waste management activity listed in Category A or B of this Schedule which does not trigger an additional waste management activity in terms of this Schedule.

- (14) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

#### **4. Category B**

A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must conduct a scoping and environmental impact reporting process set out in the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as part of a waste management licence application contemplated in section 45 read with section 20(b) of this Act.

##### **Storage of hazardous waste**

- (1) The storage of hazardous waste in lagoons excluding storage of effluent, wastewater or sewage.

##### **Reuse, recycling or recovery of waste**

- (2) The reuse or recycling of hazardous waste in excess of 1 ton per day, excluding reuse or recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (3) The recovery of waste including the refining, utilisation, or co-processing of the waste at a facility that processes in excess of 100 tons of general waste per day or in excess of 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

##### **Treatment of waste**

- (4) The treatment of hazardous waste in excess of 1 ton per day calculated as a monthly average; using any form of treatment excluding the treatment of effluent, wastewater or sewage.
- (5) The treatment of hazardous waste in lagoons, excluding the treatment of effluent, wastewater or sewage.
- (6) The treatment of general waste in excess of 100 tons per day calculated as a monthly average, using any form of treatment.

##### **Disposal of waste on land**

- (7) The disposal of any quantity of hazardous waste to land.
- (8) The disposal of general waste to land covering an area in excess of 200m<sup>2</sup> and with a total capacity exceeding 25 000 tons.
- (9) The disposal of inert waste to land in excess of 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.

##### **Construction of facilities and associated structures and infrastructure**

- (10) The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to associated waste management activity).

**5. Category C**

A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must comply with the relevant requirements or standards determined by the Minister listed below-

- (a) Norms and Standards for Storage of Waste, 2013; or
- (b) Standards for Extraction, Flaring or Recovery of Landfill Gas, 2013; or
- (c) Standards for Scrapping or Recovery of Motor Vehicles, 2013.

**Storage of waste**

- (1) The storage of general waste at a facility that has the capacity to store in excess of 100m<sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- (2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m<sup>3</sup> of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- (3) The storage of waste tyres in a storage area exceeding 500m<sup>2</sup>.

**Recycling or recovery of waste**

- (4) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m<sup>2</sup>.
- (5) The extraction, recovery or flaring of landfill gas.

**6. Transitional provisions**

**Definition**

- (6) In this paragraph-

previous Waste Management Activities List Notice” contemplated in these transitional arrangements, means the previous notice published in terms of section 19(1) of this Act (Government Notice No. 718 in the Government Gazette No. 32368 of 3 July 2009).

**7.**

- (1) A person who lawfully conducts a waste management activity listed in this Schedule on the date of the coming into effect of this Notice may continue with the waste management activity until such time that the Minister by notice in a Gazette calls upon such a person to apply for a waste management licence.
- (2) An application for a waste management activity which was listed under the previous Waste Management Activities List Notice which is no longer listed in terms of this Schedule and a decision on such an application is still pending on

the date of coming into effect of this Notice, such an application will be considered withdrawn.

- (3) If a situation arises where waste management activities, listed under the previous Waste Management Activities List Notice, are listed differently under the current list of waste management activities, and a decision on such an application is still pending, such an application will still be processed by the licensing authority in accordance with this Notice, except if it is an application for a waste management activity A 3(11) or waste management activity B 4(7) listed under the previous Waste Management Activity List Notice.
- (4) A person who submitted an application for a waste management licence for a waste management activity which is no longer listed in Category A or B but listed in Category C of this Schedule on the date of coming into effect of this Notice, must consider such an application for that activity withdrawn, and must comply with the requirements or standards for that waste management activity.
- (5) A person who lawfully conducted a waste management activity that is no longer listed in Category A or B, but listed in Category C of this Schedule, on the date of coming into effect of this Notice, may continue with the waste management activity for the duration stipulated in the permit or waste management licence until the expiry date of the permit or waste management licence where after such a person must comply with the requirements or standards for that waste management activity.
- (6) An application submitted for a waste management activity A 3(11) or waste management activity B 4(7) listed under the previous Waste Management Activity List Notice and is still pending on the date of coming into effect of this Notice, such an application will be considered by the relevant licensing authority and will be assessed and decided upon under the previous Waste Management Activities List Notice up to the construction phase of that facility.
- (7) A person who obtained a waste management licence for waste management activity A 3(11) or waste management activity B 4(7) listed under the previous Waste Management Activity List Notice prior to the coming into effect of this Notice, must comply with the waste management licence conditions up to the completion of the construction phase and thereafter must comply with any applicable authorisation or legislation.
- (8) A person who submitted an application for a waste management licence for activity A 3(11) or B 4(7) listed under the previous Waste Management Activity List Notice and such an application falls outside the revised thresholds for these activities under the NEMA Listing Notices, wherein a decision is still pending on the date of coming into effect of this Notice, must consider such an application withdrawn.

## **8. Special arrangements**

An application submitted for an environmental authorisation in terms of the list of activities and competent authorities identified in terms of section 24 and 24D of the National Environmental Management Act, 1998, published under Government Notice No. R. 386 of 21 April 2006 and R. 387 of 21 April 2006 and still pending on the date of coming into effect of the previous Waste Management Activities List Notice, published in Government Notice No. 718 under *Government Gazette* No. 32368 dated 3 July 2009, such an application will be considered an application for a waste management licence in the Act, and will be assessed and decided by the licensing authority in terms of this

Act, and any assessments undertaken will be considered as assessments under such application.

**9. Repeal of laws**

The Notice on the List of Waste Management Activities That Have or Are Likely to Have a Detrimental Effect on the Environment, published in Government Notice No. 718 under *Government Gazette* No. 32368 dated 3 July 2009, is hereby repealed.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **LIST OF WASTE MANAGEMENT ACTIVITIES THAT HAVE, OR ARE LIKELY TO HAVE, A DETRIMENTAL EFFECT ON THE ENVIRONMENT, 2017**

Published under Government Notice 921 in *Government Gazette* 37083 of 29 November 2013 and amended by:

<b>GN 332</b>	<b>GG 37604</b>	<b>2/5/2014</b>
<b><u>GN R633</u></b>	<b>GG 39020</b>	<b>24/7/2015 (See transitional and special arrangements)</b>
<b>GN 1094</b>	<b>GG 41175</b>	<b>11/10/2017 (See transitional arrangements)</b>

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby amend the List of Waste Management Activities that have, or are likely to have, a detrimental effect on the environment published under Government Notice 718 in *Government Gazette* 32368 of 3 July 2009, in terms of section 19(2) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

(Signed)

**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE (Section 19(2))**

**WASTE MANAGEMENT ACTIVITIES IN RESPECT OF WHICH A WASTE MANAGEMENT LICENCE IS REQUIRED IN ACCORDANCE WITH SECTION 20(b) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)**

1. Definitions
2. General
3. Category A
4. Category B
5. Category C
6. Transitional provisions
- 7.
8. Special arrangements
9. Repeal of laws

## 1. DEFINITIONS

In this Schedule any word or expression to which a meaning has been assigned in the Act and associated regulations, shall have the meaning so assigned, and unless the context otherwise indicates-

**“construction”** means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a waste management activity, but excludes any modification, expansion, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the range of outputs for the facility;

**“co-processing”** means the utilisation of alternative fuels and/or raw materials in industrial processes for the purpose of energy and/or resource recovery and resultant reduction in the use of conventional fuels and/or raw materials through substitution;

**“expansion”** means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which a waste management activity takes place in such a manner that the capacity of the facility or the volume of waste recycled, used, treated, processed or disposed of is increased;

**“facility”** means a place, infrastructure, structure or containment of any kind including associated structures or infrastructure, wherein, upon or at, a waste management activity takes place and includes a waste transfer facility, a waste storage facility, container yard, waste disposal facility, incinerators, lagoons, recycling, co-processing or composting facilities;

**“lagoon”** means the containment of waste in excavations and includes evaporation dams, earth cells, sewage treatment facilities and sludge farms;

**“operational area”** an area where waste is handled including the storage areas;

**“temporary storage”** means a once off storage of waste for a period not exceeding 90 days;

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

## 2. General

No person may commence, undertake or conduct a waste management activity listed in this Schedule unless a waste management licence is issued in respect of the waste management activity.

## 3. CATEGORY A

A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must conduct a basic assessment process set out in the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as part of a waste management licence application contemplated in section 45 read with section 20(b) of this Act.

### **Storage of waste**

- (1) The storage of general waste in lagoons.

### **Recycling or recovery of waste**

- (2) .....

[Activity (2) deleted by GN 1094/2017]

- (3) The recycling of general waste at a facility that has an operational area in excess of 500m<sup>2</sup>, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (4) The recycling of hazardous waste in excess of 500kg but less than 1 ton per day calculated as a monthly average, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- (5) The recovery of waste including the refining, utilisation, or co-processing of waste in excess of 10 tons but less than 100 tons of general waste per day or in excess of 500kg but less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

### **Treatment of waste**

- (6) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons but less than 100 tons.
- (7) The treatment of hazardous waste using any form of treatment at a facility that has the capacity to process in excess of 500kg but less than 1 ton per day excluding the treatment of effluent, wastewater or sewage.

- (8) .....

[Activity (8) deleted by GN 332/2014]

### **Disposal of waste**

- (9) The disposal of inert waste to land in excess of 25 tons but not exceeding 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.



- (10) The disposal of general waste to land covering an area of more than 50m<sup>2</sup> but less than 200m<sup>2</sup> and with a total capacity not exceeding 25 000 tons.
- (11) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed exceeds 500kg per month.

**Construction, expansion or decommissioning of facilities and associated structures and infrastructure**

- (12) The construction of a facility for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity).
- (13) The expansion of a waste management activity listed in Category A or B of this Schedule which does not trigger an additional waste management activity in terms of this Schedule.
- (14) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

**Residue stockpiles or residue deposits**

- (15) The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a prospecting right or mining permit, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

[Activity (15) inserted by GN R633/2015]

**4. CATEGORY B**

A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must conduct a scoping and environmental impact reporting process set out in the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as part of a waste management licence application contemplated in section 45 read with section 20(b) of this Act.

**Storage of hazardous waste**

- (1) The storage of hazardous waste in lagoons excluding storage of effluent, wastewater or sewage.

**Reuse, recycling or recovery of waste**

- (2) The reuse or recycling of hazardous waste in excess of 1 ton per day, excluding reuse or recycling that takes place as an integral part of an internal manufacturing process within the same premises.

- (3) The recovery of waste including the refining, utilisation, or co-processing of the waste at a facility that processes in excess of 100 tons of general waste per day or in excess of 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

#### **Treatment of waste**

- (4) The treatment of hazardous waste in excess of 1 ton per day calculated as a monthly average; using any form of treatment excluding the treatment of effluent, wastewater or sewage.
- (5) The treatment of hazardous waste in lagoons, excluding the treatment of effluent, wastewater or sewage.
- (6) The treatment of general waste in excess of 100 tons per day calculated as a monthly average, using any form of treatment.

#### **Disposal of waste on land**

- (7) The disposal of any quantity of hazardous waste to land.
- (8) The disposal of general waste to land covering an area in excess of 200m<sup>2</sup> and with a total capacity exceeding 25 000 tons.
- (9) The disposal of inert waste to land in excess of 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.

#### **Construction of facilities and associated structures and infrastructure**

- (10) The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to associated waste management activity).

#### **Residue stockpiles or residue deposits**

- (11) The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a mining right, exploration right or production right in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

[Activity (11) inserted by GN R633/2015]

### **5. CATEGORY C**

A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must comply with the relevant norms or standards determined by the Minister listed below-

- (a) Norms and Standards for Storage of Waste, 2013; or
- (b) Standards for Extraction, Flaring or Recovery of Landfill Gas, 2013; or
- (c) Standards for Scrapping or Recovery of Motor Vehicles, 2013; or
- (d) National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017.

#### Storage of waste

- (1) The storage of general waste at a facility that has the capacity to store in excess of 100m<sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- (2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m<sup>3</sup> of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- (3) The storage of waste tyres in a storage area exceeding 500m<sup>2</sup>.

#### Recycling or recovery of waste

- (4) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m<sup>2</sup>.
- (5) The extraction, recovery or flaring of landfill gas.
- (6) The sorting, shredding, grinding, crushing, screening or baling of general waste at a waste facility that has an operational area that is 1000m<sup>2</sup> and more.  
[Para. (5) substituted by GN 1094/2017]

## 6. TRANSITIONAL PROVISIONS

### Definition

- (6) In this paragraph-previous Waste Management Activities List Notice contemplated in these transitional arrangements, means the previous notice published in terms of section 19(1) of this Act (Government Notice No. 718 in the Government Gazette No. 32368 of 3 July 2009).

## 7.

- (1) A person who lawfully conducts a waste management activity listed in this Schedule on the date of the coming into effect of this Notice may continue with the waste management activity until such time that the Minister by notice in a Gazette calls upon such a person to apply for a waste management licence.

- (2) An application for a waste management activity which was listed under the previous Waste Management Activities List Notice which is no longer listed in terms of this Schedule and a decision on such an application is still pending on the date of coming into effect of this Notice, such an application will be considered withdrawn.
- (3) If a situation arises where waste management activities, listed under the previous Waste Management Activities List Notice, are listed differently under the current list of waste management activities, and a decision on such an application is still pending, such an application will still be processed by the licensing authority in accordance with this Notice, except if it is an application for a waste management activity A 3(11) or waste management activity B 4(7) listed under the previous Waste Management Activity List Notice.
- (4) A person who submitted an application for a waste management licence for a waste management activity which is no longer listed in Category A or B but listed in Category C of this Schedule on the date of coming into effect of this Notice, must consider such an application for that activity withdrawn, and must comply with the requirements or standards for that waste management activity.
- (5) A person who lawfully conducted a waste management activity that is no longer listed in Category A or B, but listed in Category C of this Schedule, on the date of coming into effect of this Notice, may continue with the waste management activity for the duration stipulated in the permit or waste management licence until the expiry date of the permit or waste management licence where after such a person must comply with the requirements or standards for that waste management activity.
- (6) An application submitted for a waste management activity A 3(11) or waste management activity B 4(7) listed under the previous Waste Management Activity List Notice and is still pending on the date of coming into effect of this Notice, such an application will be considered by the relevant licensing authority and will be assessed and decided upon under the previous Waste Management Activities List Notice up to the construction phase of that facility.
- (7) A person who obtained a waste management licence for waste management activity A 3(11) or waste management activity B 4(7) listed under the previous Waste Management Activity List Notice prior to the coming into effect of this Notice, must comply with the waste management licence conditions up to the completion of the construction phase and thereafter must comply with any applicable authorisation or legislation.
- (8) A person who submitted an application for a waste management licence for activity A 3(11) or B 4(7) listed under the previous Waste Management Activity List Notice and such an application falls outside the revised thresholds for these activities under the NEMA Listing Notices, wherein a decision is still pending on the date of coming into effect of this Notice, must consider such an application withdrawn.

## **8. SPECIAL ARRANGEMENTS**

An application submitted for an environmental authorisation in terms of the list of activities and competent authorities identified in terms of section 24 and 24D of the National Environmental Management Act, 1998, published under Government Notice No. R. 386 of 21 April 2006 and R. 387 of 21 April 2006 and still pending on the date of coming into effect of the previous Waste Management Activities List Notice, published in Government Notice No. 718 under *Government Gazette* No. 32368 dated 3 July 2009, such an application will be considered an application for a waste management licence in the Act, and will be assessed and decided by the licensing authority in terms of this Act, and any assessments undertaken will be considered as assessments under such application.

## **9. REPEAL OF LAWS**

The Notice on the List of Waste Management Activities That Have or Are Likely to Have a Detrimental Effect on the Environment, published in Government Notice No. 718 under *Government Gazette* No. 32368 dated 3 July 2009, is hereby repealed.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO. 59 OF 2008)**

**REGULATIONS REGARDING THE  
EXCLUSION OF A WASTE STREAM OR  
A PORTION OF A WASTE STREAM  
FROM THE DEFINITION OF WASTE,  
2018**

Published under Government Notice 715 in *Government Gazette* 41777 of 18 July 2018.

I, Bomo Edna Edith Molewa, Minister of Environmental Affairs, hereby under section 69(1)(dd) read with section 1 (definition of waste) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) made regulations regarding the exclusion of a waste stream or a portion of a waste stream from the definition of waste, in the Schedule hereto.

**(Signed)**  
**BOMO EDNA EDITH MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

**TABLE OF CONTENTS**

**CHAPTER 1**

**DEFINITIONS, PURPOSE AND APPLICATION OF THE REGULATIONS**

1. Definitions
2. Purpose
3. Application of these regulations

**CHAPTER 2**

**APPLICATION FOR EXCLUSION OF A WASTE STREAM OR A PORTION OF A WASTE  
STREAM FROM THE DEFINITION OF WASTE**

4. Persons who may apply for exclusion of a waste stream or a portion of a waste stream from the definition of waste
5. Application for exclusion of a waste stream or a portion of a waste stream from the definition of waste

6. Consideration of applications for exclusion of a waste stream or a portion of a waste stream from the definition of waste
7. Criteria for exclusion of a waste stream or a portion of a waste stream from the definition of waste
8. Elements of the Risk Assessment
9. Contents of the Risk Management Plan
10. Reporting
11. Review, withdrawal and amendment of exclusion of a waste stream or a portion of a waste stream from the definition of waste

### **CHAPTER 3**

#### **REGISTER OF WASTE STREAM OR PORTION OF WASTE STREAM EXCLUDED FROM THE DEFINITION OF WASTE**

12. Register of waste stream or portion of waste stream excluded from the definition of waste

### **CHAPTER 4**

#### **GENERAL MATTERS**

13. Transitional arrangements
14. Offences and penalties
15. Short title and commencement

### **CHAPTER 1**

#### **DEFINITIONS, PURPOSE AND APPLICATION OF THE REGULATIONS**

##### **Definitions**

1. In these Regulations, unless the context indicates otherwise, any word or expression that is defined in the Act has the same meaning in these Regulations, and in addition-

**“Act”** means the National Environmental Management: Waste Act 2008 (Act No. 59 of 2008);

**“Applicant”** means a person or category of persons who has submitted an application for the exclusion of a waste stream or a portion of waste stream from the definition of waste to the Minister in terms of these Regulations;

**“SANS 10234”** means the latest edition of the South African National Standard Globally Harmonized System of Classification and Labelling of Chemicals (GHS);

**“SAWIC”** means the South African Waste information Centre;

**“the Register”** means a list of waste stream or a portion of a waste stream excluded from the definition of waste and restricted to the identified permitted uses therein, as published and updated by the Minister on the SAWIC.

## **Purpose**

2. The purpose of these Regulations is to-
  - (a) prescribe the manner in which a person or a category of persons may apply to the Minister for the exclusion of a waste stream or a portion of waste stream for beneficial use from the definition of waste;
  - (b) exclude permitted uses of a waste stream or a portion of waste stream from the definition of waste; and
  - (c) promote diversion of waste from landfill disposal to its beneficial use.

## **Application of these Regulations**

3. These Regulations do not-
  - (a) apply to a generator of domestic waste which falls within the jurisdiction of a municipality; or
  - (b) exempt a holder of any waste which has been excluded from the definition of waste from complying with any other applicable legislation.

## **CHAPTER 2**

### **APPLICATION FOR EXCLUSION OF WASTE**

#### **Persons who may apply for exclusion**

4. The following person or categories of persons may apply to the Minister for the exclusion of a waste stream or a portion of such a waste stream for beneficial use from the definition of waste:
  - (a) a person who generates waste; or
  - (b) any group of persons who generate the same waste.

#### **Application for exclusion of a waste stream or portion of a waste stream from the definition of waste**

5. An application for the exclusion of a waste stream or a portion of a waste stream must be lodged with the Minister, using an application form obtainable from the Department.



### **Consideration of applications for exclusion of a waste stream or portion of a waste stream from the definition of waste**

6. (1) The Minister must upon receipt of the application for exclusion of a waste stream or a portion of a waste stream acknowledge receipt, in writing, of the application within 14 days after date of receipt.
- (2) The Minister may, after consideration of the criteria contemplated in regulation 7 and the risk assessment contemplated in regulation 8 of these Regulations, in writing-
- (a) grant the application and exclude a waste stream or a portion of waste stream from the definition of waste;
  - (b) require the application to be amended within a specified timeframe, and to be resubmitted for consideration;
  - (c) require the submission of additional information within a specified timeframe; or
  - (d) refuse the application and provide reasons for the decision.
- (3) The Minister must, before taking a decision on the application, follow a consultative process contemplated in sections 72 and 73 of the Act.
- (4) The Minister must, after granting an application, publish a government notice indicating the exclusion of a waste stream or a portion of a waste stream from the definition of waste, in the *Government Gazette* for general information.
- (5) Where a waste stream or a portion of a waste stream has been excluded from the definition of waste in terms of these Regulations, such a waste stream or a portion of a waste stream must be managed in terms of the risk management plan developed in terms of regulation 10.

### **Criteria for exclusion of a waste stream or portion of a waste stream from the definition of waste**

7. The Minister may exclude a waste stream or a portion of a waste stream, from the definition of waste for the purposes of beneficial use, provided that the-
- (a) application demonstrates that the waste is being or has been or will be used for a beneficial purpose either locally or internationally;
  - (b) applicant undertakes a risk assessment and submits a risk management plan demonstrating that the Intended beneficial use of the excluded waste can be managed in such a way as to ensure that the intended beneficial use will not result in significant adverse impacts on the environment; and

- (c) risk management plan developed and responding to the risks identified in the risk assessment undertaken in terms of paragraph (b) above accompanies any delivery of the excluded waste to the user.

### **Elements of the Risk Assessment**

- 8. (1) A risk assessment undertaken in terms of regulation 7(b) must include the following elements:
  - (a) provide information that is facility based;
  - (b) description and source of the waste;
  - (c) Intended uses of the excluded waste;
  - (d) description of the methodology used to assess the hazardous characteristics of the waste that is to be excluded;
  - (e) identification of any potential risks relating to all the activities associated with the Intended beneficial use of the excluded waste; and
  - (f) identification of mitigation measures that can be used to manage the risks identified in paragraph (e) above.
- (2) The results of the risk assessment must be used as the basis of a risk management plan.

### **Contents of the Risk Management Plan**

- 9. The risk management plan contemplated in regulation 7(c) must include the following:
  - (a) a Safety Data Sheet which complies with the requirements of SANS 10234, where the waste material is classified as hazardous;
  - (b) permitted uses for which the waste material may be used; and
  - (c) a mechanism to record the amount of waste distributed to specific users for a permitted use; including the number of enterprises established or supported and the extent to which previously disadvantaged individuals have been supported.

### **Reporting**

- 10. The risk management plan contemplated in regulation 7(c), and any reports arising from the risk management plan must be-
  - (a) made available to the Department on request; and

- (b) must be submitted to the Department on an annual basis.

### **Review, withdrawal and amendment of exclusion of a waste stream or portion of a waste stream from the definition of waste**

11. (1) The Minister, where on reasonable grounds believes that a waste stream or a portion of a waste stream excluded from the definition of waste poses a threat to health, wellbeing, and environment, may-
- (a) review any exclusion of a waste stream or a portion of a waste stream from the definition of waste granted in terms of these Regulations; and
  - (b) amend the exclusion of a waste stream, or portion of a waste stream from the definition of waste; or
  - (c) withdraw such exclusion of a waste stream or a portion of a waste stream from the definition of waste.
- (2) Before amending or withdrawing any exclusion of a waste stream or a portion of a waste stream from the definition of waste, the Minister must give the person contemplated in regulation 4 of these Regulations an opportunity to comment, in writing, on the reasons for the amendment or withdrawal.
- (3) The Minister must, before taking a decision to amend or withdraw the exclusion of a waste stream or a portion of a waste stream from the definition of waste, follow a consultative process as contemplated in sections 72 and 73 of the Act.
- (4) The Minister must, after taking a decision to amend or withdraw the exclusion of a waste stream or a portion of a waste stream from the definition of waste, publish such a decision in the *Government Gazette* for general information.

### **Register of waste streams excluded from the definition of waste**

12. The waste streams set out in the Register published on SAWIC are excluded from the definition of waste.

## **CHAPTER 3**

### **GENERAL MATTERS**

#### **Transitional arrangements**

13. (1) A person who lawfully commenced any permitted use authorised in terms of section 76(1)(a) of the Act when these Regulations come into effect must continue to comply with the conditions of the exemption issued in terms of section 76(1)(a) of the Act until its expiry, and thereafter conduct a risk assessment and develop a risk management plan in terms of regulation 7, 8 and 9 within 90 days after the expiry of the exemption.

- (2) A person who lawfully conducts a waste management activity with a valid waste management license issued in terms of the Act when these Regulations come into effect must continue to comply with the conditions of the waste management license until its expiry, and thereafter conduct a risk assessment and develop a risk management plan in terms of regulation 7, 8 and 9 within 90 days after the expiry of the waste management licence.
- (3) A risk assessment and a risk assessment plan contemplated in sub-regulation (1) and (2) must be submitted to the Minister after the expiry of the 90 days period contemplated in sub-regulation (1) and (2), for consideration, and a decision in terms of these Regulations.
- (4) Minister must follow the process and procedure set out in regulation 6(2), (3) and (4) read with regulation 7, 8 and 9 in consideration of the risk assessment and risk assessment plan contemplated in sub-regulation (1) and (2).
- (5) Despite the expiry of the exemption or waste management license contemplated in sub-regulation (1) or (2), an exemption issued in terms of section 76(1)(a) of the Act or a waste management license issued in terms of the Act, continues to be valid for a period of 120 days after its expiry, subject to sub-regulation (6), and provided the holder of the exemption or waste management licence submits the risk assessment and risk management plan in terms of regulation 7, 8 and 9 for consideration and a decision by the Minister.
- (6) If a holder of a permitted use or waste management license contemplated in sub-regulation (1) or (2) fails to conduct a risk assessment, develop a risk management plan, and to submit risk assessment and risk management plan to the Minister for consideration and decision as contemplated in sub-regulation (1), (2) and (3), the exemption or waste management license expires after the 120 days contemplated in sub-regulation (5).
- (7) If during the 120 days period referred to in sub-regulation (5) an exclusion of a waste stream or a portion of a waste stream is granted, the exemption or waste management license expires on the date of granting of the exclusion in terms of these Regulations.
- (8) Any application for an exemption submitted in terms of section 74 of the Act which was not decided when these Regulations took effect, must be proceeded with in terms of these Regulations as if such application was an application in terms of regulation 5 of these Regulations.

## **Offences and penalties**

**14. (1)** A person commits an offence if that person-

- (a) provides or submits misleading information to the Minister in respect of an application for the exclusion of a waste stream or a portion;

- (b) fails to develop and submit a risk management plan contemplated in regulation 7;
  - (c) fails to make a report available to the Department on request in terms of regulation 10(a);
  - (d) fails to submit a report in terms of regulation 10(b);
  - (e) contravenes or fails to comply with any permitted use of waste granted in terms of these Regulations.
- (2) A person convicted of an offence in terms of sub-regulation (1) is liable on conviction to-
- (a) to imprisonment for a period not exceeding 15 years;
  - (b) an appropriate fine; or
  - (c) both a fine and imprisonment.

## **15. Short title and commencement**

These Regulations are called the Waste Exclusion Regulations, 2018 and take effect on the date of publication in the *Gazette*.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008**

**(ACT NO. 59 OF 2008)**

# **EXTENDED PRODUCER RESPONSIBILITY REGULATIONS, 2020**

Published under Government Notice 1184 in Government Gazette 43879 on 5 November 2020.

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the National Environmental Management: Waste Act, 2008, make the Regulations regarding extended producer responsibility, as set out in the Schedule hereto.

**Signed**

**BARBARA DALLAS CREECY**

**MINISTER OF FRESTRY, FISHERIES AND THE ENVIRONMENT**

## **SCHEDULE**

### **TABLE OF CONTENTS**

1. Definitions
2. Purpose of the Regulations
3. Application of the Regulations
4. Registration of producers
5. Extended producer responsibility measures to be implemented by producers
6. Minimum requirements and criteria for extended producer responsibility schemes to operate
7. Financial arrangements for an extended producer responsibility scheme
8. Monitoring, reporting and evaluation
9. Performance review of the extended producer responsibility scheme
10. Registration of producer responsibility organisation
11. Requirements for the producer responsibility organisation

12. Offences
13. Penalties
14. Short title and commencement

## 1. Definitions

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

**"brand owner"** means a person, category of persons or company who makes and/or sells any product under a brand label;

**"circular economy"** means a regenerative system in which resource inputs and waste, emissions, and energy leakage are minimised by slowing, closing, and narrowing energy and material loops which can be achieved through long-lasting design, maintenance, repair, reuse, remanufacturing, refurbishing, and recycling and which is in contrast to a linear economy which is a 'take, make, dispose' model of production;

**"decent work"** means work that is productive and delivers a fair income, security in the workplace and social protection, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men;

**"department"** means the national Department responsible for the environment;

**"extended producer responsibility"** means that a producer's responsibility for their product is extended to the post-consumer stage of a product's life cycle;

**"extended producer responsibility scheme"** means a system that puts into effect obligations under which producers take accountability in implementing extended producer responsibility;

**"free rider"** means a firm or individual who benefits from the actions or efforts from another, in relation to an extended producer responsibility scheme, without sharing or paying the costs;

**"importer"** means a person or category of persons that brings finished goods or their individual components into the country from abroad;

**"interim performance report"** means a report to be submitted for the period 1 January until 30 June;

**"producer"** means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, refurbishment or import of new and /or used products as identified by the Minister by Notice in the Government Gazette in terms of section 18(1) of the Act;

**"producer responsibility organisation"** means a not-for-profit organisation established by producers or any person operating in any of the industrial sectors covered in the Notices published in terms of the Act to support the implementation of

their extended producer responsibility scheme and may represent either individual or collective producers;

**"refurbishment"** means restoring old products to a working condition which must be available for reuse and must meet the same technical standard as a new product;

**"small business"** carries the meaning as defined in the National Small Business Act, 1996 (Act No. 102 of 1996);

**"the Act"** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

**"waste collection"** means the gathering of waste identified through section 18 of the Act at the place of its generation or storage by a waste picker or service provider.

## **2. Purpose of the Regulations**

The purpose of these Regulations is-

- (1) to provide the framework for the development, implementation, monitoring and evaluation of extended producer responsibility schemes by producers in terms of section 18 of the Act;
- (2) to ensure the effective and efficient management of the identified end-of-life products; and
- (3) to encourage and enable the implementation of the circular economy initiatives.

## **3. Application of the Regulations**

These Regulations-

- (1) apply to the identified products in terms of section 18(1)(a) of the Act and its related waste streams published in the Government Gazette by the Minister; and
- (2) apply to the identified products in terms of section 18(1)(a) of the Act and its related waste streams published in the Government Gazette by the Minister, that were placed on the market prior to these Regulations coming into effect.

## **4. Registration of producers**

- (1) All existing producers of products, at the time these Regulations come into effect, must register with the department within 6 months of the publication of the Government Notice in the Government Gazette in terms of section 18(1) of the Act by completing the prescribed form obtainable from the department.
- (2) All new producers of products, who commence producing after these Regulations come into effect, must register with the department within 3 months of being established, by completing the prescribed form obtainable from the department.
- (3) The department must consider all producer registration application forms and issue a registration number for each producer that has submitted such form, within 30 days of receipt of a form in which all sections are correctly completed.



## **5. Extended producer responsibility measures to be implemented by producers**

- (1) The producer of a product or class of products, as identified by the Minister in terms of section 18(1) of the Act, must-
  - (a) establish and implement an extended producer responsibility scheme that includes the entire value chain or join another extended producer responsibility scheme that includes the entire value chain or appoint a producer responsibility organisation to establish and implement an extended producer responsibility scheme that includes the entire value chain;
  - (b) be accountable for the operation and performance of their extended producer responsibility scheme;
  - (c) pay the extended producer responsibility fee to fund the extended producer responsibility
  - (d) develop and maintain a system to collect the extended producer responsibility fees;
  - (e) conduct internal biannual financial audits and make these audit reports available to the department upon request;
  - (f) make the internal biannual financial audit reports available to the external auditor;
  - (g) appoint an independent financial auditor to annually-
    - (i) conduct an external audit of the financial records; and
    - (ii) include the internal biannual audit findings in the annual audit report;
  - (h) submit the external audit report to the department within 30 days after finalisation of the audit;
  - (i) develop and maintain a register of its members, in the event that the scheme has two or more members;
  - (j) collect, record, manage and submit data to the South African Waste information System as required in regulation 8 of these Regulations;
  - (k) conduct a life cycle assessment, in relation to the product, in accordance with the applicable standards within 3 years of implementation of their extended producer responsibility scheme;
  - (l) through the life cycle assessment, factor changes in the design, composition or production process of a product that will result in-
    - (i) reduction in the consumption of natural resources;
    - (ii) design of more environmentally friendly products;
    - (iii) waste prevention;

- (iv) reduction of the volume of the resulting post- consumer waste stream;  
and
- (v) reduction of toxicity of the resulting post-consumer waste stream;
- (m) by agreement with the board of directors, contract with the existing downstream value chain before outsourcing;
- (n) tender and contract for the sorting, collection, recovery and recycling of waste, if outsourced, through a fair and transparent process;
- (o) keep record of quantity of identified products put on the market, waste generation, collection, sorting, recycling and recovery of waste arising from the identified products;
- (p) control all services that have been awarded to service providers in particular, and these services include the fulfilment of collection and recycling by waste management companies;
- (q) co-operate with municipalities to increase the recovery of recyclables from municipal waste within 3 years of implementation of their extended producer responsibility scheme;
- (r) integrate informal waste collectors, reclaimers and pickers into the post-consumer collection value chain;
- (s) develop and establish secondary markets for recycled content;
- (t) utilise existing infrastructure across extended producer responsibility schemes for multiple waste streams in a collaborative manner, where feasible, or establish and operate new infrastructure within 3 years from the date of implementation of the scheme;
- (u) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities;
- (v) pay a living wage, but not below minimum wage, to all registered informal waste collectors, reclaimers and pickers;
- (w) develop a broad-based black economic empowerment transformation charter within the waste sector for the products identified in the Notice published in terms of section 18(1) of the Act within one year of the publishing of the Notice, which transformation charter must comply with section 9(1) of the Broad-based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (x) implement transformation within all levels of the value chain with a special focus on women, youth and persons living with disabilities;
- (y) implement mandatory take-back of all their products at the end of life; and
- (z) implement environmental labels and declaration for the identified products in accordance with SANS/ISO 14021 and SANS/ISO 14024.

**6. Minimum requirements and criteria for extended producer responsibility schemes to operate**

The extended producer responsibility scheme contemplated in these Regulations must as a minimum include requirements for-

- (1) cleaner production measures that must include as a minimum but not limited to-
  - (a) design for recyclability; and
  - (b) waste minimisation or waste avoidance;
- (2) waste reduction including as a minimum but not limited to-
  - (a) composition of products; or
  - (b) volume of products; or
  - (c) weight of products to be restricted and reduced with associated timeframes;
- (3) reuse;
- (4) recycling;
- (5) recovery for beneficial use;
- (6) treatment;
- (7) disposal;
- (8) implementation and reporting on the following requirements to complement the scheme-
  - (a) minimum recycled content standards;
  - (b) secondary materials utilisation rate; and
  - (c) recovery rates; and
- (9) compliance with the requirements for programmes planned to contribute to government priorities including but not limited to-
  - (a) decent work creation;
  - (b) pay a living wage, but not below minimum wage to all registered informal waste collectors, reclaimers and pickers for the activities performed on behalf of the producers;
  - (c) social cohesion;
  - (d) inclusive economic growth; and

- (e) improved quality of life.

## **7. Financial arrangements for an extended producer responsibility scheme**

- (1) A producer must determine the proposed extended producer responsibility fee.
- (2) The proposed extended producer responsibility fee must be submitted to the Minister who must obtain concurrence on the proposed extended producer responsibility fee from the Minister responsible for finance.
- (3) The extended producer responsibility fee must be based on full cost recovery including a by a producer to fund extended producer responsibility schemes and be dependent on the following:
  - (a) weight of product;
  - (b) ease of recyclability;
  - (c) current demand for the material for recycling purposes;
  - (d) costs for establishing a separate waste collection system;
  - (e) collection, transport and treatment costs for separately collected waste;
  - (f) administrative costs i.e., costs linked to the running of a producer responsibility organisation;
  - (g) costs for public communication and awareness- raising (on waste prevention, litter reduction, separate collection, etc.);
  - (h) costs for the appropriate surveillance of the system (including auditing and measures against free riders); and
  - (i) subtract revenues from recycled material sales.
- (4) The extended producer responsibility fee must be indicated as a separated line item on every invoice and cash sale receipt for each purchase.
- (5) The producer must submit, to the department, an annual financial plan and an annual budget-
  - (a) within one month of implementation for the first year of implementation or within one month of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and
  - (b) by 30 June for the following year.
- (6) The annual financial plan and annual budget must include, as a minimum, the following information:
  - (a) Estimated revenue (extended producer responsibility fees) from the various product streams;

- (b) The manner in which the contributions (extended producer responsibility fees) are calculated and assessed;
  - (c) The total amount of the contributions (extended producer responsibility fees) that cover the full cost of the obligations incumbent on the producer applying for registration;
  - (d) The revenue collection method for each product stream;
  - (e) The conditions and procedures for revising the contributions to reflect changes in the obligations incumbent on the registered producer under this Regulations; and
  - (f) The methodology for allocating and disbursing revenue for implementing the extended producer responsibility scheme amongst the collection, waste minimisation, recycling, waste reuse and any other relevant component of the extended producer responsibility scheme.
- (7) The administration fee of the extended producer responsibility scheme must not exceed-
- (a) 12% of the revenue collected in calendar year 1 of implementation; and
  - (b) 9% of the revenue collected in calendar year 2 of implementation.
- (8) The administration fee must be reviewed in calendar year 2 of implementation, and a Notice must be published in the Government Gazette by the Minister prescribing the administration fee for extended producer responsibility schemes.

## **8. Monitoring, reporting and evaluation**

- (1) A producer must submit an interim performance report of the scheme measured against the individual targets in the relevant published Government Notice in terms of Section 18(1) of the Act.
- (2) The interim performance report must be submitted to the department within four weeks of the conclusion of the 6 months period namely, January to June of the calendar year, by the producer.
- (3) Annual external performance audit reports must be submitted to the department within 3 months of the conclusion of the year-end, which is on 31 December.
- (4) An annual external performance audit report must be submitted, by the producer, to the department containing the following minimum requirements:
  - (a) Performance against the published targets;
  - (b) Breakdown of the allocation of the extended producer responsibility fee;
  - (c) Performance on all finance matters;
  - (d) Governance related matters;

- (e) Impacts to the environment;
  - (f) Recommendations in the event of non-compliance;
  - (g) Status of free riders; and
  - (h) Number of decent jobs created.
- (5) All producers must record and report, as a minimum on an annual basis, to the South African Waste Information System the quantities of waste, in tons, resulting from the identified products that are-
- (a) generated;
  - (b) collected;
  - (c) diverted away from landfill (recycled, reused, recovered, refurbished);
  - (d) exported; and
  - (e) disposed.
- (6) The department may conduct verification audits on the obligations of producers.
- (7) In year 1 of implementation of these Regulations, the following will apply:
- (a) For subregulation (1) and (2), the period will be from the date of business commencement until end June of the calendar year;
  - (b) Subregulation (1) and (2) will not be applicable in the event business commencement occurs after June of the calendar year; and
  - (c) For subregulation (3), (4) and (6), the period will be from the date of business commencement until December of the calendar year.

## **9. Performance review of the extended producer responsibility scheme**

- (1) Performance of the extended producer responsibility scheme must be reviewed at 5-year intervals by the department.
- (2) The department may at any time review the extended producer responsibility scheme based on its performance.
- (3) Producers may approach the department for an earlier review due to non-achievement or overachievement of targets.

## **10. Registration of producer responsibility organisations**

- (1) All existing producer responsibility organisations must register with the department within 6 months of the publication of these Regulations in the Government Gazette by completing the prescribed form from the department.

- (2) All newly established producer responsibility organisations, after the coming into effect of these Regulations, must register with the department within 3 months of being established by completing the prescribed form from the department.

#### **11. Requirements and criteria for producer responsibility organisations to operate**

- (1) The department may only register a producer responsibility organisation if such organisation meets the minimum requirements contemplated in subregulation (2).
- (2) A producer responsibility organisation-
  - (a) must be an autonomous body established by producers through a due process;
  - (b) must be a registered not- for-profit organisation;
  - (c) must be managed by a board of directors comprised of representatives from the entire value chain of their products; and
  - (d) must not have members or immediate family members that have any vested interest in the particular waste stream.

#### **12. Offences**

- (1) A person commits an offence if that person contravenes or fails to comply with regulations 4(1) and (2), 5, 6, 7(1), 7(3), 7(4), 7(5), 7(6), 7(7), 8(1), 8(2), 8(3), 8(4), 8(5), 8(7), 10 or 11(2) of these Regulations.

#### **13. Penalties**

- (1) A person convicted of an offence under these Regulations is liable to-
  - (a) imprisonment for a period not exceeding 15 years;
  - (b) an appropriate fine; or
  - (c) both a fine and imprisonment.
- (2) A registered producer who does not comply with these Regulations may have their registration as contemplated in regulation 4(1) or 4(2) of these Regulations revoked and/or be compelled to join another extended producer responsibility scheme.
- (3) A registered producer responsibility organisation that does not comply with the requirements as contemplated in regulation 10(1) or 10(2) of these Regulations may have their registration revoked.

#### **14. Short title and commencement**

These Regulations are called the Extended Producer Responsibility Regulations, 2020, and come into effect on the date of publication in the Government Gazette

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008**

**(ACT No. 59 OF 2008)**

**EXTENDED PRODUCER  
RESPONSIBILITY SCHEME FOR THE  
ELECTRICAL AND ELECTRONIC  
EQUIPMENT SECTOR, 2020**

Published under Government Notice 1185 in Government Gazette 43880 on 5 November 2020

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 18(1) and (3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures, as set out in the Schedule hereto.

**Signed**

**BARBARA DALLAS CREECY**

**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**SCHEDULE**

1. Definitions
2. Purpose of the Notice
3. Scope of the Notice
4. The identification of a product or class of products to which extended producer responsibility applies
5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme
6. Responsibilities of producers
6. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice



## 1. Definitions

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations 2020, bears that meaning, and unless the context indicates otherwise-

**"Brand owner"** means a person, category of persons or company who makes and/or sells any product under a brand label;

**"electrical and electronic equipment"** means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;

**"Extended producer responsibility"** means that a producer's responsibility for their product is extended to the post- consumer stage of a product's life cycle;

**"Importer"** means a person or category of persons that bring finished goods or their individual components into the country from abroad;

**"producer"** means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, refurbishment or import of new and/or used electrical and electronic equipment as identified by the Minister by Notice in the Government Gazette in terms of section 18(1) of the Act;

**"Producer responsibility organisation"** means a not-for-profit organisation established by any person operating in any of the industrial sectors covered in this Notice to support the implementation of their extended producer responsibility scheme; and

**"The Act"** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

**"the Regulations"** means the Extended Producer Responsibility Regulations, 2020 issued under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

## 2. Purpose of the Notice

- (1) The purpose of this Notice is to require a producer or class of producers of the products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures.
- (2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, published in the Government Gazette by the Minister.

## 3. Scope of the Notice

- (1) This Notice applies to the identified products and the resulting waste which arises from the use by a consumer or an end-user of electrical and electronic equipment.

- (2) This Notice does not apply to-
  - (a) lighting equipment and its related components; and
  - (b) portable batteries.

**4. The identification of a product or class of products to which extended producer responsibility applies**

- (1) Extended producer responsibility applies to the following identified products or class of products:
  - (a) Large equipment (any external dimension more than 100 cm);
  - (b) Medium equipment (any external dimension between 50 and 100 cm);
  - (c) Small equipment (no external dimension more than 50 cm); and
  - (d) Batteries.

**5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme**

Producers of the items listed in paragraph 4 of this Notice are responsible for developing and implementing an extended producer responsibility scheme.

**6. Responsibilities of producers**

- (1) A producer, in operation at the time of publication of this Notice in the Gazette, of any of the products listed in paragraph 4 of this Notice must, within 6 months from the date of publication of this Notice in the Gazette, either-
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department; or
  - (b) establish a producer responsibility organisation who must develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department.
- (2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the Gazette must either-
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
  - (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.

**7. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice**

(1) The targets for each identified waste stream as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme:

(a) electrical and electronic equipment.

**ANNEXURE 1**

<b>Year</b>	<b>Collected and recycled (tons)</b>
	Increase of 30% collection and recycling rate per annum
1	36 000.00
2	47 000.00
3	61 000.00
4	79 000.00
5	103 000.00

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008**

**(ACT No. 59 OF 2008)**

**EXTENDED PRODUCER  
RESPONSIBILITY SCHEME FOR THE  
LIGHTING SECTOR, 2020**

Published under Government Notice 1186 in Government Gazette 43881 on 5 November 2020

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 18(1) and (3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the producers of the identified products to implement specified extended producer responsibility measures, as set out in the Schedule hereto.

**Signed**

**BARBARA DALLAS CREECY**

**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**SCHEDULE**

**TABLE OF CONTENTS**

1. Definitions
2. Purpose of the Notice
3. Scope of the Notice
4. The identification of a product or class of products to which extended producer responsibility applies
5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme
6. Responsibilities of producers
7. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice

## 1. Definitions

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations 2020, bears that meaning, and unless the context indicates otherwise-

**"brand owner"** means a person, category of persons or company who makes and/or sells any product under a brand label;

**"extended producer responsibility"** means that a producer's responsibility for their product is extended to the post-consumer stage of a product's life cycle;

**"importer"** means a person or category of persons that brings finished goods or its individual components into the country from abroad;

**"lighting equipment"** means electrical or electronic equipment used for producing artificial light or illumination", and also includes any peripherals of the lighting bodies such as luminaires, switch components, ballasts, fixtures and modules;

**"producer"** means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, distribution, refurbishment or import of new and/or used lighting equipment as identified by the Minister by notice in the Government Gazette in terms of section 18(1) of the Act;

**"producer responsibility organisation"** means a not-for-profit organisation established by any person operating in any of the industrial sectors covered in this Notice to support the implementation of their extended producer responsibility scheme;

**"the Act"** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

**"the Regulations"** means the Extended Producer Responsibility Regulations, 2020, made under section 69(1)(b), (g), (i), (o), (l), (dd) and (ee) of the Act.

## 2. Purpose of the Notice

- (1) The purpose of this Notice is to require a producer or class of producers of the products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to-
  - (a) collection of their products in the post-consumer stage;
  - (b) reuse;
  - (c) recycling;
  - (d) recovery;
  - (e) refurbishment; and
  - (e) disposal of their products in the post-consumer stage.

- (2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, made under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

### **3. Scope of the Notice**

This Notice applies to the products as identified in paragraph 4 of this Notice and the resulting waste which arises from the use by a consumer or an end user of lighting equipment.

### **4. The identification of a product or class of products to which extended producer responsibility applies**

- (1) Extended producer responsibility applies to the following identified products or class of products:
- (a) Lighting products: Different types of Lighting equipment include, but are not limited to:
    - (i) Gas Discharge Lighting;
      - low pressure discharge Lighting: fluorescent (compact, linear and non-linear and nonfluorescent (low pressure sodium, low pressure mercury vapour);
      - high intensity discharge Lighting: high pressure sodium, low pressure sodium, metal halide, high pressure mercury vapour, xenon;
      - lighting for special purposes;
    - (ii) All Light emitting diode (LED) lighting sources and types;
    - (iii) Signal/signage lighting as well as associated equipment;
    - (iv) Luminaires and lighting equipment fixtures or modules or associated electrical components;
    - (v) Laser, Pixel and ultraviolet irradiation (UVI) or ultraviolet germicidal irradiation (UVGI) lighting;
    - (vi) Automotive lighting and luminaires;
    - (vii) Incandescent (filament) light bulbs and Halogen; and
    - (viii) Off grid solar powered lighting.

### **5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme**

Producers of the items listed in paragraph 4 of this Notice in conjunction with the current existing downstream waste economy role players, including the current collectors and

recyclers, are responsible for developing and implementing an extended producer responsibility scheme.

## **6. Responsibilities of producers**

- (1) A producer, in operation at the time of publication of this Notice in the Gazette, of any of the products listed in paragraph 4 of this Notice must, within 6 months from the date of publication of this Notice in the Gazette, either-
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department; or
  - (b) establish a producer responsibility organisation who must develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department.
- (2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the Gazette must either-
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
  - (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.

## **7. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice**

The targets for each identified waste stream for the products as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme.

## ANNEXURE 1

Product	Targets														
	Collection					Recovery					Recycling				
	Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5
(i) Gas Discharge Lamps	12%	16%	19%	23%	31%	90%	95%	96%	97%	98%	93%	93%	93%	93%	93%
Low pressure discharge lighting - Fluorescent	15%	20%	25%	30%	40%	90%	95%	96%	97%	98%	95%	95%	95%	95%	95%
HID	15%	20%	25%	30%	40%	90%	95%	96%	97%	98%	95%	95%	95%	95%	95%
Lighting for special purposes	5%	8%	8%	10%	12%	90%	95%	96%	97%	98%	90%	90%	90%	90%	90%
(ii) Retrofit LED	15%	20%	25%	25%	25%	78%	83%	83%	83%	88%	60%	70%	75%	75%	75%
LED linear tubes	15%	20%	25%	25%	25%	75%	80%	80%	80%	85%	60%	70%	75%	75%	75%
LED Bulbous shape	15%	20%	25%	25%	25%	80%	85%	85%	85%	90%	60%	70%	75%	75%	75%
(iii) New LED sources	5%	10%	15%	20%	20%	80%	85%	90%	90%	90%	70%	75%	85%	85%	85%
LED Lighting and luminaires	5%	10%	15%	20%	20%	80%	85%	90%	90%	90%	70%	75%	85%	85%	85%
(iv) Other Light Emitting Devices	10%	15%	20%	25%	30%	73%	73%	73%	73%	73%	62%	62%	65%	67%	67%
Vehicle/Automotive Lighting	10%	15%	20%	25%	30%	80%	80%	80%	80%	80%	50%	50%	60%	65%	65%
Lighting from other electronic equipment	10%	15%	20%	25%	30%	90%	90%	90%	90%	90%	85%	85%	85%	85%	85%
Others	10%	15%	20%	25%	30%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
(v) Luminaires and Lighting Equipment	5%	10%	15%	20%	30%	90%	92%	94%	96%	96%	95%	95%	95%	95%	95%
Fixtures/Modules/Associated electrical components	5%	10%	15%	20%	30%	90%	92%	94%	96%	96%	95%	95%	95%	95%	95%
(vi) Laser, Pixel and UGVC lighting	2%	2%	2%	2%	2%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Laser, Pixel and UGVC lighting	2%	2%	2%	2%	2%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
(vii) off grid Solar powered lighting	5%	10%	15%	17%	19%	77%	78%	80%	80%	80%	80%	82%	85%	87%	87%
Off grid solar lighting	5%	10%	15%	20%	20%	80%	85%	90%	90%	90%	70%	75%	85%	85%	85%



Lighting solar panels	5%	10%	15%	15%	18%	70%	70%	70%	70%	70%	90%	90%	90%	90%
Solar lighting energy storage	5%	10%	15%	15%	18%	80%	80%	80%	80%	80%	80%	80%	85%	85%
(viii) Incandescent and Halogen light bulbs	50%	60%	65%	70%	70%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Halogen lamps	50%	60%	65%	70%	70%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Incandescent filament lamps	50%	60%	65%	70%	70%	95%	95%	95%	95%	95%	95%	95%	95%	95%

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008**

**(ACT No. 59 OF 2008)**

**EXTENDED PRODUCER  
RESPONSIBILITY SCHEME FOR  
PAPER, PACKAGING AND  
SOME SINGLE USE PRODUCTS, 2020**

Published under Government Notice 1187 in Government Gazette 43882 on 5 November 2020

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of section 18(1)(a) and (3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), require the producers of the identified products to implement the specified extended producer responsibility measures as set out in the Schedule hereto.

**Signed**

**BARBARA DALLAS CREECY**

**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**NOTICE**

1. Definitions
  2. Purpose of the Notice
  3. Scope of the Notice
  4. The identification of a product or class of products to which extended producer responsibility applies
  5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme
  6. Responsibilities of producers
  7. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice
- 
1. **Definitions**

In this Notice any word or expression to which a meaning has been assigned in the Act and in the Extended Producer Responsibility Regulations, 2020, bears that meaning, and unless the context indicates otherwise-

**"biodegradable plastic"** means plastic, produced from either renewable materials or fossil fuels that are degradable due to the action of micro-organisms and enzymes in the presence of oxygen which convert the organic material into carbon dioxide, mineral salts, water and new biomass, or in the absence of oxygen to carbon dioxide, methane, mineral salts and biomass to a specific extent within a given time;

**"brand owner"** means a person, category of persons or company who makes and/or sells any products under a brand label;

**"compostable plastic"** means plastic that undergoes degradation by biological processes during composting to yield Carbon dioxide, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and leave no visible, distinguishable or toxic residue (ISO 14088);

**"extended producer responsibility"** means that a producer's responsibility for their product is extended to the post-consumer stage of a product's life cycle;

**"importer"** means a person or category of persons that bring finished goods or their individual components into the country from abroad;

**"packaging"** means any material, container or wrapping or corrugated cases, used for the containment, transport, handling, protection, promotion, marketing or sale of any product or substance, which may be primary packaging, containing the actual product or secondary packaging or tertiary packaging, typically containing products already packaged in primary packaging, but excludes-

(a) shipping containers used solely for the transportation of any consumer commodity in bulk to manufacturers, packers, or processors, or to wholesale or retail distributors thereof;

(b) packaging made of timber and textile; and

(c) plastic pallets and industrial bulk containers with a capacity exceeding 1000 litres;

**"paper"** means any substance made from wood pulp, rags, straw, or other fibrous material used for writing, printing, or as a wrapping material;

**"producer"** means any person or category of persons or a brand owner, who is engaged in the commercial manufacture, conversion, refurbishment or import of new and/or used products, paper, packaging and some single-use products as identified by the Minister by Notice in the Government Gazette in terms of section 18(1) of the Act;

**"recyclate"** means post-consumer waste or material used for recycling purposes;

**"single-use plastics"** means disposable plastics (petrochemicals, compostable & biodegradable), that are commonly used for plastic packaging and include items intended to be used only once before they are thrown away or recycled including but not limited to food packaging, bottles, straws, containers, tubs, cups and cutlery;

**"the Act"** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

**"the Regulations"** means the Extended Producer Responsibility Regulations, 2020, issued under section 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the Act.

## **2. Purpose of the Notice**

- (1) The purpose of this Notice is to require a producer of products or class of products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to:
  - (a) collection of their products in the post-consumer stage;
  - (b) reuse;
  - (c) recycling;
  - (d) recovery; and
  - (e) disposal of their products in the post-consumer stage.
- (2) This Notice must be read in conjunction with the Extended Producer Responsibility Regulations, 2020, published in the Government Gazette by the Minister.

## **3. Scope of the Notice**

This Notice applies to waste which arises from the use by a consumer or an end-user of-

- (1) paper & paper packaging material;
- (2) plastic packaging;
- (3) biodegradable and compostable plastic packaging;
- (4) single-use plastic products;
- (5) single-use compostable plastic products;
- (6) single-use biodegradable plastic products;
- (7) glass packaging; and
- (8) metal packaging containers.

## **4. The identification of a product or class of products to which extended producer responsibility applies**

- (1) Extended producer responsibility applies to the following identified products or class of products:

- (a) Paper & paper packaging material:
  - (i) Liquid board packaging - filled and unfilled;
  - (ii) Paper packaging;
  - (iii) Paper packaging boards - unprinted;
  - (iv) Paper packaging boards - printed;
  - (v) Paper - corrugated case materials;
  - (vi) Paper, including but not limited to (cardboard);
  - (vii) Laminated, printing and writing paper;
  - (viii) Plastic coated paper;
  - (ix) Labels; and
  - (x) Paper sack.
- (b) Plastic packaging (both printed and unprinted):
  - (i) Type 2,4,5 Polyolefin - rigid;
  - (ii) Type 2,4,5 Polyolefin - flexible;
  - (iii) PolyEthylene Terephthalate (PET) - rigid
  - (iv) PolyEthylene Terephthalate (PET) - flexible /strapping;
  - (v) Polystyrene (including expanded polystyrene protective packaging and high impact polystyrene packaging);
  - (vi) Poly Vinyl Chloride (PVC) (Resin Code 3)
  - (vii) Vinyls (rigid and flexible); and
  - (viii) Other (multilayer plastic packaging including those with resin code 7).
- (c) Biodegradable and compostable packaging (approved compostable raw materials complying to relevant SABS and/or ISO standards 17088).
- (d) Single-use plastic products:
  - (i) Films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
  - (ii) Injection moulded products: cups, tubs, cutlery (knives, forks, and spoons), stirrers;
  - (iii) Blow moulded products: bottles, containers, jars;

- (iv) Extruded products: straws, sheets; and
  - (v) Thermoformed products: trays, punnets, cups, various packaging.
- (e) Single-use compostable plastic products:
  - (i) Compostable films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
  - (ii) Compostable injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
  - (iii) Compostable blow moulded products: bottles, containers, jars;
  - (iv) Compostable extruded products: straws, sheets; and
  - (v) Compostable products: trays, punnets, cups, various packaging;
- (f) Single-use biodegradable plastic products:
  - (i) Biodegradable films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
  - (ii) Biodegradable injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
  - (iii) Biodegradable blow moulded products: bottles, containers, jars;
  - (iv) Biodegradable extruded products: straws, sheets; and
  - (v) Compostable products: trays, punnets, cups, various packaging.
- (g) Glass packaging:
  - (i) Glass (Bottles and Jars); and
- (h) Metal packaging:
  - (i) Steel products;
  - (ii) Tinplate products; and
  - (iii) Aluminium products.

**5. Identification of the person or category of persons responsible for developing and implementing an extended producer responsibility scheme**

Producers of the items listed in paragraph 4 of this Notice will be responsible for developing and implementing an extended producer responsibility scheme.

**6. Responsibilities of producers**

- (1) A producer, in operation at the time of publication of this Notice in the Gazette, of any of the products listed in paragraph 4 of this Notice must, within 6 months from the date of publication of this Notice in the Gazette, either-
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department; or
  - (b) establish a producer responsibility organisation who must develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department.
- (2) A producer of any of the products listed in paragraph 4 of this Notice that commences operations after publication of this Notice in the Gazette must either-
  - (a) develop and submit an extended producer responsibility scheme according to the Extended Producer Responsibility Regulations, 2020 to the Department within 6 months of commencing operations; or
  - (b) subscribe to an existing extended producer responsibility scheme within 3 months of commencing operations.

**7. Targets for each identified waste stream for the products listed in paragraph 4 of this Notice**

The targets for each identified waste stream for the products as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme.

# ANNEXURE 1

Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Glass packaging	1	20	10	46.4	46.4
	2	25	20	52.5	52.5
	3	35	25	58.4	58.4
	4	40	30	64.6	64.6
	5	50	40	65.4	65.4
Metal packaging - Aluminum	1	-	-	77.7	77.7
	2	-	-	78.4	78.4
	3	-	-	79.2	79.2
	4	-	-	80.1	80.1
	5	-	-	81.4	81.4
Metal packaging - Steel	1	-	-	77.7	77.7
	2	-	-	78.4	78.4
	3	-	-	79.2	79.2
	4	-	-	80.1	80.1
	5	-	-	81.4	81.4
Metal packaging - Tinplate	1	-	-	77.7	77.7
	2	-	-	78.4	78.4
	3	-	-	79.2	79.2
	4	-	-	80.1	80.1
	5	-	-	81.4	81.4



# ANNEXURE 1

Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Paper and paper packaging - Newspapers	1	-	-	45	35
	2	-	-	50	40
	3	-	-	55	45
	4	-	-	60	50
	5	-	-	65	55
Paper and paper packaging - Magazines	1	-	-	35	33
	2	-	-	36	34
	3	-	-	38	36
	4	-	-	40	38
	5	-	-	42	40
Paper and paper packaging - Office & graphic Paper - Mixed & other paper	1	-	-	35	33
	2	-	-	36	34
	3	-	-	38	36
	4	-	-	40	38
	5	-	-	42	40
Paper and paper packaging - Corrugated cases / Kraft papers	1	-	-	60	58
	2	-	-	65	63
	3	-	-	70	68
	4	-	-	75	73
	5	-	-	80	78

# ANNEXURE 1

Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Paper and paper packaging - Liquid board packaging	1	-	-	10	5
	2	-	-	15	10
	3	-	-	20	15
	4	-	-	25	20
	5	-	-	30	25
Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Paper and paper packaging - Labels	1	-	-	10	5
	2	-	-	15	10
	3	-	-	20	15
	4	-	-	25	20
	5	-	-	30	25
Paper and paper packaging - Paper sack	1	-	-	10	5
	2	-	-	15	10
	3	-	-	20	15
	4	-	-	25	20
	5	-	-	30	25
Plastic PET Beverage bottles	1	10	-	71	69
	2	12.5	-	72	70
	3	13	-	73	71
	4	15	-	74	72
	5	20	-	75	73
Plastic PET oil bottles	1	-	-	9	8
	2	-	-	16	15
	3	-	-	24	23
	4	-	-	35	34
	5	-	-	40	39
Plastic thermoformed PET	1	-	-	9	6
	2	-	-	13	10
	3	-	-	19	16
	4	-	-	27	24
	5	-	-	38	35
Plastic PET (flexible)	1	10	-	71	69
	2	12.5	-	72	70
	3	13	-	73	71
	4	15	-	74	72
	5	20	-	75	73
Polyolefin (flexible)	1	-	-	47	42
	2	-	-	49	44
	3	-	-	51	46
	4	-	-	53	47

# ANNEXURE 1

Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
	5	-	-	55	50
Polyolefin (rigid)	1	7	-	47	42
	2	10	-	49	44
	3	14	-	51	46
	4	17	-	53	47
	5	20	-	55	50
Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Polyvinyl Chloride (Rigid and flexible)	1	-	-	6	5
	2	-	-	6.5	5.5
	3	-	-	7	6
	4	-	-	7.5	6.5
	5	-	-	8	7
Polystyrene (expanded and High Impact)	1	-	-	32.09	31.09
	2	-	-	40.08	39.08
	3	-	-	48.09	47.09
	4	-	-	55.89	54.89
	5	-	-	63.69	62.69
Multi-layer films packaging	1	-	-	47	42
	2	-	-	49	44
	3	-	-	51	46
	4	-	-	53	47
	5	-	-	55	50
Biodegradable packaging	1	-	-	15	5
	2	-	-	25	15
	3	-	-	50	40
	4	-	-	65	55
	5	-	-	80	70
Compostable packaging	1	-	-	15	15
	2	-	-	25	25
	3	-	-	50	50
	4	-	-	65	65
	5	-	-	80	80
Single use plastic products	1	8	-	60	30
	2	12	-	65	35
	3	14	-	70	40
	4	17	-	75	45
	5	20	-	80	50
	1	-	-	15	15
	2	-	-	25	25

## ANNEXURE 1

Product or class of products	Year	Product design (recyclate content %)	Reuse Target (%)	Collection Target (%)	Recycling Target (%)
Single use compostable plastic products	3	-	-	50	50
	4	-	-	65	65
	5	-	-	80	80
Single use biodegradable plastic products	1	-	-	15	5
	2	-	-	25	15
	3	-	-	50	40
	4	-	-	65	55
	5	-	-	80	70

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008**

**(ACT No. 59 OF 2008)**

**AMENDMENTS TO THE REGULATIONS AND  
NOTICES REGARDING EXTENDED PRODUCER  
RESPONSIBILITY, 2020**

Published under Government Notice 1184 in Government Gazette 43879 on 5 November 2020 and amended by:

**GN 20      GG 44078      2021/01/15**

**GN 400      GG 44539      2021/05/05**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of sections 18(1), 18(3) and 69(1)(b), (g), (i), (l), (o), (dd) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), amend the Regulations regarding extended producer responsibility and Notices in respect of the extended producer responsibility scheme for the electrical and electronic equipment sector, the lighting sector, and the paper, packaging and some single use products, published in Government Notices R.1184, R.1185, R.1186 and R.1187 of Government Gazettes 43879, 43880, 43881 and 43882 of 5 November 2020 respectively, as set out in the Schedule hereto.

**(Signed)**

**BARBARA DALLAS CREECY**

**MINISTER OF FRESTRY, FISHERIES AND THE ENVIRONMENT**

**SCHEDULE**

**Definitions**

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

**“the Regulations”** means the Regulations regarding Extended Producer Responsibility, 2020 published under Government Notice R.1184 in Government Gazette 43879 on 5 November 2020;

**“the electrical and electronic equipment notice”** means the Extended Producer Responsibility Scheme for the electrical and electronic equipment sector published under Government Notice R.1185 in Government Gazette 43880 on 5 November 2020;

**“the lighting sector notice”** means the Extended Producer Responsibility Scheme for the lighting sector published under Government Notice R.1186 in Government *Gazette* 43881 on 5 November 2020; and

**“the paper and packaging notice”** means the Extended Producer Responsibility Scheme for the paper, packaging and some single use products published under Government Notice R.1187 in Government *Gazette* 43882 on 5 November 2020.

## **Amendment of regulation 1 of the Regulations**

### **2. Regulation 1 of the Regulations is hereby amended by -**

(a) the substitution of some definitions for the following definitions:

**“brand owner”** means a person, category of persons or company who makes and/or sells any identified product under a brand label;

**“decent work”** means work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men;

**“extended producer responsibility”** means that a producer’s responsibility for an identified product is extended to the post-consumer stage of an identified product’s life cycle;

**“free rider”** means a firm or individual who benefits from the actions or efforts from another, in relation to an extended producer responsibility scheme without fully complying with the requirements of the extended producer responsibility scheme;

**“importer”** means a person or category of persons that brings identified products or items that contain identified products into the country from abroad and including but not limited to the one that first places them into the market for sale;

**“producer”** means any person or category of persons or a brand owner who is engaged in the commercial manufacture, conversion, refurbishment (where applicable) or import of new and / or used identified products as identified by the Minister by Notice in the Government Gazette in terms of section 18(1) of the Act, and a producer includes, where relevant, the same as defined in the specific section 18 Notices for each of the identified products as gazetted by the Minister in terms of section 18(1) and (2) of the Act;”;

(b) the insertion, after the definition of “circular economy”, of the following definition:

**“collection”** means the gathering of identified products at the end of their lives, at the place of its generation or storage by a waste picker, collector or reclaimer or service provider;”

(c) the insertion, after the definition of **“free rider”**, of the following definitions:

**“full cost”** means all the direct fixed and variable costs associated with the extended producer responsibility scheme;

**“identified products”** means products that are identified in terms of section 18(1)(a) of the Act and published in the Government Gazette by the Minister;”;

(d) the insertion, after the definition of “interim performance report”, of the following definition:

**““nett cost”** means the full cost subtract the revenue from the sales of the collected material;” and

(e) the deletion of the following definition:

**““refurbishment”** means restoring old products to a working condition which must be available for reuse, and which restores its original function;”

### **Amendment of regulation 2 of the Regulations**

3. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) to ensure the effective and efficient management of the identified products at the end of their life.”.

### **Amendment of regulation 3 of the Regulations**

4. Regulation 3 of the Regulations is hereby amended by -  
(a) the substitution for subregulation (1) of the following subregulation:

“(1) apply to the identified products in terms of section 18(1) (a) of the Act and to the producers of those identified products published in the Government Gazette by the Minister”; and

(b) the substitution for subregulation (2) of the following subregulation:

“(2) apply to the identified products in terms of section 18(1)(a) of the Act and to the producers of those identified products published in the Government Gazette by the Minister, that were placed on the market prior to these Regulations coming into effect.”.

### **Amendment of regulation 4 of the Regulations**

5. Regulation 4 of the Regulations is hereby amended by -  
(a) the substitution for subregulation (1) of the following subregulation:

“(1) All existing producers of identified products, at the time these Regulations come into effect, must register with the department within 6 months of the publication of the Government Notice in the Government Gazette in terms of section 18(1) of the Act by completing the prescribed form obtainable from the department.”; and

(b) the substitution for subregulation (2) of the following subregulation:

“(2) All new producers of identified products, who commence producing after these Regulations come into effect, must register with the department within 3 months of being established, by completing the prescribed form obtainable from the department.”

## **Amendment of regulation 5 of the Regulations**

6. Regulation 5 of the Regulations is hereby amended by -

(a) the substitution for paragraph (h) in subregulation (1) of the following paragraph:

“(h) submit this audit report to the Department within 60 days after finalisation of the audit;”

(b) the substitution for paragraph (k) in subregulation (1) of the following paragraph:

“(k) conduct a life cycle assessment, in relation to the identified product, in accordance with the applicable standards within 5 years of implementation of their extended producer responsibility scheme;”;

(c) the substitution for paragraph (l) in subregulation (1) of the following paragraph:

“(l) the life cycle assessment must as a minimum focus on the following:

- (i) Minimisation of material used in the identified product;
- (ii) Design of the product to facilitate reuse, recycling or recovery, without compromising the functionality of the product; and
- (iii) Reduction of environmental toxicity of the resulting post-consumer waste stream;”;

(d) the substitution for Paragraph (w) in subregulation (1) of the following paragraph:

“(w) Collaborate as producers of an identified product and in consultation with the Department of Trade, Industry and Competition (the DTIC), to develop a broad-based black economic empowerment (BBBEE) transformation charter for the value chain for the identified product, where the value chain comprises of the collection of the identified products, sorting and processing thereof, within two years of the publishing of the Notice, which transformation charter must comply with section 9(1) of the BBBEE Act, 2003 (Act 53 of 2003) and must include a special focus on women, youth and people living with disabilities;”;

(e) the substitution for paragraph (y) in subregulation (1) of the following paragraph:

“(y) where specified in the section 18(1) Notices, implement mandatory take back of their identified products at the end of their lives; and”;

(f) the substitution for paragraph (z) in subregulation (1) of the following paragraph:

“(z) implement environmental labels and declaration for the identified products in accordance with SANS 14021, SANS 14021 and SANS 14024 within a period of 3 years.”;

(g) the deletion of paragraphs (d), (e), (f), (g), (i), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v) and (x) in subregulation (1);

(h) the insertion, after regulation 5, of the following regulations:

**“Obligations of a producer responsibility organisation that establishes and implements an extended producer responsibility scheme**



**5A (1)** The producer responsibility organisation must —

- (a) develop and maintain a system to collect the extended producer responsibility fees;
- (b) conduct internal biannual financial audits and make these audit reports available to the department upon request;
- (c) make the internal biannual audit reports available to the external auditor;
- (d) appoint an independent financial auditor to annually:
  - (i) conduct an external audit of the financial records; and
  - (ii) include the internal biannual audit findings in the annual audit report;
- (e) submit this audit report to the Department within 60 days after finalisation of the audit;
- (f) develop and maintain a register of its members, in the event that the scheme has two or more members;
- (g) collect, record, manage and submit data to the South African Waste Information System as required in regulation 8 of these Regulations;
- (h) by agreement with the board of directors, contract with the existing downstream value chain before outsourcing;
- (i) contract for the collection, recycling and recovery of the identified products, if outsourced, through a fair and transparent process;
- (j) keep records of the quantity of identified products:
  - (i) placed on the market;
  - (ii) collected;
  - (iii) sorted;
  - (iv) recycled; and
  - (v) recovered;
- (k) manage services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by waste management companies;
- (l) co-operate with municipalities, within 3 years of implementation of their extended producer responsibility scheme, to increase the recovery of identified products from municipal waste;
- (m) integrate informal waste collectors, reclaimers and pickers into the post -consumer collection value chain;
- (n) develop and establish secondary markets for recycled content;
- (o) utilise new and existing infrastructure across extended producer responsibility schemes in a collaborative manner where feasible, or establish and operate new infrastructure within 3 years after completion of feasibility studies, where the initial feasibility study must be undertaken within 2 years of implementation of the extended producer responsibility scheme, that identifies the need for additional infrastructure;
- (p) Compensate informal waste collectors, reclaimers and pickers, who register with the National Registration Database, for collection services and environmental benefits, through the collection service fee by November 2022. The collection service fee shall be reviewed annually by the Department of Environment, Forestry and Fisheries;
- (q) implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities; and
- (r) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities.”;

## **Obligations of a Producer that establishes and implements its own scheme**

**5B (1)** The Producer that establishes and implements their own scheme must

- (a) allocate funding for implementation of the extended producer responsibility scheme;
- (b) conduct internal biannual financial audits and make these audit reports available to the department upon request;
- (c) make the internal biannual audit reports available to the external auditor;
- (d) appoint an independent financial auditor to annually:
  - (i) conduct an external audit of the financial records; and
  - (ii) include the internal biannual audit findings in the annual audit report;
- (e) submit this audit report to the Department within 60 days after finalisation of the audit;
- (f) collect, record, manage and submit data to the South African Waste Information System as required in regulation 8 of these Regulations;
- (g) where external services are required, contract with the existing downstream value chain before outsourcing, where the value chain comprises the collection of the identified products, sorting and processing thereof;
- (h) where external services are required, contract for the collection, recycling and recovery of the identified products, if outsourced, through a fair and transparent process;
- (i) keep record of quantity of identified products:
  - (i) placed on the market;
  - (ii) collected;
  - (iii) sorted;
  - (iv) recycled; and
  - (v) recovered;
- (j) manage services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by waste management companies;
- (k) co-operate with municipalities, within 3 years of implementation of their extended producer responsibility scheme, to increase the recovery of identified products from municipal waste;
- (l) integrate informal waste collectors, reclaimers and pickers into the post -consumer collection value chain;
- (m) develop and establish secondary markets for recycled content;
- (n) utilise new and existing infrastructure across extended producer responsibility schemes in a collaborative manner where feasible, or establish and operate new infrastructure within 3 years after completion of feasibility studies, where the initial feasibility study must be undertaken within 2 years of implementation of the extended producer responsibility scheme, that identifies the need for additional infrastructure;
- (o) prioritise the promotion of small businesses and entrepreneurs with a special focus on women, youth and persons living with disabilities;
- (p) compensate informal waste collectors, reclaimers and pickers, who register with the National Registration Database, for collection services and environmental benefits, through the collection service

- fee by November 2022. The collection service fee shall be reviewed annually by the Department of Environment, Forestry and Fisheries; and
- (q) implement transformation within those entities with whom they contract, with a special focus on women, youth and persons living with disabilities.”.

### **Amendment of regulation 6 of the Regulations**

7. Regulation 6 of the Regulations is hereby amended by -
- (a) The substitution for subregulation (9) of the following subregulation:
- “(9) compliance with the requirements for programmes planned to contribute to government priorities including but not limited to—
- (a) job creation; and
- (b) inclusive economic growth.”.

### **Amendment of regulation 7 of the Regulations**

8. Regulation 7 of the Regulations is hereby amended by -
- (a) the substitution for subregulation (1) of the following subregulation:
- “(1) The producer responsibility organisation that establishes and implements an extended producer responsibility scheme must determine the proposed extended producer responsibility fee and apply the extended producer fee equally across all members based on the identified products placed on the market.”;
- (b) the substitution for subregulation (2) of the following subregulation:
- “(2) The proposed extended producer responsibility fee must be submitted electronically to the Minister who may obtain concurrence on the proposed extended producer responsibility fee from the Minister responsible for finance within 60 days of submission.”;
- (c) the substitution for subregulation (3) of the following subregulation:
- “(3) The extended producer responsibility fee must be based on nett cost recovery including a differentiated rate per item category, of each product or class of product, which must be paid by a producer to fund extended producer responsibility schemes and be dependent on the following:
- (a) weight of product;
- (b) ease of recyclability;
- (c) current demand for the material for recycling purposes;
- (d) costs for establishing a collection system for the identified products;
- (e) collection, transport and treatment costs for separately collected waste;
- (f) administrative costs;
- (g) costs for public communication and awareness- raising (on waste prevention, litter reduction, separate collection, etc.);
- (h) costs for the appropriate surveillance of the system (including auditing); and
- (i) subtract revenues from recycled material sales.”;

(d) the substitution for subregulation (4) of the following subregulation:

“(4) The latest extended producer responsibility fee must be publicly available on the producer responsibility organisation website.”;

(e) the substitution for subregulation (5) of the following subregulation:

“(5) The producer responsibility organisation that establishes and implements an extended producer responsibility scheme must submit, to the department, an annual financial plan and an annual budget -

(a) within 60 days of implementation for the first year of implementation or within 60 days of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and

(b) by 30 November for the following year.”;

(f) the substitution for paragraph (c) subregulation (6) of the following subregulation:

“(c) the total amount of the contributions (extended producer responsibility fees) that cover the nett cost of the obligations incumbent on the producer applying for registration;”;

(g) the substitution for subregulation (7) of the following subregulation:

“(7)(a) The administration cost of the EPR scheme will be limited the following:

(i) Salaries of the producer responsibility organisation staff;

(ii) Overhead costs (utilities and rent); and

(iii) Information Technology and Systems.

(b) The administration cost of the extended producer responsibility scheme must not exceed—

(i) 25% of the revenue collected in calendar year 1 of implementation;

(ii) 20% of the revenue collected in calendar year 2 of implementation; and

(iv) 15% of the revenue collected in calendar year 3 and beyond of implementation.”;

(h) by the insertion of the following regulation after the regulation 7:

**“Obligations of a Producer that establishes and implements their own scheme**

**7A** (1) The Producer that establishes and implements their own scheme must determine and allocate appropriate extended producer responsibility funding, which will hereafter be referred to as an extended producer responsibility fee, and resources to ensure an effective extended producer responsibility scheme

- (2) The proposed extended producer responsibility fee must be submitted electronically to the Minister who may obtain concurrence on the proposed extended producer responsibility fee from the Minister responsible for finance within 60 days of submission.
- (3) The extended producer responsibility fee must include:
  - (a) costs for establishing a collection system for the identified products;
  - (b) collection, transport and treatment costs for separately collected waste;
  - (c) administrative costs;
  - (d) costs for public communication and awareness- raising (on waste prevention, litter reduction, separate collection, etc.);
  - (e) costs for the appropriate surveillance of the system (including auditing); and
  - (f) subtract revenues from recycled material sales;
- (4) The latest extended producer responsibility fee must be publicly available on the Producer's website.
- (5) The producer that establishes and implements their own scheme must submit, to the department, an annual financial plan and an annual budget-
  - (a) within 60 days of implementation for the first year of implementation or within 60 days of implementation, in the event that implementation occurs after 30 June in the first year, for the following year; and
  - (c) by 30 November for the following year.
- (6) The annual financial plan and annual budget must include, as a minimum, the following information:
  - (a) Extended producer responsibility fee allocation;
  - (b) The manner in which the extended producer responsibility fee is calculated;
  - (c) The conditions and procedures for revising the extended producer responsibility fee to reflect changes in the obligations incumbent on the registered producer under this Regulation; and
  - (d) The methodology for allocating and disbursing revenue for implementing the extended producer responsibility scheme amongst the collection, recycling, reuse and any other relevant component of the extended producer responsibility scheme.”;

- (i) the substitution for subregulation (8) of the following subregulation:

“(8) The administration fee must be reviewed in calendar year 3 of implementation, and a Notice must be published in the Government Gazette by the Minister determining the administration fee for extended producer responsibility schemes.”.

### **Amendment of regulation 8 of the Regulations**

9. Regulation 8 is hereby amended by -

(a) the substitution for subregulation (1) of the following subregulation:

**“8.** (1) The following are the requirements for a producer responsibility organisation that implements an extended producer responsibility scheme:

- (a) The producer responsibility organisation that establishes and implements their own scheme must submit an interim performance report on the scheme measured against the individual targets in the relevant published Government Notice in terms of Section 18(1) of the Act.
- (b) The interim performance report must be submitted to the Department within four weeks of the conclusion of the 6 months period namely January to June of the calendar year, by the producer responsibility organisation, and the interim performance report must include the following but is not limited to:
  - (i) Unaudited interim performance against the published targets;
  - (ii) Unaudited breakdown of the allocation of the extended producer responsibility fee; and
  - (iii) Unaudited performance on all finance matters.
- (c) Annual performance audit reports must be submitted to the Department within 3 months of the conclusion of the year end, which is on 31 December.
- (d) An annual external performance audit report must be submitted to the Department containing the following minimum requirements:
  - (i) Performance against the published targets;
  - (ii) Breakdown of the allocation of the extended producer responsibility fee;
  - (iii) Performance on all finance matters;
  - (iv) Governance report;
  - (v) Impacts to the environment;
  - (vi) Recommendations in the event of non-compliance;
  - (vii) Status of free riders; and
  - (viii) Number of jobs created.
- (e) All producer responsibility organisations that establishes and implements their own scheme must record and report, as a minimum on an annual basis, to the South African Waste Information System the quantities of the identified product that are:
  - (i) placed on the market;
  - (ii) collected;

- (iii) diverted away from landfill (recycled, reused, recovered, refurbished);
  - (iv) exported;
  - (v) landfilled; and
  - (vi) number of jobs created.
  
- (f) The Department may conduct verification audits on the obligations of the producer responsibility organisations.
  
- (g) In year 1 of implementation of these Regulations, the following will apply:
  - (i) For subregulation (1) and (2), the period will be from the date of business commencement until end June of the calendar year;
  - (ii) Subregulation (1) and (2) will not be applicable in the event business commencement occurs after June of the calendar year; and
  - (iii) For subregulation (3), (4) and (5), the period will be from the date of business commencement until December of the calendar year.”;
  
- (b) the substitution for subregulation (2) of the following subregulation:
  - “(2) The following are the requirements for a Producer that establishes and implements their own scheme:
    - (a) The producer that establishes and implements their own scheme must submit an interim performance report on the scheme measured against the individual targets in the relevant published Government Notice in terms of Section 18(1) of the Act.
    - (b) The interim performance report must be submitted to the Department within four weeks of the conclusion of the 6-month period, namely January to June of the calendar year, by the producer.
    - (c) The interim performance report must include only:
      - (i) Unaudited interim performance against the published targets;
      - (ii) Unaudited breakdown of the allocation of the extended producer responsibility fee; and
      - (iii) Unaudited performance on all finance matters.
    - (d) Annual performance audit reports must be submitted to the Department within 3 months of the conclusion of the year end, which is on 31 December.
    - (e) The annual performance report must include only:
      - (i) annual performance against the published targets;
      - (ii) breakdown of the allocation of the extended producer responsibility fee; and
      - (iii) annual performance on all finance matters.
    - (f) An annual external performance audit report must be submitted, by the producer, to the department containing the following minimum requirements:
      - (i) Performance against the published targets;
      - (ii) Breakdown of the allocation of the extended producer responsibility fee;
      - (iii) Performance on all finance matters;

- (iv) Impacts to the environment;
- (v) Recommendations in the event of non-compliance; and
- (vi) Number of jobs created.
- (g) The producer that establishes and implements their own scheme must record and report, as a minimum on an annual basis, to the South African Waste Information System the quantities of the identified product that are:
  - (i) placed on the market;
  - (ii) collected;
  - (iii) diverted away from landfill (recycled, reused, recovered, refurbished);
  - (iv) exported;
  - (v) landfilled; and
  - (vi) number of jobs created.
- (h) The Department may conduct verification audits on the obligations of the producer;
- (i) In year 1 of implementation of these Regulations, the following will apply:
  - (i) For subregulation (1) and (2), the period will be from the date of business commencement until end June of the calendar year;
  - (ii) Subregulation (1) and (2) will not be applicable in the event business commencement occurs after June of the calendar year; and
  - (iii) For subregulation (3), (4) and (5), the period will be from the date of business commencement until December of the calendar year.”;
- (c) the deletion of the subregulations (3), (4), (5), (6) and (7) in regulation 8.

#### **Amendment of regulation 9 of the Regulations**

- 10.** Regulation 9 is hereby amended by the substitution for subregulation (3) of the following subregulation:

“(3) Producer responsibility organisations or the producer that establishes and implements their own scheme may approach the Department for an earlier review due to non-achievement or over-achievement of targets.”.

#### **Amendment of regulation 11 of the Regulations**

- 11.** Regulation 11 is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) A producer responsibility organisation-

- (a) must be an autonomous body established by producers by a due process;
- (b) must be a registered not-for-profit company;
- (c) must be managed by a board of directors comprised of representatives from producers; and
- (d) adhere to the Companies Act in terms of good corporate governance and management of conflicts of interest.”.



## **Amendment of regulation 12 of the Regulations**

**12.** Regulation 12 is hereby amended by -

(a) The substitution for subregulation (1) of the following subregulation:

“(1) A person commits an offence if that person contravenes or fails to comply with regulations 4(1) and (2), 5, 6, 7(1), 7(2), 7(3), 7(4), 7(5), 7(6), 7(7), 7A, 8(1)(a), 8(1)(b), 8(1)(c), 8(1)(d), 8(1)(e), 8(2)(a), 8(2)(b), 8(2)(c), 8(2)(d), 8(2)(e), 9(3), 10 or 11 of these Regulations.”;

(b) the insertion, after subregulation (1), of the following subregulation:

“(2) A producer responsibility organisation commits an offence if that producer responsibility organisation contravenes or fails to comply with regulations 4(1) and (2), 5, 6, 7(1), 7(2), 7(3), 7(4), 7(5), 7(6), 7(7), 7A, 8(1)(a), 8(1)(b), 8(1)(c), 8(1)(d), 8(1)(e), 8(2)(a), 8(2)(b), 8(2)(c), 8(2)(d), 8(2)(e), 9(3), 10 or 11 of these Regulations.”.

### **Amendment of regulation 13 of the Regulations**

**13.** Regulation 13 is hereby amended by -

- (a) the substitution of subregulation (1) of the following subregulation:

“**13.** (1) A person, including a producer responsibility organisation, convicted of an offence under these Regulations is liable to -

- (a) imprisonment for a period not exceeding 15 years;
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.”;

- (b) the substitution of subregulation (2) of the following subregulation:

“(2) A registered producer who does not comply with these Regulations may have their registration as contemplated in these Regulations revoked and/or be compelled to join another extended producer responsibility scheme.”;

- (c) The substitution of subregulation (3) of the following subregulation:

“(3) A registered producer responsibility organisation that does not comply with the requirements as contemplated in these Regulations may have their registration revoked.”.

### **Amendment of the lighting sector Notice**

**14.** The lighting sector Notice is hereby amended by -

- (a) the insertion, after the definition of “producer responsibility organisation”, of the following definition:

“**“refurbishment”** means restoring old products to a working condition which must be available for reuse, and which restores its original function;”;

- (b) the substitution of paragraph 5 of the following paragraph:

“**5.** Producers of the items listed in paragraph 4 of this Notice are responsible for developing and implementing an extended producer responsibility scheme.”;

- (c) the addition, after paragraph 7 of the following paragraph:

**“Mandatory take back of their identified products**

**8.(1)** Mandatory take back of identified products at the end of its life must be implemented for all the products identified in Annexure 1 within 1 year of the date of the implementation of the Extended Producer Responsibility Scheme.”.

## Amendment of the electrical and electronic equipment sector Notice

15. The electrical and electronic equipment sector Notice is hereby amended by –

- (a) the insertion, after the definition of “**producer responsibility organisation**”, of the following definition:

“**“refurbishment”** means restoring old products to a working condition which must be available for reuse, and which restores its original function;”;

- (b) the insertion, after paragraph 7 of the following paragraph:

“**8.** (1) Mandatory take back of identified products at the end of its life must be implemented within 1 year of the date of the implementation of the Extended Producer Responsibility Scheme for the following identified products:

- (a) Batteries;
- (b) Electrical goods;
- (c) Electronic consumer goods; and
- (d) Electronic industrial goods.”.

## Amendment of the paper, packaging and some single use products Notice

16. The Paper, packaging and some single use products sector Notice is hereby amended by -

- (a) the substitution of the “**biodegradable plastic**” definition for the following definition:

“**“biodegradable products”** mean products that degrade by biological activity, resulting in a specific change in the chemical structure of the material. Degradation can occur under aerobic or anaerobic conditions. The end products are gas (carbon dioxide or methane), water, biomass and mineral components;”

- (b) the substitution of some definitions for the following definitions:

“**“brand owner”** means a person, category of persons or company who makes and/or sells any identified product under a brand label;

“**“compostable products”** mean a group of biodegradable products that break down in an aerobic composting process through the action of naturally occurring microorganisms and do so to a high extent within a specified timeframe. The biological processes yield carbon dioxide, water, inorganic compounds and biomass, leaving no visible contaminants or toxic residues;

“**“extended producer responsibility”** means that a producer’s responsibility for an identified product is extended to the post-consumer stage of an identified product’s life cycle;

“**“importer”** means a person or category of persons that brings identified products or items that contain identified products into the country from abroad and including but not limited to the one that first places them into the market for sale;

“**“producer”** means the entity, person or category of persons identified by the Regulations as being responsible for extended producer responsibility in terms of Section 18. Producers who place in excess of 10 tonnes of identified products onto

the market on an annual basis, responsible for extended producer responsibility under the regulations shall be identified subject to the following criteria:

- (a) In the case where branded goods, either are identified products or are sold accompanied by or within identified products and the registered owner of the brand operates an enterprise, domiciled in South Africa, that makes and/or sells such goods, the producer shall be the paper, packaging and single use product manufacturer, converter and/or the brand owner.
  - (b) In the case where branded goods, either are identified products or are sold accompanied by or within identified products and the registered owner of the brand does not operate or have a controlling interest in an enterprise domiciled in South Africa, that makes and or/sells such goods, the Producer shall be either -
    - (i) the licensed agent of the branded goods, or
    - (ii) where no official agency agreement may be in place, the importer of the branded goods as depicted on the Bill of Lading;
  - (c) In the case of all other identified products not covered by subparagraphs (i) and (ii) the producer shall be the Retailer;”;
- (c) the substitution of the "**single-use plastics**" definition for the following definition:
- “**single-use products**” means items/materials designed to be commonly used for products or packaging and include items intended to be used only once before they are thrown away or recycled and could be made from any material;”;
- (d) the insertion after the definition of "**paper**" of the following definitions:
- “**pre-consumer materials**” means materials diverted from the waste stream during a manufacturing process, excluding materials, such as rework, regrind or scrap generated in a process, capable of being reclaimed within the same process that generated them and which are reutilized;
- “**post-consumer material**” means material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose. This includes returns of material from the distribution chain;”;
- (e) the insertion after the definition of "**producer**" of the following definition:
- “**recycled content**” means the proportion, by mass, of post-consumer recycled material in a product or packaging excluding any pre-consumer waste;”;
- (f) the substitution for paragraph 3 of the following paragraph:
- “**3.** This Notice applies to the following identified products at the end of their life –
- (1) paper & paper packaging material;
  - (2) plastic packaging;
  - (3) biodegradable and compostable packaging;
  - (4) single-use products;
  - (5) single-use compostable products;
  - (6) single-use biodegradable products;
  - (7) glass packaging; and
  - (8) metal packaging containers.”;

- (g) the substitution for item (d) of subparagraph (1) in paragraph 4 of the following item:

“(d) Single use products:

- (i) Films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
- (ii) Injection moulded products: cups, tubs, cutlery (knives, forks, and spoons), stirrers;
- (iii) Blow moulded products: bottles, containers, jars;
- (iv) Extruded products: straws, sheets; and
- (v) Thermoformed products: trays, punnets, cups, various packaging.”;

- (h) the substitution for item (e) of subparagraph (1) in paragraph 4 of the following item:

“(e) Single use compostable products:

- (i) Compostable Films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
- (ii) Compostable Injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
- (iii) Compostable Blow Moulded products: bottles, containers, jars;
- (iv) Compostable Extruded products: straws, sheets; and
- (v) Compostable products: trays, punnets, cups, various packaging.”;

- (i) the substitution for item (f) of subparagraph (1) in paragraph 4 of the following item:

“(f) Single use biodegradable plastic products:

- (i) Biodegradable Films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
- (ii) Biodegradable Injection Moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
- (iii) Biodegradable Blow Moulded products: bottles, containers and jars;
- (iv) Biodegradable Extruded products: straws, sheets; and
- (vi) Biodegradable products: trays, punnets, cups, various packaging.”;

- (j) the substitution for item (h) of subparagraph (1) in paragraph 4 of the following item:

“(h) Metal packaging including:

- (i) Tinplate (Ferrous); and
- (ii) Aluminium (non-ferrous).”; and

- (k) the substitution for paragraph 7 of the following paragraph:

“7. The targets for each identified waste stream for the products as contained in Annexure 1 to this Notice apply for a period of 5 years from the date of the implementation of the extended producer responsibility scheme.”.

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
<b>Glass Packaging</b>						
<b>Alcoholic beverage (ready to drink)</b>	1	20	6	46.4	38.40	-
	2	25	7	52.5	43.44	-
	3	30	8	58.4	48.32	-
	4	35	9	64.6	53.45	-
	5	40	10	65.4	54.12	-
<b>Beer</b>	1	20	17	46.4	38.40	-
	2	25	18	52.5	43.44	-
	3	30	19	58.4	48.32	-
	4	35	20	64.6	53.45	-
	5	40	21	65.4	54.12	-
<b>Wine</b>	1	20	9	46.4	38.40	-
	2	25	10	52.5	43.44	-
	3	30	11	58.4	48.32	-
	4	35	12	64.6	53.45	-
	5	40	13	65.4	54.12	-
<b>Spirits</b>	1	20	15	46.4	38.40	-
	2	25	16	52.5	43.44	-
	3	30	17	58.4	48.32	-
	4	35	18	64.6	53.45	-
	5	40	19	65.4	54.12	-
<b>Food</b>	1	20	1	46.4	38.40	-
	2	25	2	52.5	43.44	-
	3	30	3	58.4	48.32	-
	4	35	4	64.6	53.45	-
	5	40	5	65.4	54.12	-
<b>Non-alcoholic beverage (soft drinks)</b>	1	20	11	46.4	38.40	-
	2	25	12	52.5	43.44	-
	3	30	13	58.4	48.32	-
	4	35	14	64.6	53.45	-
	5	40	15	65.4	54.12	-
<b>Pharmaceutical</b>	1	20	1	46.4	38.40	-
	2	25	2	52.5	43.44	-
	3	30	3	58.4	48.32	-
	4	35	4	64.6	53.45	-
	5	40	5	65.4	54.12	-
<b>Metal Packaging:</b>						
<b>Aluminium (non-Ferrous) (Used Beverage Cans)</b>	1	24	-	62	30	32
	2	28	-	64	32	32
	3	32	-	66	33	33
	4	36	-	68	34	34
	5	40	-	70	35	35
	1	0	-	22	10	12

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
<b>Aluminium</b> (non-Ferrous) Other	2	1	-	24	11	13
	3	2	-	26	12	14
	4	3	-	28	13	15
	5	4	-	30	14	16
<b>Tinplate</b> (Ferrous) Metal Packaging	1	-	-	56	53	-
	2	-	-	57	54	-
	3	-	-	58	55	-
	4	-	-	59	56	-
	5	-	-	60	57	-
<b>Plastic PET Beverage bottles</b>	1	10	-	60	54	-
	2	12.5	-	64	58	-
	3	13	-	66	59	-
	4	15	-	68	61	-
	5	20	-	70	65	-
<b>Plastic PET Oil Bottles</b>	1	-	-	7	6	-
	2	-	-	13	12	-
	3	-	-	25	23	-
	4	-	-	32	29	-
	5	-	-	39	35	-
<b>Plastic Thermoformed PET</b>	1	-	-	9	8	-
	2	-	-	13	12	-
	3	-	-	19	17	-
	4	-	-	27	2	-
	5	-	-	35	30	-
<b>Plastic (Flexible) PET</b>	1	50	-	10	9	-
	2	55	-	20	18	-
	3	60	-	30	27	-
	4	70	-	40	36	-
	5	80	-	50	45	-
<b>Polyolefins</b> Rigid polyolefin packaging	1	-	-	55	39	-
	2	-	-	57	42	-
	3	-	-	60	45	-
	4	-	-	61	48	-
	5	-	-	64	52	-
<b>Polyolefin</b> (flexible)	1	-	-	58	44	-
	2	-	-	60	46	-
	3	-	-	62	48	-
	4	-	-	64	50	-
	5	-	-	66	52	-
<b>Polyolefins</b> (Multi-layer films packaging)	1	-	-	15	11	-
	2	-	-	20	15	-
	3	-	-	25	20	-
	4	-	-	30	25	-

Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
	5	-	-	35	30	-
<b>Polyvinyl Chloride</b> (Rigid and flexible)	1	-	-	6	5	-
	2	-	-	6.5	5.5	-
	3	-	-	7	6	-
	4	-	-	7.5	6.5	-
	5	-	-	8	7	-
<b>Polystyrene</b> (expanded and High Impact)	1	-	-	22	20	-
	2	-	-	27	25	-
	3	-	-	33	30	-
	4	-	-	40	36	-
	5	-	-	48	43	-
<b>Biodegradable Packaging</b>	1	-	-	15	5	-
	2	-	-	25	15	-
	3	-	-	50	40	-
	4	-	-	65	55	-
	5	-	-	80	70	-
<b>Compostable Packaging</b>	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
<b>Single use products</b>	1	8	-	60	30	-
	2	12	-	65	35	-
	3	14	-	70	40	-
	4	17	-	75	45	-
	5	20	-	80	50	-
<b>Single use compostable products</b>	1	-	-	15	15	-
	2	-	-	25	25	-
	3	-	-	50	50	-
	4	-	-	65	65	-
	5	-	-	80	80	-
<b>Single use biodegradable products</b>	1	-	-	15	5	-
	2	-	-	25	15	-
	3	-	-	50	40	-
	4	-	-	65	55	-
	5	-	-	80	70	-
<b>Paper &amp; paper Packaging material:</b>						
<b>Newspapers</b>	1	-	-	45	35	-
	2	-	-	50	40	-
	3	-	-	55	45	-
	4	-	-	60	50	-



Product or class of Products	Year	Product Design (recycled content) [%]	Reuse Target [%]	Collection Target [%]	Recycling Target [%]	Energy recovery/ exports/ other [%]
	5	-	-	65	55	-
Magazines	1	-	-	35	33	-
	2	-	-	36	34	-
	3	-	-	38	36	-
	4	-	-	40	38	-
	5	-	-	42	40	-
Office & graphic Paper - Mixed & other paper	1	-	-	35	33	-
	2	-	-	36	34	-
	3	-	-	38	36	-
	4	-	-	40	38	-
	5	-	-	42	40	-
Corrugated cases / Kraft papers	1	-	-	60	58	-
	2	-	-	65	63	-
	3	-	-	70	68	-
	4	-	-	75	73	-
	5	-	-	80	78	-
Liquid board packaging	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-
Paper and paper packaging - Labels	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-
Paper and paper packaging - Paper sack	1	-	-	10	5	-
	2	-	-	15	10	-
	3	-	-	20	15	-
	4	-	-	25	20	-
	5	-	-	30	25	-

## **NORMS & STANDARDS**

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008**

**(ACT No. 59 OF 2008)**

# **NATIONAL NORMS AND STANDARDS FOR ORGANIC WASTE COMPOSTING, 2020**

Published under Government Notice 561 in Government Gazette 44762 on 25 June 2021

Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, in terms of sections 7(1) (c) and 7(2) (a) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), hereby set the national Norms and Standards for organic waste composting for implementation, as set out in the Schedule hereto.

**Signed**

**BARBARA DALLAS CREECY**

**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

## **SCHEDULE**

1. Definitions
2. Purpose
3. Application of the national norms and standards
4. Application for the establishment of an organic waste composting facility
5. Requirements for the design and construction of an organic waste composting facility
6. Requirements for security and access control
7. Requirements during operational phase
8. General requirements
9. Training and capacity building
10. Management of emergency situations
11. Monitoring, auditing and reporting
12. Requirements during decommissioning phase
13. Transitional arrangements

14. Short title and commencement

1. Definitions

In these Norms and Standards, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) has the meaning so assigned, and unless the context otherwise indicates-

**“best practicable environmental option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

**“compost”** is a product of controlled aerobic, biological decomposition of biodegradable materials. The organic waste undergoes mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds, and stabilizes the carbon such that it is beneficial to plant growth;

**“compostable organic waste”** means carbon-based materials of animal or plant origin that naturally enhances fertility of soil but excludes human made organic chemicals and naturally occurring organic chemicals which have been refined or concentrated by human activity, and health-care risk waste;

**“composting”** means a controlled biological process in which organic materials are broken down by micro-organisms by means of an aerobic and anaerobic processes to produce compost or fertiliser;

**“containment barrier”** refers to a suitable surface on which organic waste is processed through composting which protects the environment from potential contamination with excessive nutrients;

**“environmental authority”** means any person or representatives from a national, provincial and local government authorised to conduct an inspections or audits at the facility;

**“fertilizer”** means any substance which is intended or offered to be used for improving or maintaining the growth of plants or the productivity of the soil;

**“handling”** means functions associated with the movement of waste, including storage, treatment, transportation and ultimate disposal, by the use of manual systems or mechanical systems;

**“hazardous organic waste”** means any waste that contains organic elements or compounds that may, owing to their inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on human health and the environment, and has been classified in terms of the Waste Classification and Management Regulations in accordance with SANS 10234;

**“infectious organic waste”** means organic waste which contains or may be reasonably presumed to contain pathogens which normally cause or significantly contribute to the cause of morbidity or mortality in human beings;

**“leachate”** means water that has percolated through and/or been generated by decomposition of organic waste material;

**“local authority”** means the district or local municipality that governs waste by-laws and environmental health matters in the relevant geographical area;

**“monitoring”** means continuous or non-continuous measurement of a concentration or other parameters for purpose of assessment or control of environmental quality or exposure and the interpretation of such measurements;

**“national authority”** means the national department responsible for the environment;

**“non-conforming waste”** means organic or inorganic waste that is not permitted to be processed at the composting facility in terms of the facility’s approved environmental management programme or waste that has been determined by the composting facility operator not to be accepted; or waste that is otherwise not suitable as per these Norms and Standards.”

**“offensive odour”** means any smell which is considered to be malodorous or a nuisance to a reasonable person.

**“organic fertilizer”** means a fertilizer manufactured from substances of animal or plant origin, or a mixture of such substances, and that is free of any substances that can be harmful to man, animal, plant or the environment containing at least 40 g/kg prescribed plant nutrients;

**“organic sludge”** means a thick, soft, wet mud or a similar viscous mixture of liquid and solid components consisting mainly of organic matter, including treated sewage sludge;

**“organics”** means both processed and unprocessed compostable organic waste;

**“organic waste”** means waste of biological origin which can be broken down, in a reasonable amount of time, into its base compounds by micro-organisms and other living things;

**“premises”** means a building or structure, land or an area (whether enclosed or not), or a mobile plant; and

**“provincial authority”** means the provincial department responsible for the environment and the authority governing the implementation of composting facility plans and design, audit assessments and compliance and enforcement matters.

## **2. Purpose**

(1) The purpose of these Norms and Standards is to-

(a) provide a national uniform approach relating to controlling the composting of organic waste at a facility that falls within the threshold in order to prevent or minimise potential negative impacts on the bio-physical and socio-economic environment; and

- (b) ensure implementation of the best practicable environmental option in the composting of organic waste.

### **3. Application of the national norms and standards**

(1) These Norms and Standards apply to organic waste composting facilities that have the capacity to process compostable organic waste, in excess of 10 tonnes per day.

(2) The owner of an organic waste composting facility with a capacity to process less than 10 tonnes per day of organic waste must register in terms of clause 3(3) of these Norms and Standards, and align with the requirements of applicable integrated waste management by-laws, and comply with the principle of duty of care as contained in section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

(3) The application must as a minimum include-

- (a) The name of the owner/operator of the facility where the activity is intended to take place;
- (b) The name of the landowner;
- (c) The identification number of the owner/operator or the company registration number of the composting facility;
- (d) Contact details of both the facility owner/operator and the landowner;
- (e) The location of the facility in terms of the name of the local municipality, Erf number and geographical coordinates;
- (f) The size of the facility;
- (g) The proximity of the facility to the nearest residential area; and
- (h) The land use or zoning.

(4) An organic waste composting facility must comply with these Norms and Standards without the requirement of obtaining a waste management licence in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

### **4. Application for the establishment of an organic waste composting facility**

(1) An application to establish an organic waste composting facility must be submitted to the relevant provincial authority.

(2) An environmental management programme compiled by the facility owner or environmental consultant must clearly describe the composting processes and measures to be put in place to protect both people and the environment.

(3) The environmental management programme must form part of the application to be approved by the provincial authority.

(4) Approval of the design plans, waste types to be composted and operational processes to be used must be obtained from the provincial authority before commencing with any composting activity.

(5) Building plans approved by the local authority for the establishment of an organic waste composting facility must be submitted with the application to the provincial authority.

(6) The provincial authority has a period of 90 days to process an application and it is the responsibility of the applicant to ensure that all the necessary documents are submitted to the provincial authority with the application.

(7) A compost facility operator must notify the local authority 14 days prior to commencement of construction of a composting facility to obtain proof of permission from the local authority, to construct and operate the composting facility prior to commencement of construction.

## **5. Requirements for the design and construction of an organic waste composting facility**

(1) An organic waste composting facility must not be constructed in an environmentally sensitive area such as a floodplain, water resource, wetland and any other conservation or protected area, and it must conform to zoning requirements as determined by the relevant local authority.

(2) An organic waste composting facility must be constructed in an area that is accessible to emergency response personnel and equipment.

(3) Containment barriers must be risk based, and the type of waste to be processed and the immediate receiving environment must be considered to quantify the type of containment barriers to put in place in consultation with the provincial authority. The containment barriers must be practical and be able to withstand the heavy machinery associated with the composting activities where applicable.

(4) If required, based on the composting method that will be used, a leachate collection system must be designed, and it must prevent both ground and surface water pollution, soil pollution and odour problems.

(5) The construction and operational times, as well as noise levels must comply with relevant applicable legislation, including municipal by-laws in order to minimise the impact of noise on the surrounding properties.

(6) The approach road to the organic waste composting facility must have a hard surface for heavy vehicles, offloading compostable material, to prevent muddy areas during the wet seasons.

(7) An area under construction must be demarcated to prevent unauthorised access during the construction phase.

(8) An organic waste composting facility must be designed and constructed in such a manner that the finished compost which has been fully treated is not contaminated with the run-off from untreated or partially treated compost, waste or raw materials.

(9) The design of an organic waste composting facility must include diverting stormwater from rainfall events, away from the working or storage area.

## **6. Requirements for security and access control**

(1) The site must be fenced off and secured in a manner that will prevent unauthorised entry to the areas of the organic waste composting facility used for receiving, storing and processing of organics, process residuals and contaminated materials.

(2) Incoming raw materials must be inspected before entering the facility and the composting system.

(3) Upon inspection, non-conforming waste must be diverted to a relevant licensed waste management facility.

## **7. Requirements during operational phase**

(1) Minimisation of airborne emissions

(a) Operational measures must be put in place to immediately blend a carbon source or cover with mature compost any highly biodegradable organics such as food waste, organic sludge and putrescible waste to minimise offensive odour emissions that may be generated by potentially odorous waste.

(b) Un-surfaced roads, un-grassed or un-paved areas, which give rise to dust, must be regularly watered or other effective dust control measures implemented, to restrict dust to levels which do not pose a threat to human health or the environment. Speed reducing measures such as speed humps and speed limit signage must be introduced.

(c) Organics that are being processed must always be kept reasonably moist (at least 25% (m/m) moisture content) to minimise the emissions of airborne pathogens.

(d) Emissions of methane in aerobic processes must be controlled by keeping the organics being processed adequately aerated.

(e) The schedule of turning of the compost should depend on the composting method being employed at the facility and must conform to the environmental management programme.

(f) Facility management must put measures in place to control high concentrations of airborne particulate matter during pre-treatment (shredding and mixing) of dry organics.

(g) Employees at composting and related organic-processing operations must be protected against high levels of exposure to airborne particulate matter by ensuring that design features and operational measures are strictly followed and monitored, and appropriate personal protective equipment is worn by employees.

(2) Management of waste generated at the organic waste composting facility



(a) Any liquid and solid waste generated at the organic waste composting facility, including contaminated products and process residuals not suitable for beneficial processing at the organic waste composting facility, must be stored in such a manner as to prevent water and soil pollution and amenity impacts, in accordance with the requirements specified in the Norms and Standards for Storage of Waste published in terms of Government Notice No.926 in Government Gazette No. 37088, on 29 November 2013.

(b) Organic waste composting facilities must comply with the following requirements for the management of waste-

(i) Waste generated at the composting facility must be sorted at source into various categories (recyclables and non-recyclables) and a documented procedure must be implemented to prevent any mixing of hazardous and general waste;

(ii) Liquid waste must be stored in leak resistant containers which must be inspected weekly for early detection of leaks;

(iii) Leachate generated at a composting facility and excess water generated through receiving wet waste must be used on site to increase the moisture content of compost heaps to facilitate decomposition;

(iv) Excess water generated from rainfall, must be used on site to control dust and the dust must not exceed the maximum allowable limits stipulated in the National Dust Control Regulations of Government Notice R.827 of Government Gazette 36974 of 01 November 2013;

(v) The liquid waste containers must be of sufficient strength and structural integrity to ensure that they are unlikely to burst or leak in their ordinary use;

(vi) Waste that is spilled or carried by wind during operation, handling or storage must be contained;

(vii) Hazardous waste must be stored in covered containers that are only opened when waste is added or emptied, and the waste must not be kept at levels that trigger other listed activities;

(viii) On-site fuelling and servicing of construction equipment and motor vehicles must only occur on designated impermeable surface within a bunded area; and

(ix) Organic waste composting facilities must register with a Waste Information System in terms of the National Waste Information System Regulations, 2012 published under Government Notice No. R. 625 in Government Gazette No.35583 on 13 August 2012.

(3) Stockpiling of incoming and processed organics

(a) The quantities (tonnage or kilograms) of incoming and process waste must at all times not exceed the design requirements for the receiving storage and processing areas.

(b) The mass (tons or metric tons) of all incoming compostable organic waste must be weighed or estimated by determining the density of the waste and multiplying it by the volume of waste received, and the records thereof must be safely kept at the facility or company office for a period of 5 years.

(c) Operational measures must be put in place to ensure that the storage times for organics are controlled to minimise emissions of offensive odours.

(d) Design and operational measures must prevent contamination of final products.

(e) Other waste streams that have accumulated on site, such as packaging or mixed waste streams must not be stored on site for more than 2 weeks.

(4) Fire and methane gas management

(a) A fire management plan or strategy must be in place and at least contain the following:

(i) Sufficient fire-fighting equipment that is kept in good working conditions and appropriate personal protective equipment for fire safety must be available at the facility at all times;

(ii) There must be clear signage indicating where the fire-fighting equipment is in relation to compost heaps and the equipment must be within a 10 m distance;

(iii) Identified sources of fires that may result at the facility and appropriate operational procedures to be undertaken to bring the fire under control;

(iv) A firebreak with a predetermined width as per the relevant legislation, Local Authority by-laws or Fire Protection Agency or barrier constructed around the perimeter of the site to avoid the spread of fires;

(v) Clear signs in at least two prevalent languages spoken within the area must be in place and should inform the public that flammable substances are not permitted on the site.

(b) The design and operation of aerobic composting must ensure that the generation of methane is minimised.

(c) The design and operational procedures for the organic waste composting facility must ensure that heap heights are limited, and heaps are monitored for excessive high temperatures to prevent spontaneous combustion.

(5) Minimising amenity impacts

(a) The organic waste composting facility operator must put in place measures to control pests.

(b) Weeds must be prevented from proliferating at the premises.

- (c) Composting facilities that receive alien or invasive vegetation must ensure that seeds do not survive in the compost through seed germination testing.
- (6) Water pollution prevention
  - (a) The organic waste composting facility must be designed and operated in such a manner that surface water and other waste streams are prevented from mixing with organic waste received, processed and stored at the premises, including the final product.
  - (b) All water that has entered the processing and storage areas must be handled and treated as leachate.
- (7) Safe storage and disposal
  - (a) The design of the organic waste composting facility must include infrastructure to securely store all organics, contaminated products, waste and process residues that cannot be beneficially processed at the facility, until they can be lawfully disposed of at the facility or transferred to another facility.
  - (b) Proof of waste recycled and all safe disposal certificates including waste manifests must be kept on site at all times.

## **8. General requirements**

- (1) These Norms and Standards do not replace any other relevant requirements stipulated in terms of other legislation.
- (2) All infrastructure required for the composting operations must be maintained to ensure that it functions effectively and in accordance with the operational requirements and design parameters.
- (3) Pollution of the biological and physical environments (including habitats for animal and plant species, water resources, land, soil and air) as a result of operations within the facility must at all times be prevented.
- (4) General waste generated during the construction, operation and decommissioning phases of the facility must be managed at a legally compliant waste management facility.
- (5) A Safety Data Sheet for each of the chemical products utilised at the facility must be kept on site and in easily accessible location to employees.
- (6) All compost intended for use as fertilisers must be registered with the national department responsible for agriculture and must meet all the necessary requirements in terms of the Regulations Regarding Fertilisers, published in Government Notice No. R.732 in Government Gazette No. 35666 on 10 September 2012 issued in terms of the Fertilizers, Farms Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), including any amendment.
- (7) A complaints register must be kept on site during the construction and operational phases as well as details regarding the manner in which the complaints are being addressed.

(8) Employees must wear protective clothing when required as prescribed by the composting facility's environmental management programme.

(9) An incident register must be kept at the facility at all times.

(10) Proper ablution and decontamination facilities, for management and staff, must be provided onsite.

## **9. Training and capacity building**

(1) A person responsible for managing a composting facility must, during the safety, health and environment induction of all new employees, train such employees on waste management in order to identify, prevent, minimise or manage actions or behaviours that are likely to cause adverse impacts on air, water, land, fauna and flora as a result of construction, operation and decommissioning of the facility.

(2) Members of staff at an organic waste composting facility must be trained to manage all types of waste in accordance with the provisions of these Norms and Standards and any other relevant legislative requirements applicable to composting facilities.

(3) Organic waste composting facility staff members must be trained in fire-fighting techniques.

## **10. Management of emergency situations**

(1) Emergency response measures must be put in place to deal with any eventuality of fires resulting from the working surfaces or at any other area within the facility.

(2) All incidents which fall within the ambit of section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) must be dealt with in accordance with that section and must be reported to the relevant competent authority

## **11. Monitoring, auditing and reporting**

(1) The site must be inspected by the facility operators or employees on a daily basis to ensure early detections and addressing of environmental pollution and weekly reports consolidating the daily inspections' findings should be kept on site.

(2) Compost heap temperature that is high enough to destroy pathogens for the applicable composting method must be maintained and monitored for a time period required for such composting method.

(3) The national, provincial and local authorities must be given access to audit or inspect the facility at any time and at such frequency as the authority may decide.

(4) The audit or inspection reports drafted by the environmental authority must be made available to the facility operator within sixty (60) days of the audit or inspection.

(5) The composting facility manager must, during the audit or inspection, make any records or documentation available to the audit or inspection team as may be required.

(6) Safe disposal certificates for hazardous waste removed from facility must be kept on record for a minimum period of five (5) years.

(7) A record of any finding of non-compliance by the environmental authority and how such non-compliances were addressed must be kept in a file and produced upon request by any relevant competent authority.

(8) Internal audits detailing environmental performance of the facility must be conducted every twelve (12) months by the composting facility and official reports thereof must be prepared. Each of the internal audit findings must be made available to the external auditor referred to in sub-paragraph (9) below and to the environmental authority upon request. Audit reports must be in the format specified by the provincial authority.

(9) The composting facility must ensure that external audits of the facility are conducted every twenty-four (24) months by an independent auditor and the auditor must prepare an official audit report documenting the audit findings.

(10) The external audit report must be submitted to the provincial authority upon request and must include, but not limited to the following:

(a) An indication of compliance of the facility with these Norms and Standards and the composting facility's environmental management programme as approved by the provincial authority;

(b) An indication of compliance with any specific requirements issued by the relevant authority either at national, provincial or local sphere of government;

(c) An indication of any major environmental incidents or non-compliance that occurred and details of the manner the incidents or non-compliance were addressed;

(d) An indication of the presence of records of safe disposal certificates for all hazardous and general waste removed from the facility; and

(e) An indication if hazardous waste is separated from general waste and that such waste is removed by a registered waste handling company for either recycling or disposal at licenced disposal facility.

## **12. Requirements during decommissioning phase**

(1) A facility to be discontinued, for whatever reasons, must be rehabilitated to the satisfaction of the provincial authority.

(2) A decommissioning plan for the facility, including the indication of end-use of the area must be developed and submitted to the provincial authority 3 months prior to commencement with decommissioning.

(3) The site must be rehabilitated according to the decommissioning plan as approved by the provincial authority.

(4) All equipment must be removed from the site, unless demonstrations are made that the equipment that remains will not have the potential to cause environmental impacts and is needed for subsequent uses of the site.

(5) The organic waste composting facility manager will remain responsible for any adverse impacts on the environment resulting from composting activities, even after operations have ceased.

### **13. Transitional arrangements**

A person who lawfully conducted an organic waste composting activity prior to and on the date of commencement of these Norms and Standards must continue with the activity for the duration as stipulated in the approval, authorisation or licence and after the expiry of the approval, authorisation or licence, must comply with the provisions of these Norms and Standards.

### **14. Short title and commencement**

These Norms and Standards are called the Norms and Standards for organic waste composting, 2020, and will come into operation on the date to be determined and published by Minister in the Gazette.

# NATIONAL NORMS AND STANDARDS FOR THE ASSESSMENT OF WASTE FOR LANDFILL DISPOSAL, 2013

Published under Government Notice R635 in *Government Gazette* 36784 of 23 August 2013.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby set national norms and standards for the assessment of waste for landfill disposal, under section 7(1)(c) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

**(Signed)**  
**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **CHAPTER 1 INTERPRETATION AND PURPOSE**

1. Definitions
2. Purpose and Application

### **CHAPTER 2 STANDARD ASSESSMENT METHODOLOGY**

3. Approach
4. Total Concentration (TC) Analysis
5. Leachable Concentration (LC) Analysis
6. LCT and TCT Limits
7. Determining Waste Types for Landfill Disposal

### **CHAPTER 1 INTERPRETATION AND PURPOSE**

#### **1. Definitions**

In these National Norms and Standards, any word or expression to which a meaning has been assigned in the Act has that same meaning, and unless the context indicates otherwise-

**“Leachable Concentration (LC)”** means the leachable concentration of a particular element or chemical substance in a waste, expressed as mg/l;

**“Leachable Concentration Threshold (LCT)”** means the leachable concentration threshold limit for particular elements and chemical substances in a waste, expressed as mg/l, prescribed in section 6 of these Norms and Standards;

**“putrescible waste”** means waste that contains organic matter capable of being decomposed by microorganisms, or that will readily decay under normal conditions, giving rise to offensive odours, or which is capable of providing food for birds and animals, thereby attracting vermin or disease-causing vectors such as flies and rodents;

**“Total Concentration (TC)”** means the total concentration of a particular element or chemical substance in a waste, expressed as mg/kg;

**“Total Concentration Threshold (TCT)”** means the total concentration threshold limit for particular elements or chemical substances in a waste, expressed as mg/kg, prescribed in section 6 of these Norms and Standards;

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

**“the Regulations”** means the Waste Classification and Management Regulations, 2013.

## **2. Purpose and Application**

These Norms and Standards prescribe the requirements for the assessment of waste prior to disposal to landfill in terms of Regulation 8(1)(a) of the Regulations.

### **CHAPTER 2 STANDARD ASSESSMENT METHODOLOGY**

## **3. Approach**

- (1) To assess waste for the purpose of disposal to landfill, the following are required-
  - (a) identification of chemical substances present in the waste; and
  - (b) sampling and analysis to determine the total concentrations (TC) and leachable concentrations (LC) of the elements and chemical substances that have been identified in the waste and that are specified in section 6 of these Norms and Standards.
- (2) Within three (3) years of the date of commencement of the Regulations, all analyses of the TC and LC of elements and chemical substances in waste must be conducted by laboratories accredited by the South African National Accreditation System (SANAS) to conduct the particular techniques and analysis methods required.
- (3) The TC and LC limits of the chemical substances in the waste must be compared to the threshold limits specified in section 6 of these Norms and Standards for total concentrations (TCT limits) and leachable concentrations (LCT limits) of specific elements and chemical substances.
- (4) Based on the TC and LC limits of the elements and chemical substances in the waste exceeding the corresponding TCT and LCT limits respectively, the specific type of waste for disposal to landfill must be determined in terms of section 7 of these Norms and Standards.



#### 4. **Total Concentration (TC) Analysis**

- (1) The TC of all the elements and chemical substances specified in section 6 of these Norms and Standards that are known to occur, likely to occur or can reasonably be expected to occur in the waste must be determined.
- (2) The TC of elements and chemical substances in waste must be determined using techniques and analysis methods that will provide reliable, accurate and repeatable results of the TC of elements and chemical substances specified in section 6 of these Norms and Standards.

#### 5. **Leachable Concentration (LC) Analysis**

- (1) The LC of elements and chemical substances must be determined using the Australian Standard Leaching Procedure (AS 4439.1, 4439.2 and 4439.3).
- (2) The type of leaching fluid (section 5.2 and 5.3 of AS 4439.3) used in the leaching procedure must be selected as follows -
  - (a) Waste to be disposed of with, or waste that contains, putrescible wastes: Use 0.1 M acetic acid solution with altered pH 5.0 or pH 2.9 determined as per section 7.5(a-e) of AS 4439.3;
  - (b) Waste to be disposed of with non-putrescible waste: Use a basic 0.1 M sodium tetraborate decahydrate solution of pH 9.2  $\pm$ 0.1, as well as an acetic acid solution with pH 5.0 or pH 2.9) determined as per section 7.5(a-e) of AS 4439.3; or
  - (c) Non-putrescible waste to be disposed of without any other wastes: Use reagent water.
- (3) Existing LC results for elements and chemical substances in wastes, which have been determined in terms of the Toxicity Characteristic Leaching Procedure (TCLP) leach test criteria of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2<sup>nd</sup> Edition, 1998; Department of Water Affairs and Forestry) prior to the Regulations taking effect, may be utilised for comparison with the LCT limits in section 6 of these Norms and Standards to assess waste for the purpose of disposal of the waste to landfill, for a period not exceeding three (3) years from the date of publication of this Notice.

#### 6. **LCT and TCT Limits**

- (1) Total Concentration Threshold (TCT) Limits (mg/kg):

<b>Elements &amp; Chemical Substances in Waste</b>	<b>TCT0</b>	<b>TCT1</b>	<b>TCT2</b>
<b><i>Metal Ions</i></b>			
As, Arsenic	5.8	500	2000
B, Boron	150	15000	60000
Ba, Barium	62.5	6250	25000

Cd, Cadmium	7.5	260	1040
Co, Cobalt	50	5000	20000
Crrotai, Chromium Total	46000	800000	N/A
Cr (VI), Chromium (VI)	6.5	500	2000
Cu, Copper	16	19500	78000
Hg, Mercury	0.93	160	640
Mn, Manganese	1000	25000	100000
Mo, Molybdenum	40	1000	4000
Ni, Nickel	91	10600	42400
Pb, Lead	20	1900	7600
Sb, Antimony	10	75	300
Se, Selenium	10	50	200
V, Vanadium	150	2680	10720
Zn, Zinc	240	160000	640000
<b>Inorganic Anions</b>			
TDS			
Chloride			
Sulphate			
NO <sub>3</sub> as N, Nitrate-N			
F, Fluoride	100	10000	40000
CN- (total), Cyanide Total	14	10500	42000
<b>Organics</b>			
Benzene		10	40
Benzo(a)pyrene		1.7	6.8
Carbon tetrachloride		4	16
Chlorobenzene		8800	35200
Chloroform		700	2800
2-Chlorophenol		2100	8400
Di (2 ethylhexyl) phthalate		40	160
1,2-Dichlorobenzene		31900	127600
1,4-Dichlorobenzene		18400	73600
1,2-Dichloroethane		3.7	14.8
1,1-Dichloroethylene		150	600
1-2-Dichloroethylene		3750	15000
<b>Elements &amp; Chemical Substances in Waste</b>	<b>TCT0</b>	<b>TCT1</b>	<b>TCT2</b>
Dichloromethane		16	64
2,4-Dichlorophenol		800	3200
2,4-Dinitrotoluene		5.2	20.8
Ethylbenzene		540	2160
Formaldehyde		2000	8000
Hexachlorobutadiene		2.8	5.4
Methyl ethyl ketone		8000	32000
MTBE (Methyl t-butyl ether)		1435	5740
Nitrobenzene		45	180

PAHs (total)		50	200
Petroleum H/Cs, C6 to C9		650	2600
Petroleum H/Cs, C10 to C36		10000	40000
Phenols (total, non-halogenated)		560	2240
Polychlorinated biphenyls		12	48
Styrene		120	480
1,1,1,2-Tetrachloroethane		400	1600
1,1,2,2-Tetrachloroethane		5.0	20
Tetrachloroethylene		200	800
Toluene		1150	4600
Trichlorobenzenes (total)		3300	13200
1,1,1-Trichloroethane		1200	4800
1,1,2-Trichloroethane		48	192
Trichloroethylene		11600	46400
2,4,6-Trichlorophenol		1770	7080
Vinyl chloride		1.5	6.0
Xylenes (total)		890	3560
<b>Pesticides</b>			
Aldrin + Dieldrin	0.05	1.2	4.8
DDT + DDD + DDE	0.05	50	200
2,4-D	0.05	120	480
Chlordane	0.05	4	16
Heptachlor	0.05	1.2	4.8

#### Notes:

- TCT1 limits, where appropriate, have been derived from the land remediation values for commercial/industrial land determined by the Department of Environmental Affairs' "Framework for the Management of Contaminated Land", March 2010. The TCT2 limits were derived by multiplying TCT1 by a factor of 4, as used by the Environmental Protection Agency, Australian State of Victoria.

- If South African limits for TCT1 were unavailable, in general, the limits published by the Environmental Protection Agency, Australian State of Victoria have been used.

- Some TC limits have been adjusted because of various attenuation factors that are observed in landfills.

- Where available, the TCT0 limits for have been obtained from SA Soil Screening Values that are protective of water resources. If not available, the State of Victoria value for fill material (EPA Victoria, Classification of Wastes) has been selected. If limits were not available in these references a conservative value was obtained by dividing the TCT1 value by 100.

#### (2) Leachable Concentration Threshold (LCT) Limits (mg/l):

Elements & Chemical Substances in Waste	LCT0	LCT1	LCT2	LCT3
<b>Metal Ions</b>				
As, Arsenic	0.01	0.5	1	4

B, Boron	0.5	25	50	200
Ba, Barium	0.7	35	70	280
Cd, Cadmium	0.003	0.15	0.3	1.2
Co, Cobalt	0.5	25	50	200
Cr total, Chromium Total	0.1	5	10	40
Cr (VI), Chromium (VI)	0.05	2.5	5	20
Cu, Copper	2.0	100	200	800
Hg, Mercury	0.006	0.3	0.6	2.4
Mn, Manganese	0.5	25	50	200
Mo, Molybdenum	0.07	3.5	7	28
Ni, Nickel	0.07	3.5	7	28
Pb, Lead	0.01	0.5	1	4
Sb, Antimony	0.02	1.0	2	8
Se, Selenium	0.01	0.5	1	4
V, Vanadium	0.2	10	20	80
Zn, Zinc	5.0	250	500	2000
<b>Inorganic Anions</b>				
TDS	1000	12 500	25 000	100 000
Chloride	300	15 000	30 000	120 000
Sulphate	250	12 500	25 000	100 000
NO <sub>3</sub> as N, Nitrate-N	11	550	1100	4400
F, Fluoride	1.5	75	150	600
CN- (total), Cyanide Total	0.07	3.5	7	28
<b>Organics</b>				
Benzene		0.01	0.02	0.08
Benzo(a)pyrene		0.035	0.07	0.28
Carbon tetrachloride		0.20	0.40	1.6
Chlorobenzene		5.0	10	40
Chloroform		15	30	120
2-Chlorophenol		15	30	120
Di (2 ethylhexyl) phthalate		0.50	1	4
1,2-Dichlorobenzene		5	10	40
1,4-Dichlorobenzene		15	30	120
1,2-Dichloroethane		1.5	3	12
1,1-Dichloroethylene		0.35	0.7	2.8
1-2-Dichloroethylene		2.5	5	20
Dichloromethane		0.25	0.5	2
2,4-Dichlorophenol		10	20	80
2,4-Dinitrotoluene		0.065	0.13	0.52
<b>Elements &amp; Chemical Substances in Waste</b>	<b>LCT0</b>	<b>LCT1</b>	<b>LCT2</b>	<b>LCT3</b>
Ethylbenzene		3.5	7	28
Formaldehyde		25	50	200
Hexachlorobutadiene		0.03	0.06	0.24
Methyl ethyl ketone		100	200	800

MTBE (Methyl t-butyl ether)		2.5	5.0	20.0
Nitrobenzene		1	2	8
PAHs (total)		N/A	N/A	N/A
Petroleum H/Cs, C6 to C9		N/A	N/A	N/A
Petroleum H/Cs, C10toC36		N/A	N/A	N/A
Phenols (total, non-halogenated)		7	14	56
Polychlorinated biphenyls		0.025	0.05	0.2
Styrene		1.0	2	8
1,1,1,2-Tetrachloroethane		5	10	40
1,1,2,2-Tetrachloroethane		0.65	1.3	5.3
Tetrachloroethylene		0.25	0.5	2
Toluene		35	70	280
Trichlorobenzenes (total)		3.5	7	28
1,1,1-Trichloroethane		15	30	120
1,1,2-Trichloroethane		0.6	1	4
Trichloroethylene		0.25	2	8
2,4,6-Trichlorophenol		10.0	20	80
Vinyl chloride		0.015	0.03	0.12
Xylenes (total)		25	50	200
<b>Pesticides</b>				
Aldrin + Dieldrin		0.015	0.03	0.03
DDT + DDD + DDE		1	2	2
2,4-D		1.5	3	3
Chlordane		0.05	0.1	0.1
Heptachlor		0.015	0.03	0.03

#### Notes:

- LCT1 limits have, where possible, been derived from the lowest value of the standard for human health effects listed for drinking water (LCT0) in South Africa (DWAf, SANS) by multiplying with a Dilution Attenuation Factor (DAF) of 50 as proposed by the Australian State of Victoria, "Industrial Waste Resource Guidelines: Solid Industrial Waste Hazard Categorization and Management", June 2009 ([www.epa.vic.gov.au](http://www.epa.vic.gov.au)). If no standard was available in South Africa, then the limits given by the WHO or other appropriate drinking water standard, such as those published in the California Regulations have been used.

- LCT2 limits were derived by multiplying the LCT1 value with a factor of 2, and the LCT3 limits have been derived by multiplying the LCT2 value with a factor of 4. The factors applied represents a conservative assessment of the decrease in risk achieved by the increase in environmental protection provided by more comprehensive liner designs in higher classes of landfill and landfill operating requirements.

## 7. Determining Waste Types for Landfill Disposal

- (1) The specific type of waste for disposal to landfill must be determined by comparing the TC and LC of the elements and chemical substances in the waste with the TCT and LCT limits specified in section 6 of these Norms and Standards.

- (2) Based on the assessment of the particular waste destined for disposal to landfill, the type of waste is determined as follows-
- (a) Wastes with any element or chemical substance concentration above the LCT3 or TCT2 limits ( $LC > LCT3$  or  $TC > TCT2$ ) are Type 0 Wastes;
  - (b) Wastes with any element or chemical substance concentration above the LCT2 but below or equal to the LCT3 limits, or above the TCT1 but below or equal to the TCT2 limits ( $LCT2 < LC \leq LCT3$  or  $TCT1 < TC \leq TCT2$ ), are Type 1 Wastes;
  - (c) Wastes with any element or chemical substance concentration above the LCT1 but below or equal to the LCT2 limits and all concentrations below or equal to the TCT1 limits ( $LCT1 < LC \leq LCT2$  and  $TC \leq TCT1$ ) are Type 2 Wastes;
  - (d) Wastes with any element or chemical substance concentration above the LCT0 but below or equal to the LCT1 limits and all TC concentrations below or equal to the TCT1 limits ( $LCT0 < LC \leq LCT1$  and  $TC \leq TCT1$ ) are Type 3 Wastes; or
  - (e) Wastes with all element and chemical substance concentration levels for metal ions and inorganic anions below or equal to the LCT0 and TCT0 limits ( $LC \leq LCT0$  and  $TC \leq TCT0$ ), and with all chemical substance concentration levels also below the following total concentration limits for organics and pesticides, are Type 4 Wastes-

Chemical Substances in Waste	Total Concentration (mg/kg)
<b>Organics</b>	
TOC	30 000 (= 3%)
BTEX	6
PCBs	1
Mineral Oil (C10 to C40)	500
<b>Pesticides</b>	
Aldrin + Dieldrin	0.05
DDT + DDD + DDE	0.05
<b>Chemical Substances in Waste</b>	
<b>Total Concentration (mg/kg)</b>	
2,4-D	0.05
Chlordane	0.05
Heptachlor	0.05

- (3) If a particular chemical substance in a waste is not listed with corresponding LCT and TCT limits in section 6 of these Norms and Standards, and the waste has been classified as hazardous in terms of regulation 4(2) of the Regulations based on the health or environmental hazard characteristics of the particular element or chemical substance, the following applies -
- (a) the waste is considered to be Type 1 Waste; and

- (b) the Department must be informed in writing in 30 days of the particular element or chemical substance not listed in section 6 of these Norms and Standards.
- (4) Notwithstanding section 7(2) of these Norms and Standards, if the TC of an element or chemical substance is above the TCT2 limit, and the concentration cannot be reduced to below the TCT2 limit, but the LC for the particular element or chemical substance is below the LCT3 limit, the waste is considered to be Type 1 Waste.
- (5) Wastes listed in item (2)(b) of Annexure 1 to the Regulations are considered to be Type 1 Waste, unless assessed and determined otherwise in terms of these Norms and Standards.
- (6) Notwithstanding section 7(2) of these Norms and Standards, wastes with all element or chemical substance leachable concentration levels for metal ions and inorganic anions below or equal to the LCT0 limits are considered to be Type 3 waste, irrespective of the total concentration of elements or chemical substances in the waste, provided that-
- (a) all chemical substance concentration levels are below the following total concentration limits for organics and pesticides:

<b>Chemical Substances in Waste</b>	<b>Total Concentration (mg/kg)</b>
<b><i>Organics</i></b>	
TOC	30 000 (= 3%)
<b><i>Chemical Substances in Waste</i></b>	
BTEX	6
PCBs	1
Mineral Oil (C10 to C40)	500
<b><i>Pesticides</i></b>	
Aldrin + Dieldrin	0.05
DDT + DDD + DDE	0.05
2,4-D	0.05
Chlordane	0.05
Heptachlor	0.05

- (b) the inherent physical and chemical character of the waste is stable and will not change over time; and
- (c) the waste is disposed of to landfill without any other waste.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **NATIONAL DOMESTIC WASTE COLLECTION STANDARDS, 2013**

Published under Government Notice 21 in *Government Gazette* 33935 of 21 January 2011.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby under section 7(1)(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) set national standards for the collection of domestic waste in the schedule hereto.

The date of effect will be 1 February 2011.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **Definitions**

1. Background and purpose
2. Principles
3. Level of Service
4. Collection
  - 4.1 Separation at source
  - 4.2 Collection of recyclable waste
  - 4.3 Receptacles
  - 4.4 Bulk Containers
  - 4.5 Communal collection points
  - 4.6 Frequency of collection
5. Drop-off centres for Recyclables
6. Collection vehicles
7. Health and Safety
8. Communication, awareness creation and complaints
  - 8.1. Waste Management officer
  - 8.2. Awareness creation and guidelines to inform the households
9. Waste Collection customer service standards for Kerbside collection
10. General

## **Definitions**

In this document the following definitions apply unless the context indicates otherwise:

**“Basic Refuse Removal Service”** means a baseline service level as established under Clause 9.1 of the National Policy on the Provision of Basic Refuse Removal to indigent Households.

**“Building Rubble”** means waste produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during such a construction, alteration, repair or demolition.



**“Collection”** means the act of collecting domestic waste at the place of waste generation or storage by an approved service provider or the municipality.

**“Collection Vehicle or Equipment”** means any vehicle or equipment used in the collection of domestic waste.

**“Domestic Health Care Waste”** means waste generated in a household for medical purposes and includes waste such as syringes, unused medicines and pills, used bandages, etc. that could cause a health hazard when not appropriately disposed of.

**“Domestic Waste”** means waste, excluding hazardous waste, that emanates from premises that are wholly or mainly for residential, educational, health care, sport or recreational purposes. Domestic waste can be classified into recyclable and reusable, compostable and also non-recyclable or non-usable waste; Domestic waste for the purposes of the standards does not include commercial and industrial waste, building rubble and ‘hard’ or non-compostable garden waste.

**“Hard or Non-compostable Garden waste”** means branches and tree stumps that needs to be shredded in order to become compostable.

**“Hazardous Waste”** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment.

**“Household”** means a collection of individuals staying on a distinctive property and/or premises regardless of their relationships to one another.

**“Municipality”** means a municipality as defined by the Municipal Systems Act, 2000 (Act No 32 of 2000).

**“Receptacle”** is the container designated solely for the purpose of temporary storage of household waste at the household, either provided by the municipality or the household, until such time of collection by the service provider/municipality.

**“Service Provider”** means the providers of the domestic waste collection service, be it the municipality, external entity or community that is contracted by the municipality to render a municipal service.

**“Standard”** for the purposes of this document is a list of principles, procedures, processes and benchmarks established for ensuring that domestic waste collection services are fit for its intended purpose and performed in the manner it was intended for. The Standards further define quality and establish safety criteria.

## **1. Background and purpose**

To redress past imbalances in the provision of waste collection services, it is imperative that acceptable, affordable and sustainable waste collection services be rendered to all South Africans. The provision of waste collection services improves the quality of life of the entire community and ensures a clean and more acceptable place to live and work in. The lack of or poor-quality waste collection services can however result in a number of environmental and human health problems.

The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) stipulates that standard are required to “give effect to the right to an environment that is not harmful to health and well-being,” and that this right have to be applied “uniformly

throughout the Republic". It is recognised that South Africa is a developing country and the purpose of the setting of standards is to ensure a service to all while complying with health and safety regulations without unnecessarily changing current creative collection processes as long as they function well and deliver a service of acceptable standard to all households. These National Domestic Waste Collection Standards are therefore applicable to all domestic waste collection services throughout the country.

The setting of National Domestic Waste Collection Standards was informed by the Constitution of the Republic of South Africa, 1996, the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), the General Waste Collection Standards of Gauteng Province, the current international waste management standards and good practices in both developed and developing countries, the current waste collection practices in South African municipalities as well as stakeholder consultations.

**NOTE: Guidelines in support of the standards are provided in text boxes throughout the document.**

## **2. Principles**

The standards are set based on the following principles agreed upon during the consultation process:

- Equity;
- Affordability and availability of resources within municipalities;
- Clarity and ease at which the standards can be implemented;
- Practicality; and
- Community participation in design of applicable and appropriate collection systems.

## **3. Level of Service**

It is recognised that service levels may differ between areas depending on the practicality and cost efficiency of delivering the service. However, the standards for domestic waste collection as outlined below will be equally relevant to all different levels of domestic waste collection services.

Service levels may vary between:

- a. On-site appropriate and regularly supervised disposal (applicable mainly to remote rural areas with low density settlements and farms supervised by a waste management officer);
- b. Community transfer to central collection point (medium density settlements);
- c. Organised transfer to central collection points and/or kerbside collection (high density settlements); or
- d. Mixture of b and c above for the medium to high density settlements.

## **4. Collection**

Equitable waste collection services must be provided to all households within the jurisdiction of the municipality. In areas where travelling distances and the resulting costs may render regular waste collection services impractical, the municipality, through by-laws, must allow for more feasible alternative ways of waste handling, such as on-site disposal (refer to level of service in paragraph 3 above).

#### **4.1 Separation at source**

Separation at source must be encouraged and supported in line with the relevant industry waste management plans. In addition:

- a. All domestic waste must be sorted at source (i.e., the households) in all Metropolitan and secondary cities;
- b. The service provider/municipality must provide clear guidelines to households regarding types of waste, the sorting of the waste, appropriate containers, and removal schedules for each type of waste; and
- c. Community involvement in recycling must be encouraged.

#### **4.2 Collection of recyclable waste**

The municipality must provide an enabling environment for households to recycle domestic waste. An enabling environment could include kerbside collection and/or well-kept drop-off centres within easy reach. Where the municipality does not provide for kerbside collection of the recyclable component of source separated waste, it must co-operate with the recycling sector to ensure the provision of facilities where recyclables can be dropped-off for collection by service providers.

- a. Mainstream recyclables (paper, cardboard, newspapers, magazines, plastic, glass, metal cans and tins) must therefore, according to the level of service provided (see section 3 above), be either collected at households or from communal collection points by the municipality or service providers.
- b. Non-mainstream recyclables (electronic waste, scrap metal, batteries, fluorescent lights, used oil etc) must be routed to clearly marked drop-off centres at well-advertised locations for collection by service providers in the relevant recycling sector.

### **Guideline for collection of recyclables**

The viability of recycling relies heavily on economies of scale. It is therefore important that enough clean recyclables (from separation at source including households) must be accumulated to justify the cost of transport associated with the collection of recyclables.

The following issues must be considered:

- The use of existing infrastructure (i.e., garden waste centres, landfills) for temporary accumulation and storage of recyclable waste. This may require an amendment to existing landfill permits;
- Bulk waste transfer facilities for recyclable waste by district municipalities;
- Regionalisation of collection of recyclables to ensure economies of scale especially in remote areas; and
- Collaboration with recycling companies to avoid potential bottlenecks.
- If there is no recycling market for source separated recyclables, waste-to-energy options must be considered prior to disposal.

### **4.3 Receptacles**

The following specifications and procedures are applicable to all receptacles for domestic waste collection (refer to the guideline box below when selecting suitable receptacles);

- a. Receptacles for the storage of non-reusable and non-recyclable waste must be easily distinguishable from those for the storage of recyclable waste;
- b. Receptacles for the storage of non-recyclable waste at households must be:
  - (i) fit for the safe storage of waste;
  - (ii) such that pollution of the environment and harm to health are prevented;
  - (iii) rigid and durable to within reason prevent accidental tipping, accidental spillage and leaking;
  - (iv) intact and not corroded or worn out;
  - (v) covered to ensure that animals and insects cannot enter and that the waste cannot be blown away; and
  - (vi) not bigger than 240 l;
- c. Each household supplied with a bin or wheelie bin takes responsibility for the hygiene as well as safekeeping of the bin, and must not purposely damage it or use it for any other purpose than for keeping waste until collection day;
- d. The service provider/municipality must take care to return the emptied receptacle to the same household from where it was collected for emptying;

- e. Where returnable receptacles are in use, household members must mark his or her receptacle to assist the service provider/municipality in returning the receptacle to the same household from where it was collected; and
- f. Elderly and disabled persons' households must have the choice to use smaller receptacles or bins that handle more easily than the standard bins provided by the municipality.

#### **Guideline for selecting receptacle type.**

The following must be taken into account:

*Cost* - Bins/wheelie bins are more costly than plastic bags but have a longer lifespan.

*Size* - The size of the receptacle will be determined by the bulk (volume) of non-recyclable and recyclable waste generated by an average household in a certain area. The frequency of collection must be considered, as frequencies of less than once a week become a health hazard in South African climatic conditions. The maximum size of receptacles for a household is therefore set at 240l.

*Pollution* - Plastic bags create an additional source of pollution if not re-used and/or recycled.

*Compatibility* - The receptacles must be compatible with the type of collection vehicles in use. Where applicable, and in areas where the use of wheelie bins will be feasible, wheelie bins must be phased in as and when transport vehicles that are not currently compatible with wheelie bins are replaced. However, compactor trucks may not be the best method of collection for mixed recyclables, nor for the collection of non-recyclable waste with low compaction potential.

*Handling* - The receptacles must be easy to handle by the household and the service provider/ municipality and must be easy to clean and have no sharp edges. However, some high-density areas on steep slopes (although there are proper roads for trucks), might need other types of receptacles than areas on flat ground.

*Vermin and vector control* - The receptacles must be impermeable to vermin and flies. This implies that receptacles must not allow moisture or rainwater to enter and must not discharge any leachate.

*Durability* - the receptacles must be fairly resistant to mechanical damage as well as be 'animal proof. Various domestic and other animals may damage receptacles in search of food.

*Availability* - The receptacles must be freely available in the market at competitive prices (to both municipalities and consumers as the case may be).

*Number of receptacles* - The size of the household will determine the number of receptacles required. A fixed number can be provided per household and additional receptacles on request and possibly at a cost to the household.

#### **4.4 Bulk Containers**

Where bulk containers are the most appropriate receptacles, the same standards apply as for receptacles as stipulated above (section 4.3). In addition, bulk containers must be

fitted with reflectors and where appropriate be placed next to a platform for ease of access.

A formalised domestic waste collection system must be provided to transfer the waste from individual households to the bulk containers in cases where such containers are used for domestic waste. The job creation potential (i.e., involvement of community contractors) of such a domestic waste collection system must be optimised in favour of the local community.

#### **Skips**

It must be noted that skips are designed for collection of bulky waste such as building rubble or 'hard' garden waste which will not become windblown during transportation. Skips are therefore not appropriate for domestic waste collection unless appropriate measures are put in place to prevent windblown litter from the skips.

### **4.5 Communal collection points**

Communal collection points must be clearly demarcated areas with appropriate receptacles where household waste can be deposited for collection by the service provider/municipality. The municipality must ensure that communal collection points are kept tidy at all times.

The receptacles must be:

- a. Covered so as to prevent windblown litter; and
- b. User friendly to allow even children and disabled persons to safely deposit waste into the receptacles.

The collection points must:

- a. Be easily accessible for waste collection vehicles; and
- b. Encourage waste separation at source.

### **4.6 Frequency of collection**

Acknowledging that waste minimisation is encouraged, the frequency of waste collection must not encourage illegal dumping or cause a nuisance in terms of odours and volumes of waste being stored.

Non-recyclable waste must be removed at least once a week. [Also see health issues hereunder.]

Recyclable waste must be removed at least once every two weeks and removal must be coordinated with industry (the users of the recyclables) to minimise costs and the clogging of space at transfer stations and depots.

Waste deposited at communal collection points must be collected within 24 hours of receptacles being reported as full or at regular intervals so as not to attract vermin and increase health risks.

Bulk containers must be collected once filled up or within 24 hours of being reported as full, but not less than once a week.

Frequency of collection of recyclable and non-recyclable waste may differ depending on:

- a. The size of the bins provided, and the volumes of waste generated;
- b. The area of collection in terms of:
  - (i) type of service provided including types of vehicles and equipment used; and
  - (ii) distances between collection points and disposal sites to minimise transport costs;
- c. Climatic conditions - In South Africa's hot weather conditions, the collection of non-recyclable waste less than once a week is a health hazard.

## **5. Drop-off centres for Recyclables**

Drop-off centres for recyclables not collected at the households must be easily accessible to the public. Such centres must also be conducive to reinforcing recycling behaviour - it must be clean and user friendly. Drive-through options should be considered and implemented where feasible. Collection from drop-off centres must be at regular intervals so as not to cause a nuisance.

## **6. Collection vehicles**

Collection vehicles that are the most appropriate for the specific task and geographical terrain must be used. See the guideline box below on selecting collection vehicles. The following shall apply:

- a. Collection vehicles, used for the collection and transportation of waste must not be used for any other purpose while collecting and transporting waste.
- b. Health issues [regular cleaning of the vehicles is required] must be considered.
- c. Waste must be collected and transported in closed vehicles (covered to ensure no windblown litter generation) to prevent littering during transportation. Non-compatible vehicles must be phased out.
- d. Maintenance schedules must be adhered to, and roadworthiness of vehicles ensured where applicable in order to ensure a reliable waste collection service.

### **Guideline on Collection Vehicles**

Collection vehicles that are the most appropriate for the specific task should be used. Consideration must be given to the following:

- (i) type of waste to be removed - recyclable or non-recyclable;
- (ii) the geographical area of collection; and
- (iii) the method of collection - e.g., whether the receptacles in use need specialised equipment to be lifted or not.

Collection vehicles used for the collection of non-recyclable waste might not be appropriate for the collection of recyclable waste. In choosing the type of vehicle for the collection of non-recyclable and recyclable waste the following must be taken into consideration:

- (i) how much each type of waste can be compacted;
- (ii) any leachate forming when compacting the waste; and
- (iii) whether different types of recyclables are collected in one receptacle at the households.

## **7. Health and Safety**

- a. In addressing the general health of the waste collection workers, all waste collection workers must receive:
  - (i) regular medical check-ups to ensure their health and well-being;
  - (ii) appropriate personal protective equipment, e.g., gloves, masks, overalls and raincoats, gumboots; and
  - (iii) ongoing training on health and safety issues.
- b. Existing Occupational Health and Safety legislation must be adhered to.

## **8. Communication, awareness creation and complaints**

### **8.1 Waste Management officer**

The Waste Management Officer will be designated to deal with general communications and awareness raising regarding waste. This officer will also be responsible for the handling of all complaints and resolving such complaints within a set period, as follows:

- a. The complaint handling mechanisms will be in line with the type of municipality and availability of infrastructure to handle such complaint mechanisms;
- b. The time frame for responding to complaints is a maximum of 24 hours. The complainer must receive notification of how the complaint will be addressed within this 24-hour period;
- c. Complaints from both households and waste collectors (including service providers/ municipality) must be dealt with;



- d. Where complaints arise from negligence or lack of awareness on the part of households, communication and general awareness creation must be improved; and
- e. An efficient and effective register containing all complaints must be kept.

## **8.2 Awareness creation and guidelines to inform the households**

- a. The municipality must create awareness amongst households about the following:
  - (i) the types of waste collection services provided;
  - (ii) separation at source - the removal of recyclables and re-usable waste from the general household waste;
  - (iii) the potential of composting of some of the household waste and the benefit of such to the household;
  - (iv) the unacceptability of illegal dumping and littering;
  - (v) measures to be taken against individuals that litter and dump waste illegally;
  - (vi) the cost of cleaning up illegal dumping and littering, and the implications on household waste collection rates; and
  - (vii) the advantages of reporting illegal dumping activities.
- b. The municipality must provide clear guidelines to households about the following:
  - (i) the different types of waste generated in households;
  - (ii) separation of non-recyclable and non-reusable household waste from compostable waste and recyclable waste;
  - (iii) appropriate containers for each type of waste;
  - (iv) removal schedules for each type of waste; and
  - (v) what to do with waste other than those waste forming part of the regular schedule of waste collection services.
- c. Awareness raising and guideline communications must be done at regular intervals to ensure that all households are well informed about all issues listed under (b) above.

## **9. Waste Collection customer service standards for Kerbside collection**

- a. Weekly waste collection must be done on the same day every week according to the municipality's schedule.
- b. When the scheduled municipal services are interrupted for whatever reason, the municipality must resume the service as soon as is practical and address all backlogs so caused as a matter of priority.

- c. When collection has been missed the waste must be removed not later than on the next scheduled collection day.
- d. The collection team will make every effort to return the same bin to the premises of the household if bins are used as receptacles.
- e. A charge will be set for replacement of waste bins reported as:
  - (i) lost or stolen;
  - (ii) vandalized; or
  - (iii) damaged (other than by the service provider/municipality or equipment or normal wear and tear).
- f. Revised collection arrangements during the December holidays or for public holidays will be widely publicized if applicable. Residents will be informed of revised collection arrangement in advance by one or more appropriate method.
- g. A charge does not apply in the following circumstances:
  - (i) receptacles damaged by the service provider/ municipality or equipment; or
  - (ii) receptacles provided to indigent households qualifying for fully rebated service.
- h. The municipality must stipulate the time at which the waste receptacle must be put out for collection on the collection day.
- i. If the waste receptacle contains unacceptable material as specified in the by-laws (such as builders' rubble) the waste may not be removed.
- j. All complaints about the service must be addressed as follows:
  - (i) promptly (within the time frame specified by the municipality);
  - (ii) appropriately and realistically; and
  - (iii) efficiently and effectively.

## **10 General**

- a. All communication to household residents must be via the waste management officer.
  - (i) waste collectors may not enter into debate with household residents;
  - (ii) waste collectors may not intimidate household residents; and
  - (iii) household residents may not intimidate or force waste collectors to collect waste which is not separated according to the guidelines, or which was disposed of in contravention of a by-law or other legislation.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **NATIONAL NORMS AND STANDARDS FOR DISPOSAL OF WASTE TO LANDFILL, 2013**

Published under Government Notice R636 in *Government Gazette* 36784 of 23 August 2013.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby set national norms and standard for the assessment of waste for landfill disposal, under section 7(1)(c) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **CHAPTER 1 INTERPRETATION AND PURPOSE**

1. Definitions
2. Purpose and Application

### **CHAPTER 2 STANDARD CONTAINMENT BARRIER DESIGN, WASTE ACCEPTANCE AND WASTE DISPOSAL REQUIREMENTS**

3. Landfill Classification and Containment Barrier Design
4. Waste Acceptance Criteria for Disposal to Landfill
5. Waste Disposal Restrictions

### **CHAPTER 1 INTERPRETATION AND PURPOSE**

#### **1. Definitions**

In these National Norms and Standards, any word or expression to which a meaning has been assigned in the Act has that same meaning, and unless the context requires otherwise-

**“the Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

**“the Regulations”** means the Waste Classification and Management Regulations, 2013.

## **2. Purpose and Application**

These Norms and Standards determine the requirements for the disposal of waste to landfill as contemplated in regulation 8(1)(b) and (c) of the Regulations.

### **CHAPTER 2 STANDARD CONTAINMENT BARRIER DESIGN, WASTE ACCEPTANCE AND WASTE DISPOSAL REQUIREMENTS**

## **3. Landfill Classification and Containment Barrier Design**

- (1) The containment barriers of landfills for the disposal of waste in terms of section 4 of these Norms and Standards must comply with the following minimum engineering design requirements-
  - (a) Class A Landfill
  - (b) Class B Landfill
  - (c) Class C Landfill
  - (d) Class D Landfill
- (2) The following containment barrier requirements must be included in an application for waste management licence approval of a landfill site or cell -
  - (a) design reports and drawings that must be certified by a registered, professional civil engineer prior to submission to the competent authority;
  - (b) service life considerations that must be quantified taking into account temperature effects on containment barriers;
  - (c) total solute seepage (inorganic and organic) that must be calculated in determining acceptable leakage rates and action leakage rates;
  - (d) alternative elements of proven equivalent performance which has been considered, such as the replacement of-
    - (i) granular filters or drains with geosynthetic filters or drains;
    - (ii) protective soil layers with geotextiles; or
    - (iii) clay components with geomembranes or geosynthetic clay liners;
  - (e) All drainage layers must contain drainage pipes of adequate size, spacing and strength to ensure atmospheric pressure within the drainage application for the service life of the landfill;
  - (f) Alternative design layouts for slopes exceeding 1:4 (vertical: horizontal) may be considered provided equivalent performance is demonstrated;
  - (g) Construction Quality Assurance during construction;

- (h) Geosynthetic materials must comply with relevant South African National Standard specifications, or any prescribed management practice or standards which ensure equivalent performance; and
  - (i) Consideration of the compatibility of liner material with the waste stream, in particular noting the compatibility of natural and modified clay soils exposed to waste containing salts.
- (3) The classification and containment barrier design of all new landfills, as well as new working cells at existing landfills, must be implemented in accordance with section 3(1) and (2) of these Norms and Standards.
- (4) Notwithstanding section 3(3) of these Norms and Standards, waste may be disposed of in terms of section 4(1), (2), (3) and (4) of these Norms and Standards at landfills with the liner design requirements for landfills contained in the Minimum Requirements for Waste Disposal by Landfill (2<sup>nd</sup> Edition, 1998; Department of Water Affairs and Forestry), or at landfills with an alternative liner design approved by the competent authority for the life-span of the operational cell, subject to the following conditions-
- (a) the current working cell at the landfill was operating lawfully in terms of the Act prior to the Regulations coming into operation;
  - (b) the next working cell at the landfill was legally approved prior to the Regulations coming into operation; or
  - (c) an application for approval of a new landfill or working cell was submitted to the competent authority, and a decision has not been taken or is still under consideration prior to the Regulations coming into operation.

#### 4. Waste Acceptance Criteria for Disposal to Landfill

- (1) Waste assessed in terms of the *Norms and Standards for Assessment of Waste for Landfill Disposal* set in terms of section 7(1) of the Act must be disposed to a licensed landfill as follows:

Waste Type	Landfill Disposal Requirements
<b>Type 0 Waste</b>	The disposal of Type 0 waste to landfill is <b>not allowed</b> . The waste must be treated and re-assessed in terms of the <i>Norms and Standards for Assessment of Waste for Landfill Disposal</i> .
<b>Type 1 Waste</b>	Type 1 waste may only be disposed of at a <b>Class A</b> landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, may be disposed of at a landfill site designed in accordance with the requirements for a Hh / HH <b>landfill</b> as specified in the Minimum Requirements for Waste Disposal by Landfill (2 <sup>nd</sup> Ed., Department of Water Affairs and Forestry, 1998).

<b>Type 2 Waste</b>	Type 2 waste may only be disposed of at a <b>Class B</b> landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, may be disposed of at a landfill site designed in accordance with the requirements for a <b>GLB+ landfill</b> as specified in the Minimum Requirements for Waste Disposal by Landfill (2 <sup>nd</sup> Ed., DWAF, 1998).
<b>Type 3 Waste</b>	Type 3 waste may only be disposed of at a <b>Class C</b> landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, may be disposed of at a landfill site designed in accordance with the requirements for a <b>GLB+ landfill</b> as specified in the Minimum Requirements for Waste Disposal by Landfill (2 <sup>nd</sup> Ed., DWAF, 1998).
<b>Type 4 Waste</b>	Type 4 waste may only be disposed of at a <b>Class D</b> landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, may be disposed of at a landfill site designed in accordance with the requirements for a <b>GLB- landfill</b> as specified in the Minimum Requirements for Waste Disposal by Landfill (2 <sup>nd</sup> Ed., DWAF, 1998).

- (2) Waste listed in section 2(a) of Annexure 1 to the Regulations and destined for disposal to landfill must be disposed of as follows-

Listed Waste	Landfill Disposal Requirements
(i) Domestic waste.  (ii) Business waste not containing hazardous waste or hazardous chemicals.  (iii) Non-infectious animal carcasses.  (iv) Garden waste.	Disposal only allowed at a Class B landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norm and Standards, at a landfill site designed in accordance with the requirements for a GLB+ landfill as specified in the Minimum Requirements for Waste Disposal by Landfill (2 <sup>nd</sup> Ed., DWAF, 1998).
(v) Post-consumer packaging.  (vi) Waste tyres.	Disposal only allowed at a Class C landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, at a landfill site designed in accordance with the requirements for a GLB+ landfill as specified in the Minimum Requirements for Waste Disposal by Landfill (2 <sup>nd</sup> Ed., DWAF, 1998).

(vii) Building and demolition waste not containing hazardous waste or hazardous chemicals.	Disposal allowed at a Class D landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, at a landfill site designed in accordance with the requirements for a GLB- landfill as specified in the Minimum Requirements for Waste Disposal by Landfill (2nd Ed., DWAF, 1998).
(viii) Excavated earth material not containing hazardous waste or hazardous chemicals.	

- (3) Unless assessed in terms of the *Norms and Standards for Assessment of Waste for Landfill Disposal* set in terms of section 7(1) of the Act and disposed of in terms of section 4(1) of these Norms and Standards, the following wastes included in section 2(b) of Annexure 1 to the Regulations and destined for disposal to landfill must be disposed of as follows-

Listed Waste	Landfill Disposal Requirements
(i) Asbestos Waste.	Disposal only allowed at a Class A landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and
(ii) Expired, spoilt or unusable hazardous products.	
(iii) PCBs (or rather PCB containing waste (>50ppm))	Standards, at a landfill site designed in accordance with the requirements for a Hh / HH landfill as specified in the Minimum Requirements for Waste Disposal by Landfill (2nd Ed., DWAF, 1998).
(iv) General waste, excluding domestic waste, which contains hazardous waste or hazardous chemicals.	
(v) Mixed, hazardous chemical wastes from analytical laboratories and laboratories from academic institutions in containers less than 100 litres.	

- (4) Waste that has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2<sup>nd</sup> Edition, 1998; Department of Water Affairs and Forestry) prior to the Regulations coming into operation, may be accepted and disposed of as set out below for a period not exceeding three (3) years after the date of coming into operation of the Regulations-

<b>Waste</b>	<b>Landfill Disposal Requirements</b>
Hazardous Waste - Hazard Rating 1 or 2	Disposal only allowed at a Class A landfill designed in accordance with Section 3(1) and 3(2) of these Norms and Standards, or, subject to Section 3(4) of these Norms and Standards, at a landfill site designed in accordance with the requirements for a HH landfill as specified in the Minimum Requirements for Waste Disposal by Landfill (2nd Ed., DWAF, 1998).
Hazardous Waste - Hazard Rating 3 or 4	Disposal only allowed at a Class A landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of these Norms and Standards, at a landfill site designed in accordance with the requirements for a Hh landfill as specified in the Minimum Requirements for Waste Disposal by Landfill (2nd Ed., DWAF, 1998).
Hazardous Waste - Delisted	Disposal only allowed at a Class B landfill designed in accordance with section 3(1) and (2) of these Norms and Standards, or, subject to section 3(4) of this Norms and Standards, at a landfill site designed in accordance with the requirements for a GLB+ landfill as specified in the Minimum Requirements for Waste
	Disposal by Landfill (2nd Ed., DWAF, 1998).
General Waste	Disposal only allowed at a Class B landfill designed in accordance with Section 3(1) and (2) of these Norms and Standards, or, subject to Section 3(4) of these Norms and Standards, at a landfill site designed in accordance with the requirements for a general waste site, G S/M/L B-/B+ as specified in the Minimum Requirements for Waste Disposal by Landfill (2nd Ed., DWAF, 1998).

- (5) Notwithstanding the requirements of section 4(1), (2) and (3) of these Norms and Standards, waste may be disposed of at landfills with a higher level of containment design than specified, subject to the restriction in section 5(2)(a)(ii) of these Norms and Standards.

## **5. Waste Disposal Restrictions**

- (1) The following prohibitions and restrictions on the disposal of waste to landfill comes into effect after the timeframes indicated for each waste from the date of the Regulations coming into operation-

<b>Waste Prohibited or Restricted in terms of Disposal</b>	<b>Compliance Timeframe</b>
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(a) Waste which, in the conditions of a landfill, is explosive, corrosive, oxidizing (according to SANS 10234 or SANS10228).	Immediate
(b) Waste with a pH value of <6 or >12.	Immediate
(c) Flammable waste with a closed cup flashpoint lower than 61° Celsius.	Immediate
(d) Reactive waste that may react with water, air, acids or components of the waste, or that could generate unacceptable amounts of toxic gases within the landfill.	Immediate
(e) Waste compressed gases (according to SANS 10234 or SANS 10228).	Immediate
(f) Untreated Healthcare Risk Waste (HCRW).	Immediate
(g) (i) POPs pesticides listed under the Stockholm Convention, (ii) Other waste pesticides.	Eight (8) years Four (4) years
(h) Lead acid batteries.	Immediate
(i) Other batteries.	Eight (8) years
(j) Re-usable, recoverable or recyclable used lubricating mineral oils, as well as oil filters, but excluding other oil containing wastes.	Four (4) years
<b>Waste Prohibited or Restricted in terms of Disposal</b>	<b>Compliance Timeframe</b>
(k) Re-usable, recoverable or recyclable used or spent solvents.	Five (5) years
(l) PCB containing wastes (>50 mg/kg or 50 ppm).	Five (5) years
(m) Hazardous Waste Electric and Electronic Equipment (WEEE) - Lamps.	Three (3) years
(n) Hazardous Waste Electric and Electronic Equipment (WEEE) - Other.	Eight (8) years
(o) Waste tyres: Whole.	Immediate
(p) Waste tyres: Quartered.	Five (5) years
(q) Liquid waste-  (i) Waste which has an angle of repose of less than 5 degrees, or becomes free flowing at or below 60° C or when it is transported, or is not generally capable of being picked up by a spade or shovel; or  (ii) Waste with a moisture content of > 40% or that liberates moisture under pressure in landfill conditions, and which has not been stabilized by treatment.	Six (6) years
(r) Hazardous waste with a calorific value of:  (i) > 25MJ/kg.  (ii) > 20MJ/kg.  (iii) > 10 MJ/kg.  (iv) > 6% TOC.	Four (4) years  Six (6) years  Twelve (12) years  Fifteen (15) years

(s) Brine or waste with a high salt content (TDS > 5%), and a teachable concentration for TDS of more than 100 000 mg/l.	Eight (8) years
(t) Disposal of garden waste:	
(i) 25% diversion from the baseline at a particular landfill of separated garden waste.	Five (5) years
(ii) 50% diversion from the baseline at a particular landfill of separated garden waste	Ten (10) years
(u) Infectious animal carcasses and animal waste.	Immediate

- (2) The following prohibitions and restrictions on activities related to the disposal of waste to landfill comes into effect after the timeframes indicated for each activity from the date of the Regulations taking effect-

<b>Prohibited or Restricted Waste Disposal Activities</b>	<b>Timeframe</b>
(a) Disposal of-	
(i) Type 1 Waste that has been treated, with waste listed in paragraph (2)(a) of Annexure 1 to the Regulations;	Five (5) years
(ii) Waste classified as hazardous in terms of regulation 4(1), or waste listed in paragraph (2)(b) of Annexure 1 to the Regulations, with waste listed in paragraph (2)(a) of Annexure 1 to the Regulations; and	Five (5) years
(iii) Type 4 Waste with any waste other than Type 4 unless part of treatment.	Five (5) years
(b) Macro-encapsulation of waste, meaning the isolation (or long-term storage) of waste through containment in containers within a sealed or reinforced cell in a specifically prepared and engineered area within a permitted hazardous waste landfill.	Eight (8) years

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)

# NATIONAL NORMS AND STANDARDS FOR THE REMEDIATION OF CONTAMINATED LAND AND SOIL QUALITY IN THE REPUBLIC OF SOUTH AFRICA, 2014

Published under Government Notice 331 in *Government Gazette* 37603 of 2 May 2014.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby publish national norms and standards for the remediation of contaminated land and soil quality, under section 7(2)(d)) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), for implementation as set out in the Schedule hereto.

(Signed)

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## SCHEDULE

1. Definitions
2. Purpose
3. Application
4. Scope of this Norms and Standards
5. Soil Screening Values
6. Transitional Arrangements
7. Short Title

### 1. Definitions

In these norms and standards, unless the context indicates otherwise, word or expression that is defined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Environmental Management Act, 1998, has the same meaning-

**“Contaminant”** means any substance present in an environmental medium at concentrations in excess of natural background concentrations that has a potential to cause harm to human health or the environment;

**“Informal Residential”** means an unplanned settlement on land which has not been zoned as a residential consisting mainly of makeshift structure not erected according to approved architectural plans;

**“Remediation”** means the management of a contaminated site to prevent, minimise, or mitigate harm to human health or the environment;

**“Soil Screening Value 1”** means soil quality values that are protective of both human health and eco-toxicological risk for multi-exposure pathways, inclusive of contaminant migration to the water resource;

**“Soil Screening Value 2”** means soil quality values that are protective of risk to human health in the absence of a water resource;

**“Standard Residential”** means settlement that is formally zoned and serviced, and generally developed according to approved building plans, including land parcels such as plots or erven.

## **2. Purpose**

The purpose of these norms and standards is to-

- (a) provide a uniform national approach to determine the contamination status of an investigation area;
- (b) limit uncertainties about the most appropriate criteria and method to apply in the assessment of contaminated land; and
- (c) provide minimum standards for assessing necessary environmental protection measures for remediation activities.

## **3. Application**

The requirements set out in these norms and standards apply to an owner of land or any person who undertakes site assessment and remediation activity in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

## **4. Scope of this Norms and Standards**

- (1) These norms and standards must be used for the screening of a site after a site assessment report is required as a result of declaration of an investigation area as contemplated in section 36 of the National Environmental Management Act, 2008 (Act No. 59 of 2008).
- (2) Where a contaminant is not listed in Table 1 or Table 2, values which are scientifically validated for the contaminants of interest may be used.
- (3) The Soil Screening Values in Table 1 and Table 2 must not be seen as-
  - (i) absolute minimum values; or
  - (ii) default remediation values.

## **5. Soil Screening Values**

- (1) The Soil Screening Values in Table 1 and Table 2 below are for screening purpose.

Table 1: Soil Screening Values for Metals and Organics

Table 2: Soil Screening Values for Anions

<b>Anions</b>	<b>Soil Screening Level (mg/kg)</b>
Chlorides	12 000
Fluorides	30
Nitrates-nitrite	120
Sulphates	4 000

## **6. Transitional Arrangements**

- (1) Any person who is remediating contaminated land in compliance with a directive or compliance notice issued in terms of any legislation applicable to land remediation before coming into effect of these norms and standards, must comply with the conditions set out in the directive or compliance notice.
- (2) Any person who is remediating contaminated land in terms of a waste management licence issued in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), before coming into effect of these norms and standards, must comply with the conditions set out in the waste management licence.

## **7. Short Title**

These norms and standards are called the National Norms and Standards for the Remediation of Contaminated Land and Soil Quality in the Republic of South Africa.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **NATIONAL NORMS AND STANDARDS FOR THE STORAGE OF WASTE, 2013**

Published under Government Notice 926 in *Government Gazette* 37088 of 29 November 2013.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, in terms of section 7(1)(c) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), hereby set the national norms and standards for the storage of waste in the Schedule hereto for implementation.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

### **CHAPTER 1**

#### **INTERPRETATION, PURPOSE AND APPLICATION**

1. Definitions
2. Purpose
3. Legislative framework
4. Application

### **CHAPTER 2**

#### **REQUIREMENTS FOR WASTE STORAGE FACILITIES**

##### **Part 1**

##### **Registration, Location and Construction**

5. Registration
6. Location
7. Construction and design

##### **Part 2**

##### **Management of Waste Storage Facilities**

8. Access control and notices
9. Operation
10. General requirements of waste storage containers
11. Minimum requirements for above ground waste storage facilities
12. Minimum requirements for underground waste storage containers

### **CHAPTER 3**

#### **GENERAL PROVISIONS**

13. Training

14. Emergency preparedness plan
15. Monitoring and inspection
16. Auditing
17. Relevant authority audits and inspections
18. Reporting
19. Records
20. Minimum requirements during the decommissioning phase

## CHAPTER 4 MISCELLANEOUS

21. Transitional provisions

## CHAPTER 1 INTERPRETATION, PURPOSE AND APPLICATION

### 1. Definitions

In this Schedule, unless the context indicates otherwise, any word or expression that is defined in the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) has the same meaning, and-

**“Applicable legislation”** includes, but is not limited to-

- (a) the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (b) the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008);

**“Best environmental practice”** means to perform or exercise a particular activity or activities in the most suitable, appropriate, advantageous or best advised manner in order to achieve the highest standards while performing or exercising such activity or activities;

**“Colour coding”** means the use of colour on a container or bag or the label attached to such, that serves to identify the category of waste that it contains;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996

**“General waste storage facility”** means a storage facility that has a capacity to store in excess of 100m<sup>3</sup> of general waste continuously;

**“Ground water”** means water that occupies pores in the soil and cavities and spaces found in the rocks which are situated in the saturated zone of the profile by rising from a deep magmatic source or by the infiltration of rainfall;

**“Handling”** means the functions associated with the movement of waste, including storage, treatment and ultimate disposal, by the use of manual systems and automated systems;

**“Hazard”** means the intrinsic potential property or the ability of any agent, equipment, material or process to cause harm;

**“Hazardous waste storage facility”** means a storage facility that has a capacity to store in excess of 80m<sup>3</sup> of hazardous waste continuously;

**“Impermeable surface”** means a physical barrier or a membrane that prevents leaching of waste;

**“Monitoring”** means continuous or non-continuous measurement of a concentration or other parameters for purpose of assessment or control of environmental quality or exposure and the interpretation of such measurements;

**“Tank”** means a container designed for the accumulation of waste.

## **LIST OF ACRONYMS**

CBO: Community Based Organization

DEA: Department of Environmental Affairs

NEMA: National Environmental Management Act, 1998(Act No. 107 of 1998)

NEM: WA: National Environmental Management: Waste Act, 2008(Act No.59 of 2008)

NGOs: Non-Governmental Organizations

SEMA: Specific Environmental Management Acts

## **2. Purpose**

- (1) The purpose of these norms and standards is to-
  - (a) provide a uniform national approach relating to the management of waste storage facilities;
  - (b) ensure best practice in the management of waste storage facilities; and
  - (c) provide minimum standards for the design and operation of new and existing waste storage facilities.

## **3. Legislative Framework**

- (1) The Constitution provides the foundation for environmental regulation and policy. Section 24 of the Constitution makes provision for environmental protection for the benefit of present and future generation and the right to an environment that is not harmful to health and well-being. This can only be achieved through a reasonable legislative framework and other measures that prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and the sustainable use of natural resources. The responsibility of ensuring a safe and healthy environment rests upon the State, reference can be made to the provisions of section 7(2) of the Constitution that reads “The State must respect, protect and fulfil the bill of rights”. The DEA fulfil these rights through the application of the NEMA and the SEMAs among other tools.
- (2) The NEMA introduced a number of guiding principles into the South African environmental legislation, including the life-cycle approach to waste management, producer responsibility, the precautionary principle and the polluter pays principle. NEMA also places a duty of care on any person who causes significant pollution or degradation to the environment, requiring them to institute measures to prevent pollution from occurring, or to minimise and rectify the pollution or degradation where it cannot reasonably be avoided. The development of the norms and standards is the foundation of the regulatory system established in terms section 7(1)(c) of the NEM: WA.

## **4. Application**



- (1) These norms and standards apply to any person who stores general or hazardous waste in a waste storage facility.
- (2) These facilities are required to comply with the norms and standards without a need to conduct a basic assessment and obtain a waste management licence as required by the Government Notice No. 718 of 3 July 2009.
- (3) The norms and standards do not apply to the storage of general or hazardous waste in surface impoundments or lagoons.

## **CHAPTER 2 REQUIREMENTS FOR WASTE STORAGE FACILITIES**

### **Part 1 Registration, Location and Construction**

#### **5. Registration**

- (1) A new waste storage facility must be registered with the competent authority within 90 (ninety) days prior to the construction taking place.
- (2) The applicant must provide at least the following information to be registered:
  - (a) Demarcation of the area where the storage facility will be located;
  - (b) Name of the waste storage facility;
  - (c) Name of the owner of the waste storage facility;
  - (d) Types of waste to be stored at the facility;
  - (e) Size of the storage facility;
  - (f) Sources of waste to be stored at the facility;
  - (g) Time frames for the storage of waste; and
  - (h) Geographical co-ordinates of the waste storage facility.

#### **6. Location**

- (1) In locating the waste storage facility consideration must be given to the public health and environmental protection. The location of the waste storage facility must also take into consideration the requirements in respect of existing servitudes.
- (2) A new hazardous waste storage facility must be located within an industrial demarcated zone. A storage facility that is not located within the industrial demarcated zone must have a buffer zone of at least 100m unless there is a prescribed buffer zone by the relevant municipality.
- (3) A general waste storage facility may be located within a residential area and must be located such that the facility is easily accessible by the public.

- (4) A waste storage facility must be located in such a manner that it can provide optimum handling and transportation of waste material.
- (5) The location of the hazardous waste storage facility must also take into consideration the hazards including the flammability and toxicity of the waste stored and applicable codes and standards.
- (6) A waste storage facility must be located in areas accessible by emergency response personnel and equipment's.

## **7. Construction and Design**

- (1) Construction and development of the waste storage facility must be carried out under the supervision of a registered professional engineer and must be in accordance with the approved civil engineering designs. The plan must only be amended and approved by a registered professional engineer.
- (2) The liquid waste storage area must have firm, impermeable, chemical resistant floors and a roof. Liquid waste containers that are not stored under a roofed area must be coated to prevent direct sunlight and rainwater from getting in contact with the waste.
- (3) A hazardous waste storage facility must have impermeable and chemical resistant floors.
- (4) A liquid waste storage facility must be surrounded by an interception trench with a sump for intercepting and recovering potential spills and must be lined in compliance with the requirements set out in paragraph 7(2) of these standards.
- (5) A waste storage facility must be constructed to maintain on a continuous basis a drainage and containment system capable of collecting and storing all runoff water arising from the storage facility in the event of a flood. The system must under the said rainfall event, maintain a freeboard of half a meter.
- (6) A liquid waste storage area must have a secondary containment system (e.g., bund, drip tray) of a capacity which can contain at least 110% of the maximum contents of the waste storage facility. Where more than one container or tank is stored, the bund must be capable of storing at least 110% of the largest tank or 25% of the total storage capacity, whichever is greater (in the case of drums the tray or bund size must be at least 25% of total storage capacity).

## **Part 2 Management of Waste Storage Facilities**

## **8. Access Control and Notices**

- (1) A waste storage facility must have effective access control to prevent unauthorised entry. Weatherproof, durable and legible signs in at least 3 (three) official languages applicable in the area must be displayed at each entrance to the facility. The signs must indicate the risks involved in entering the site, hours of operation, the name, address, telephone number and the person responsible for the operation of the facility as a minimum.
- (2) Access to a hazardous waste storage facility must be limited to employees who have been trained with respect to the operation of the hazardous waste storage

facility and emergency response procedures and any other person authorised by the owner of the hazardous waste storage facility.

## **9. Operation**

- (1) A waste storage facility must be free from odour or emissions at levels likely to cause annoyance.
- (2) Waste must be sorted at source into various categories (recyclables and non-recyclables) and a documented procedure must be implemented to prevent any mixing of hazardous and general waste integrated waste management plan and/or Industry Waste Management Plan, if any.
- (4) A waste storage facility must be operated within its design capacity and the waste storage container must not be overfilled.
- (5) Liquid waste must be stored in leak resistant containers which must be inspected weekly for early detection of leaks.

## **10. General Requirements of Waste Storage Containers**

- (1) A liquid waste container must be of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use.
- (2) Waste that is spilled or blown by wind during opening, handling or storage must be contained.
- (3) Hazardous waste must be stored in covered containers and only open when waste is added or emptied.
- (4) Below-ground pipes connected to the container must be protected from physical damage (e.g., excessive surface loading, ground movement or disturbance). If mechanical joints have to be used, they must be readily accessible for inspection.
- (5) A hazardous waste storage container, associated piping and equipment must be of sufficient structural strength to withstand normal handling and installed on stable foundation.
- (6) The foundation of a hazardous waste storage container must be protected from, or resistant to all forms of internal and external wear, vibration, corrosion, fire, heat, vacuum and pressure which might cause the storage tank foundation to fail.
- (7) A leak monitoring device must be installed on an underground liquid waste storage container and piping to and from the container in order to keep operating personnel informed.
- (8) If a container is lined or internally coated, the coating must be compatible with the substance stored. Furthermore, the coating specification must adhere to existing engineering practices and the applicable standards or requirements.
- (9) The waste storage tank must be a closed system and pressure resistant.
- (10) In a case where a tank or vent pipe is not visible during the filling process an automatic overfill prevention device must be fitted onto the tank.

#### **11. Minimum Requirements for above ground waste storage facilities**

- (1) A hazardous waste container resting on the ground must be underlain by barriers, which will not deteriorate with permeability rate of the waste stored.
- (2) Bottoms of the container in contact with soil and are subject to corrosion must be protected from external corrosion by either ensuring that the container is made of corrosion resistant materials, or the container have a cathodic protection system.
- (3) A waste storage tank must not have mechanical joints, except if it can be accessed for inspection.
- (4) The screw fitting or other fixed coupling fitted to the tank must be maintained in good condition and must only be used when filling the tank.

#### **12. Minimum Requirements for underground waste storage containers**

- (1) Underground waste storage container must have double walled and synthetic liners and underground vaults must be installed.
- (2) A steel underground tank and piping in contact with soil must be protected from corrosion using corrosion resistant materials or cathodic protection.
- (3) Container components that are placed underground and backfilled must be provided with a backfill material that is a non-corrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.
- (4) If external coating is used to protect the tank from external corrosion, the coating must be fiberglass, reinforced, plastic, epoxy, or any other suitable dielectric material.

### **CHAPTER 3 GENERAL PROVISIONS**

#### **13. Training**

- (1) Training must be provided continuously to all employees working with waste and to all contract workers that might be exposed to the waste.
- (2) The training programme must amongst others include the following:
  - (a) Precautionary measures that need to be taken;
  - (b) Procedures that the employees must apply to their particular type of work;
  - (c) Procedures for dealing with spillages and accidents;
  - (d) Appropriate use of protective clothing; and
  - (e) The risks of the hazardous substances to their health which they are likely to be exposed to.

- (3) A sufficient number of employees must receive training to cover for leave periods, absences due to illness, public holidays or any other reason.
- (4) An attendance register must be kept and signed by each employee at each training session and made available to the relevant authorities when required.
- (5) Only trained persons must be allowed to handle hazardous waste.

#### **14. Emergency Preparedness Plan**

- (1) Waste can be hazardous or dangerous to the environment if not handled properly or if stored inappropriately. To minimise environmental impacts, a waste storage facility must have an emergency preparedness plan including the following:
  - (a) Hazard identification;
  - (b) Prevention measures;
  - (c) Emergency planning;
  - (d) Emergency response;
  - (e) Remedial actions.
- (2) Immediate action must be taken to contain spillage and prevent it from entering storm water drains or environment.

#### **15. Monitoring and Inspection**

- (1) Containers, tanks, valves and piping containing hazardous waste must be inspected for leaks, structural integrity and any sign of deterioration (e.g., corrosion or wearing of protective coatings) on a weekly basis.
- (2) A registered engineer must inspect tanks containing hazardous waste at least once per annum to check tank integrity, corrosion, piping, valves, bunding, and impermeability of the bund wall and bund floor.
- (3) The secondary containment system must be examined at least weekly or after each significant precipitation event to ensure that the containment is free of debris, rainwater and other materials that would compromise the capacity and integrity of the system.
- (4) Ventilation systems, sump pumps, emergency alarms, impressed current corrosion protection systems, level alarms and other mechanical systems must be inspected on a weekly basis to ensure proper functioning based on manufacturer recommendations, regulatory requirements or best practice.
- (5) Inspection must include the review of the adequacy and accessibility of spill response equipment.
- (6) If environmental pollution is suspected or is occurring from the waste storage facility, an investigation must be initiated into the cause of the problem or suspected problem and remedial action taken.

#### **16. Auditing**

### **Internal Audits**

- (1) Internal audits must be conducted bi-annually and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor.

### **External Audits**

- (2) An independent external auditor must be appointed to audit the waste storage facility biennially and the auditor must compile an audit report documenting the findings of the audit, which must be submitted to the relevant authority.
- (3) The external audit report must-
  - (a) specifically state whether conditions of these standards are adhered to;
  - (b) include an interpretation of all available data and test results regarding the operation of the storage facility and all its impacts on the environment;
  - (c) specify target dates for the implementation of the recommendations to achieve compliance;
  - (d) contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of the recommendations and whether corrective action taken for the previous audit nonconformities was adequate; and
  - (e) show monitoring results graphically and conduct trend analysis.

## **17. Relevant Authority Audits and Inspections**

- (1) The relevant authority responsible for waste management reserves the right to audit and/or inspect the waste storage facility without prior notification at any time.
- (2) Any records or documentation pertaining management of the waste storage facility must be available to the relevant authorities upon request, as well as any other information which may be required.

## **18. Reporting**

- (1) An emergency incident must be reported in accordance with section 30 of NEMA.
- (2) An action plan which includes a detailed time schedule, and resource allocation to address any incident must be signed off by the senior management of the organisation.
- (3) Complaints register and incident report must be made available to the external auditor and relevant authority.
- (4) Each external audit report must be submitted to the relevant authority within 30 days from the date on which the external auditor finalized the audit.

## **19. Records**

- (1) Each waste storage facility must be able to provide documentation verifying the following:
  - (a) number of waste storage containers or tanks within the facility;
  - (b) date of collection; and
  - (c) authorized collector or collectors and proposed final point of treatment, recycling or disposal.
- (2) Any deviations from the approved integrated or industry waste management plan must be recorded.
- (3) Records must be kept for a minimum of 5 (five) years and must also be available for inspection by the relevant authority.

## **20. Minimum Requirements during the Decommissioning Phase**

- (1) A waste storage facility to be discontinued, the site must be rehabilitated to the satisfaction of the relevant authority.
- (2) A rehabilitation plan for the site, including the indication of end use of the area must be developed and submitted to the DEA for approval not more than 1 (one) year prior to the intended closure of the facility.
- (3) The rehabilitation plan must indicate the following:
  - (a) measures for rehabilitating contaminated areas within the facility; and
  - (b) manner in which the waste resulted from decommissioning activities will be managed.
- (4) The site must be rehabilitated according to such a plan.
- (5) The owner of the facility, including the subsequent owner of the facility will remain responsible for any adverse impacts on the environment, even after operations have ceased.

## **CHAPTER 4 MISCELLANEOUS**

## **21. Transitional provisions**

A person who lawfully operated a waste storage facility for the storage of general and hazardous waste prior to and on the date of coming into operation of these standards may continue with the activity for the duration as stipulated in the permit or licence and after the expiry of the permit or licence comply with these standards.

# NATIONAL STANDARDS FOR THE EXTRACTION, FLARING OR RECOVERY OF LANDFILL GAS, 2013

Published under Government Notice 924 in *Government Gazette* 37086 of 29 November 2013.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, in terms of section 19(3)(a) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), hereby publish the national standards for the extraction, flaring or recovery of landfill gas in the Schedule for implementation.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## SCHEDULE

1. Definition
2. Purpose
3. Legislative framework
4. Application
5. Requirements during preparation or planning phase
6. Requirements during construction phase
7. Requirements during operational phase
8. Training and capacity building
9. Management of emergency situations
10. Monitoring and reporting requirements
11. General requirements
12. Requirements during decommissioning phase
13. Transitional arrangements

## ACRONYMS

CDM - Clean Development Mechanism  
CH<sub>4</sub> - Methane gas  
CO<sub>2</sub> - Carbon dioxide  
CO - Carbon Monoxide  
EA - Environmental Agency  
EMP - Environmental Management Plan  
ERP - Emergency Response Procedure  
GHG - Greenhouse gases  
HOPE - High Density Polyethylene  
LFG - Landfill Gas  
NO<sub>x</sub> - Oxides of Nitrogen  
SABS - South African Bureau of Standards  
SEMAs - Specific Environmental Management Acts  
VOCs - Volatile Organic Compounds



## 1. Definitions

In these Standards, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) shall have the meaning so assigned and, unless the context otherwise indicates.

**“Basic Assessment”** has the meaning assigned in the Environmental Impact Assessment Regulations;

**“Burner”** means a device inside the flaring unit to ignite or combust the gas;

**“Condensate”** means liquid that forms as gas cools down in a landfill gas collection system;

**“Extraction”** means the removal of gas from a landfill site by means of a network of pipes connected to a header and the gas sucking system;

**“Flame arrester”** means a crimped ribbon aluminum or stainless-steel flame cell to protect against rapid burn backs in low-pressure situations to prevent flame fronts from propagating back through lines, destroying facilities, and causing injuries;

**“Flame detector”** means a device inside the flaring unit to minimise potential explosions especially on start-ups and to check that ignition has been successful, and combustion is indeed taking place;

**“Flare System”** means a system that safely disposes of waste gases through the use of combustion;

**“Flare Unit”** means a combustion device that uses a flame (in these standards an enclosed flame) to burn combustible gases in a landfill site;

**“Flaring”** means the burning of landfill gas in a flare;

**“Knockout Drum”** means a drum installed near the flare base, and serves to recover liquid hydrocarbons, prevent liquid slugs, and remove large liquid particles from the gas stream released from relief system;

**“Knock off points”** means specific sections in an LFG extraction system where condensate formed is allowed to settle and from which such condensate can be pumped out of the system;

**“Landfill Gas”** means a combination of gases that form as a result of the anaerobic decomposition of organic waste in a landfill site; and

**“Spark Ignition Engine”** means an internal combustion engine for electricity generation in a landfill site, in which an electrical discharge ignites the explosive mixture of fuel and air.

## 2. Purpose

The standards aim at controlling the extraction, flaring or recovery of landfill gas at facilities as described in paragraph 4 of these Standards in order to prevent or minimize potential negative impacts on the bio-physical and socio-economic environments.

### **3. Legislative framework**

The Bill of Rights contained in Chapter 2 of the Constitution of the Republic of South Africa, 1996 places an obligation on the State to (through reasonable legislative and other measures) give effect to the right to an environment that is not harmful to the health or well-being of its citizens, and to have the environment protected for the benefit of present and future generations. South African legislators responded to this provision of the Constitution by developing and promulgating the National Environmental Management Act, 1998 (Act No. 107 of 1998) which sets principles for environmental management in the country. The National Environmental Management Act, 1998 was followed by a number of SEMAs, including amongst others the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), which makes provisions for the development of standards set in this notice.

### **4. Application**

- (1) These standards apply to a landfill gas extraction, flaring or recovery facility initiated, constructed or upgraded after the coming into operation of the standards.
- (2) The standards are applicable throughout the Republic of South Africa.

### **5. Requirements during preparation or planning phase**

- (1) A landfill site, where an LFG project is to be constructed, must as part of the project planning and preparation, undertake the following:
  - (a) identify and list all environmental aspects or hazards of the proposed project and associated potential negative impacts or risks on the bio-logical and socio-economic environments;
  - (b) evaluate the level of significance of such impacts or risks;
  - (c) develop an EMP specifying actions or measures, timeframes and responsibilities for mitigating potential negative impacts or risks on bio-physical and socio-economic environments during the construction, operation and decommissioning phases of the project. The EMP must be implemented throughout the project phases and must as a minimum, address all the requirements stipulated in these standards; and
  - (d) conduct studies or develop models to determine the depth of the landfill site and the landfill lining system prior to the digging of wells.

### **6. Requirements during construction phase**

- (1) LFG Extraction System
  - (a) Vertical wells must be drilled in such a way that no damage will be caused to the underlying landfill lining system.
  - (b) The wells and associated vertical piping must be designed in a manner that will discourage excessive sucking in of leachate and dirty material into the system, which in turn may cause system clogging.
  - (c) The wells and the piping system must be sealed in a manner that will prevent or minimise unnatural migration of the gas through the wells and the pipes.

- (d) All landfill gas transmission pipe work that operates under pressure should be pressure-tested to demonstrate its integrity.
- (e) Gas pipelines must be laid in a way that will encourage easy draining of condensate from one pipe to the other until condensate settles at the condensate collection points.
- (f) Where natural stones or crush aggregates are used in the construction of gas extraction wells, these must have a low calcareous content to reduce fugitive emissions from exhaust pipes.
- (g) Condensate knockoff points must be installed at lower-level points of the gas collection system.
- (h) Condensate must be handled in a manner that does not pose a threat to the environment and in a way that landfill stability and or gas extraction is not compromised.

## (2) LFG Flaring System

- (a) The type of the flare required for a particular site must be determined based on a site-specific survey or modelling of the key elements of the landfill gas in question. In order to minimise potential adverse impacts on the bio-physical and socio-economic environments, all the requirements in this section on the design of the flare unit, must be complied with.
- (b) To prevent unauthorised entry and potential tampering with the system, the flaring plant or unit must be fenced off and warning signage erected with only operational staff allowed to enter the premises unaccompanied.
- (c) Any other person, including visitors and temporary contractors working on the site must on entry to the facility be accompanied by operational staff.
- (d) An emergency diesel generator must be installed to provide alternative power source for the unit in case unexpected electricity power disruptions take place.
- (e) The flare unit must be enclosed and be wind and/or tamper proof to minimise the generation of backfires, noise emission, light pollution and to provide high combustion temperatures and specific residence periods to destroy unwanted constituents. The unit must be equipped with gas analyser to monitor the composition and amount of gas extracted from the wells and that is coming into the flare unit.
- (f) To be able to destroy unwanted gas impurities and to minimise emissions to the atmosphere, the flaring unit must be designed and operated in accordance with the manufacture's specifications with regard to the level of gas combustion temperatures, destruction efficiencies and retention time in the burner.
- (g) The flare unit must be designed with the following features:
  - i. a flame arrester in the landfill gas feed line to prevent flash-back of the flame down the pipe;

- ii. a burner designed in such a way that it maintains turbulent mixing of air and fuel and that the velocity of the gas is high enough to reduce the risk of flash-back of the flame down the feed pipe without blowing off the flame;
  - iii. a flame detector to minimise potential explosions especially on start-ups and to check that ignition has been successful, and combustion is indeed taking place;
  - iv. a method of controlling the flow rate of landfill gas to the burner and the supply of combustion air;
  - v. a method of cleaning/conditioning the gas before the flare to remove moisture and possibly impurities, such as airborne debris, from the landfill gas;
  - vi. a condensate knock-out drums to collect condensate as well as a pumping system to divert condensate to the condensate treatment or collection system.
- (h) On delivery to the site, the unit must be issued with a manufactures' certification, which confirms that the unit is indeed able to meet the above specifications.

### (3) LFG to Energy System

- (a) The electricity generating plant must be fenced off with only operational staff allowed to enter the premises unaccompanied in order to prevent unauthorised entry and potential tampering with the system.
- (b) Any other person, including visitors and temporary contractors working on the site must on entry to the facility be accompanied by operational staff.
- (c) Where spark ignition engine or generators are used, these must be enclosed in units or containers acoustically designed for noise reduction. Alternatively, these engines or generators should be placed in sound proofed housing facilities.
- (d) The gas combustion and power generating systems must be designed with the following features in place:
  - i. A generator or generators with exhausts or stacks fitted with silencers to minimise noise emission. These stacks must be designed to point at an upward direction in order to encourage easy dispersion of emissions from the generator;
  - ii. A chamber capable of combusting the gas at temperatures high enough to effectively destroy potential pollutants;
  - iii. A leachate or condensate collection and pumping system;
  - iv. A gas filtration or treatment system to remove impurities.

- (e) Install lightning conductors to prevent or minimize potential damage of the facility by lightning.
- (4) General Construction Requirements
- (a) Construction within the site must be carried out under the supervision of a registered professional engineer appointed by the site owner and according to the approved engineering site plans.
  - (b) The construction site must be defined, warning signage erected and limited to authorized persons only. All activities must be confined to the construction site.
  - (c) Fugitive emissions of dust during the construction site from the movement of motor vehicles must be minimised by road wetting and speed limits.
  - (d) Onsite fuelling and servicing of construction equipment and motor vehicles must only occur in a designated area.
  - (e) A motor vehicle requiring maintenance must be removed from site and repaired at a service workshop or garage.
  - (f) During the digging of vertical gas collection wells and horizontal trenches, dug up waste material must be put back into the landfill as soon as practically possible.

## **7. Requirements during operational phase**

- (1) LFG Extraction and Flaring Systems
- (a) A scheduled maintenance plan must be prepared and the efficiency of the flaring system as well as details of the volume and types of gases that are flared must be maintained in accordance with the manufacturer's specifications and in a manner that prevents or minimises the generation of environmental pollution.
  - (b) During the shutting down of the flaring system for scheduled maintenance, LFG must be sealed off and only allowed to escape the system through the natural migration process.
  - (c) The emergency generator required in terms of paragraph 6(2) of these standards must be maintained according to the manufacturer's specifications.
  - (d) The area where the generator will be stored or located must be made of impermeable surfaces and must be banded, with capability to hold up to 110% of the engine oil, and fuel in case of accidental spillages or leaks.
  - (e) The generator must be operated in a manner that prevents or minimises environmental pollution.
  - (f) Any liquid or solid waste generated during the maintenance of the emergency generator and during the maintenance of the flaring unit must be handled in a manner that does not cause pollution to the environment.

- (g) Smoking or fire making must not be allowed in and near the vicinity of the LFG extraction and flaring system and the signs indicating such must be erected on entrance to the facility.
  - (h) Bins or receptacles for the storage of waste must be made available at all times and placed at a designated area.
  - (i) The contents of the bins or receptacles must be removed from the site on a regular basis for disposal at a licensed disposal facility.
  - (j) Leachate or condensate extracted from the flaring system must be handled in a manner that does not pose a threat to the environment and in such a way that the landfill stability and gas extraction is not compromised.
  - (k) Washing of machinery or equipment, motor vehicles, materials, clothes or bathing is prohibited unless it is done in a designated area that has suitable impervious flooring designed for this purpose.
  - (l) Bunded areas must be regularly inspected to ensure no leakages, overflows or spillages occur.
  - (m) Any spillages must be cleaned-up immediately.
  - (n) Contaminated soil must be removed and disposed at licensed landfill sites.
- (2) LFG to Energy Plant
- (a) The LFG must be flared off during scheduled maintenance, emergency shutdowns or process upsets of the engines.
  - (b) The LFG must be sealed off completely and only allowed to escape the system through the natural migration process when engines and flaring system are shut down for any reasons.
  - (c) Any liquid and solid waste (including used oil, cooling system liquids, air and oil filters and any other waste emanating from the engines during maintenance) must be handled and stored in a manner that does not cause pollution to the environment prior to them being reused, recycled or disposed.
  - (d) The engine performance must be measured and monitored throughout the duration of the project in order to ensure adherence to the manufacture efficiency specifications.
  - (e) The gas extracted from the landfill must be used to run the electricity generating engine or engines.
  - (f) All engine exhausts must be fitted with silencers to minimize noise emissions.

## **8. Training and capacity building**

- (1) All personnel on site, including visitors, temporary and permanent contractors as well as full time employees must undergo a safety; health and environmental induction which must as a minimum capacitate them to be able to identify, prevent,

minimize or manage actions or behaviours that are likely to cause adverse impacts on the environment as a result of construction, operation and decommissioning of an LFG project.

- (2) Only suitably qualified and trained personnel must maintain and service (in accordance with the manufacture's specifications) the flaring unit, the energy generating engines and associated infrastructure as well as the emergency generator.

## **9. Management of emergency situations**

Emergency incidents must be managed and reported in accordance with section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

## **10. Monitoring and reporting requirements**

- (1) For the purpose of compliance monitoring, all facilities that fall within the scope as described in section 4 of these standards must prior to commencement with the construction of the landfill gas, flaring or recovery facility inform the Department for a once off registration of the facility in the Departmental database.
- (2) The registration application referred to in section 10(1) must as a minimum include the following:
  - (a) the owner of the facility;
  - (b) the area where the facility is situated;
  - (c) the location of the facility in terms of the name of the local municipality, erf number and geographical coordinates;
  - (d) the size of the facility;
  - (e) the proximity of the facility to the nearest residential area; and
  - (f) the land use/zoning.
- (3) The relevant authority must be given access to audit or site inspection at any time and at such frequency as they may decide or to have the site audited or inspected at any time and at such frequency as they may decide.
- (4) During such audits or site inspections, the site must make any records or documentation available to the inspection team as may be required.
- (5) Gas extraction must be monitored for the duration of the project lifetime, and this should include a gas well monitoring programme to monitor potential deterioration in gas well performance.
- (6) Air quality monitoring should be conducted throughout the landfill gas flaring period at the perimeter of the site as a safety precaution.
- (7) Records of all hazardous waste removed from the site must be recorded and kept on file for future reference and these must be submitted to the relevant authority on request.

- (8) The environmental performance of the LFG extraction, flaring or recovery project should be reported and discussed in the landfill site steering committee meetings.
- (9) An annual environmental performance audit must be conducted at the site by a suitably qualified person and the results of the audit kept on record and handed over to the relevant authority upon request.
- (10) The annual environmental performance audit should include the following:
  - (a) Confirmation of compliance of the facility to these standards;
  - (b) Confirmation of compliance with any specific requirements issued by the relevant authority (local, provincial or national sphere of government);
  - (c) Reporting on any environmental incidences that occurred and detail of the manner the incidences were handled;
  - (d) Confirmation of compliance with the environmental management plan of the project;
  - (e) Confirmation of compliance with the air quality plan of the project;
  - (f) Confirmation of the inclusion of the project in the agenda for the landfill site steering committee.

## **11. General requirements**

- (1) Compliance with these standards does not exempt the facility from complying with the requirements stipulated in other sector legislation.
- (2) These requirements are binding to the contractors and sub-contractors working on site and should be included in tender documentation for the construction contract.
- (3) Gaseous emissions from the flaring and electricity generation process must comply with the requirements of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).
- (4) The requirements set in these standards including any other requirements by the relevant authority must be complied with in full.
- (5) A safety data sheet for each of the chemical products purchased from a manufacturer or vendor must be obtained, kept on site, maintained and updated regularly.
- (6) A hard copy of the safety data sheet must be kept in an easily accessible location to employees.
- (7) Waste stored temporarily, must be kept on bins or receptacles which are labelled, or colour coded.
- (8) Waste bins should be placed on an impermeable surface to avoid soil, groundwater and surface water contamination.
- (9) Burning of waste is not allowed on the site.



- (10) The project owner is responsible to ensure that noise levels do not exceed the applicable noise standards in the relevant municipality or province.

## **12. Requirements during decommissioning phase**

- (1) A rehabilitation plan for the site, including the indication of possible future use must be developed and kept on file at the facility.
- (2) The type of rehabilitation adopted would be dependent on the planned future use of the facility. The following requirements however apply where the future use is no longer the LFG project:
- (a) When the amount of gas in the landfill site is no longer able to generate electricity, the gas engines or generators and all associated infrastructure must be removed from the site;
  - (b) The gas engines or generators and associated infrastructure may be reused in other landfill gas to energy projects elsewhere or recycled as scrap material;
  - (c) When no more gas is extractable from the landfill site to justify the need for the flaring operation, the flaring system and associated infrastructure must be removed;
  - (d) The flaring system and associated infrastructure may be reused in other LFG projects elsewhere or recycled as scrap material;
  - (e) When no more flaring is taking place, all valves (including inlet valves to the flaring system, valves at the monitoring points at the manifolds) must be shut off in order to prevent the remaining minor gas from escaping the landfill site unnaturally. The pipes buried inside the landfill may however be left buried provided that no subsequent gas generated in the landfill will migrate through them;
  - (f) All containers that were used to store waste or raw materials must be removed from the site for reuse, recycle or disposal at a licensed disposal facility;
  - (g) The owner of the facility at any given point in time, including the subsequent owner of the facility will remain responsible for any adverse impacts on the environment, even after operations have ceased;
  - (h) All remaining construction infrastructure, building rubble and waste are to be removed from the site;
  - (i) Use of topsoil for rehabilitation, that contains the seeds of alien vegetation, will not be permitted unless a program to germinate indigenous seed and eradicate alien seedlings is implemented;
  - (j) A grass mix should be selected for rehabilitation of disturbed open areas.

## **13. Transitional arrangements**

A person who lawfully conducted the activity of extracting, flaring or recovering of landfill gas prior to and on the date of coming into effect of these standards may continue with

the activity for the duration as stipulated in the approval, authorisation or licence and after the expiry of the approval, authorisation or licence must comply with these standards.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT No. 59 OF 2008)**

# **NATIONAL STANDARDS FOR THE SCRAPPING OR RECOVERY OF MOTOR VEHICLES, 2013**

Published under Government Notice 925 in *Government Gazette* 37087 of 29 November 2013.

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, in terms of section 19(3)(a) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), hereby publish the national standards for the scrapping or recovery of motor vehicles in the Schedule hereto for implementation.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

## **SCHEDULE**

1. Definitions
2. Purpose
3. Legislative framework
4. Application
5. Minimum requirements for the design, construction or upgrading of a facility
6. Minimum requirements during operational phase
7. General requirements
8. Training and capacity building
9. Management of emergency situations
10. Monitoring, auditing and reporting
11. Minimum requirements during decommissioning phase
12. Transitional arrangements

### **1. Definitions**

In these standards, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) have the meaning so assigned, unless the context otherwise indicates-

**“Asbestos regulations”** means the Asbestos Regulations published under Government Notice R. 155 of 10 February 2002, in terms of section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

**“Auto fluff”** means waste residue from the vehicle shredding operation;

**“Best practice”** means to perform or exercise a particular activity or activities in the most suitable, appropriate, advantageous or best advised manner in order to achieve the highest standards while performing or exercising such activity or activities;

**“Ground water”** means water that occupies pores in the soil and cavities and spaces found in the rocks which are situated in the saturated zone of the profile by rising from a deep magmatic source or by the infiltration of rainfall;

**“Handling”** means functions associated with the movement of waste, including storage, treatment and ultimate disposal, by the use of manual systems or automated systems;

**“Holding tank”** means a container installed above ground or underground at the lowest point at the scrap yard, where contaminated water from the scrap yard collects and from which it is pumped out;

**“Monitoring”** means continuous or non-continuous measurement of a concentration or other parameters for purpose of assessment or control of environmental quality or exposure and the interpretation of such measurements;

**“Motor vehicle”** means an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails;

**“Oil or water separator”** means an engineering designed drainage system at the lowest point of the motor vehicle scrapping or a recovery facility which separates hydrocarbons from water;

**“Scrapping or recovery facility”** means an operational area in excess of 500m<sup>2</sup> where vehicles are dismantled, and valuable material extracted for reuse or recycling;

**“Scrapping”** means the dismantling of a motor vehicle and the recovery and separation of useful material for re-use or recycling in an operational area in excess of 500m<sup>2</sup>;

**“Sewer”** means the system for collection and transportation of effluent, wastewater or sewage, including conduits, pipes, and pumping stations;

**“Sustainable”** means - capable of being continued with minimal long-term effect on the environment.

## **ACRONYMS**

NEMA - National Environmental Management Act, 1998 (Act No. 107 of 1998);  
NEMWA - National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);  
SANS - South African National Standards;  
SDS - Safety Data Sheet;  
SEMAs - Specific Environmental Management Acts.

## **2. Purpose**

The standards aim at controlling the scrapping or recovery of motor vehicles at a facility that falls within the threshold as described in paragraph 4 of these standards in order to prevent or minimize potential negative impacts on the bio-physical and socio-economic environment.

## **3. Legislative framework**

The Bill of Rights contained in Chapter 2 of the Constitution of the Republic of South Africa, 1996 places an obligation on the State to (through reasonable legislative and other measures) give effect to the right to an environment that is not harmful to the health

or well-being of its citizens, and to have the environment protected for the benefit of present and future generations. South African legislators responded to this provision of the Constitution by developing and promulgating the National Environmental Management Act, 1998 (Act No. 107 of 1998) which sets principles for environmental management in the country. The National Environmental Management Act, 1998 was followed by a number of SEMAs, including amongst others the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008), which makes provisions for the development of standards set in this document.

#### **4. Application**

- (1) These standards apply to a vehicle scrapping or recovery facility with an operational area in excess of 500m<sup>2</sup>, which was initiated, constructed or upgraded after the coming into effect of the standards.
- (2) These standards are applicable throughout the Republic of South Africa.

#### **5. Minimum requirements for the design, construction or upgrading of a facility**

- (1) A scrapping or recovery facility must not be constructed in an environmentally sensitive area such as floodplain, residential area, wetland and any other conservation or protected area and within 100m from such areas.
- (2) A scrapping or recovery facility must be constructed in an area that is accessible to emergency response personnel and equipment.
- (3) Construction at the scrapping or recovery facility must be carried out under the supervision of a registered professional engineer appointed by the facility owner and according to the approved engineering drawings, which must set out the following:
  - (a) drainage systems (including storm water, sewerage and wastewater drains);
  - (b) Floor area design, including the-
    - i. storage yard for all motor vehicles brought on site;
    - ii. motor vehicle dismantling area;
    - iii. storage area for solid dismantled parts;
    - iv. storage area for liquid parts (including used oil, fuel and other fluids);
    - v. vehicle shredding area;
    - vi. location of a liquid waste treatment area (including oil or water separator system);
    - vii. location of a dispatching area for shredded parts; and
    - viii. location of a storage area for recyclable or re-usable materials.

- (4) The floor in the following areas within the scrapping or recovery facility must be designed and paved with an impermeable concrete layer with impermeable joints to prevent pollutants ingress into the soil or ground water in an area-
  - (a) that stores a motor vehicle that still contains motor vehicle fluids;
  - (b) where a dismantled and unclean part that still contains fluid is stored;
  - (c) where a fluid containing container or tank is stored;
  - (d) where a crushing operation is undertaken;
  - (e) where a shredding operation takes place; and
  - (f) where a storage for recyclable or re-usable material takes place.
- (5) The floor design area must make provision for the storage of recyclable materials.
- (6) This floor must be designed and sloped towards an oil or water separation system, which should be located down gradient of the scrapping or recovery facility.
- (7) The design of the oil or water separation system must be dependent on the locality of the scrapping or recovery facility and oil or water separation system must be designed to prevent or minimise the escape of pollutants that will likely cause adverse impacts on the environment.
- (8) A storage area for oil and fuel drained from the motor vehicle engines must be constructed. The storage area must have impermeable floors with bund walls capable of holding up to 110% of oil or fuel in the case of accidental leaks, spillages, or overflows. The storage area must also be surrounded by an interception trench with a sump for intercepting and recovering potential leakages, spillages or overflows.
- (9) The installation of a waste storage container or tank (above-ground or underground) including a secondary containment equipment and mitigation measure must be undertaken by an experienced professional.
- (10) The construction times and noise levels must comply with relevant applicable legislation or municipal by-laws in order to minimise the impact of noise on the neighbouring properties.
- (11) Onsite fuelling and servicing of construction equipment and motor vehicle must only occur in a designated area. A motor vehicle requiring maintenance must be removed from site and repaired at a service workshop or garage.
- (12) An area under construction must be demarcated to prevent unauthorised access during the construction phase.
- (13) Dust generated by construction activities must be minimised by dust suppression techniques.

## **6. Minimum requirements during operational phase**

- (1) Vehicle dismantling operation

- (a) A motor vehicle must not be shredded or crushed with the following parts and or lubricants still attached to it:
    - (i) Asbestos containing parts (including brake pads);
    - (ii) Mercury containing parts from hood and trunk light switches, anti-lock braking systems, high-intensity headlights, and virtual-image instrument panels, especially from old motor vehicle models;
    - (iii) Lead containing parts (including acid lead batteries, lead tire weights and battery cable ends);
    - (iv) Petrol or diesel or gas, liquid petroleum gas, brake fluid, oil and oil filters;
    - (v) Refrigerants;
    - (vi) Tyres; and
    - (vii) Any other part made of or containing hazardous substance(s).
  - (b) The dismantling operation must be undertaken on a concrete floor linked to an oil or water separation and/or collection system.
  - (c) The requirement for the removal of oil and oil filters and does not apply to a motor vehicle engine intended to be removed from the motor vehicle for reuse.
- (2) Solid waste management
- (a) Tyres that are damaged beyond repair (i.e., are road un-worthy, not suitable to be retreaded, repaired or sold as a part, and not fit for their original intended use) should be managed in accordance with the Waste Tyre Regulations, 2009. In case the scrapping or recovery facility falls within a sector that has an approved Integrated Industry Waste Tyre Management Plan, the damaged tyres must be managed in accordance with such a plan.
  - (b) Brake pads containing asbestos should be placed in heavy plastic bags, double tied, and stored in a leak proof, airtight container designated for asbestos waste. Disposal of such parts should be carried out in accordance with the provisions of the NEMWA and Asbestos Regulations, 2001.
  - (c) Unbroken mercury containing lamps and switches must be stored in a dry locked container labelled "Used Mercury Switches". The mercury containing material must be taken to a facility that is approved or registered to handle or dispose of mercury or mercury containing material.
  - (d) Cracked or leaking acid battery must be placed separately in a closed leak-proof and acid resistant storage container and the container must be labelled as "Hazardous Waste-Lead Acid Batteries". The waste must be removed by an approved or registered hazardous waste handling company for disposal in an approved or licensed hazardous waste disposal facility. Spilled battery acid must be neutralised with a basic material such as lime or baking soda with residue from battery clean up to be managed and disposed of as hazardous waste.

- (e) Reusable or recyclable battery must be stored indoors, upright and in heavy plastic sheeting or on pallets in an area that will prevent the battery from being damaged by moving or falling objects, prior to dispatch to a customer or commercial battery recycler.
- (f) Filters removed from a motor vehicle engine must be drained of oil and fuel completely and stored in a container labelled "used oil or fuel filters". Completely drained metal filters must either be recycled or disposed at a licensed disposal facility. Incompletely drained or not drained fuel filter must be stored in a separate fireproof container marked "Hazardous Waste Filters Only" away from potential sources of ignition and must be handled by an approved hazardous waste handling company for recycling or disposal at an approved or licensed hazardous waste disposal facility.
- (g) Parts containing gas, such as gas for fuelling the motor vehicle in the case of a hybrid motor vehicle, as well as gas from the air-conditioning refrigerants, should be kept in an area designated for temporary storage of such parts. No gas must be vented into the atmosphere. The parts containing gas must be handled by a facility registered to safely recycle or dispose the gas.
- (h) The sludge removed from the oil or water separation system must be stored in a container labelled "Hazardous Waste-Sludge". The container must be handled and disposed at a hazardous waste disposal facility by an approved or registered hazardous waste handling company.
- (i) Waste oily rags and any other contaminated cloths from the cleaning of parts must be stored in a closed, fireproof container with no structural defects. The container must be labelled "Used contaminated rags or cloths". The oily rags or contaminated cloths must be disposed at licensed hazardous waste disposal facility where such cloths may not be reused or recycled.
- (j) Auto fluff, at a shredding plant, must be stored separately from the clean and valuable scrap metal picked up following the shredding process. The auto fluff must be stored in a covered or closed container labelled "Auto Shredder Residue", and where the recycling market for such does not exist; the auto fluff must be regarded as hazardous and disposed at a licensed hazardous waste disposal facility.
- (k) A facility must put in place measures to prevent soil contamination from occurring. Where soil contamination has occurred, the source of the contamination must be identified, and clean-up activities undertaken to remove contaminated soil.
- (l) Contaminated soil must be collected and stored in a leak proof container labelled "Hazardous Waste-Contaminated Soil" until it can be treated or transported to a waste treatment or disposal facility.
- (m) Minor leakage within the bunded area must be contained by use of appropriate spill kits, with contaminated material handled as hazardous waste.

(3) Liquid waste management



- (a) Oil drained from motor vehicle engine, oil filters, fuel drained from fuel tanks, fuel filters and any other motor vehicle fluid such as brake fluid, must be poured into a container designated for the temporary storage of such liquids. The container must be labelled with the name of the fluid they are holding, and must be stored in a bunded area, capable of holding up to 110% of liquid in case of major leakage, overflows or spillages. In addition, a facility must ensure compliance with provisions made in the norms and standards for the storage of waste, with regard to the design of such a container.
- (b) The container must be in good condition and must not exhibit any structural defects, rust, leaks or deterioration.
- (c) Where underground containers are used to store used fuel, the scrapping or recovery facility must ensure compliance with the design specifications for underground tanks, as set out in the norms and standards for the storage of waste. The following additional requirements must be complied with:
  - (i) the underground tank must have monitoring wells and fitted with a leak detection system;
  - (ii) the underground tank must be fitted with overfill shut-off valve to prevent potential overflows and spillages.
- (d) To minimise potential overflows and spillages the above ground or underground containers must be emptied before fuel or oil reach the level of 80%.
- (e) No fuel, oil, brake fluid or other motor vehicle fluids must be allowed to drip or poured direct into the soil, storm water drain, sewer lines, septic tanks or to any water course.
- (f) Used oil may be given or sold to an approved used oil recycling company or disposed at a licensed hazardous waste disposal facility.
- (g) Brake fluid must be handled as hazardous waste by an approved hazardous waste handling and disposal company.
- (h) Hydrocarbon contaminated water from the scrapping or recovery facility must be passed through an oil or water separation system.
- (i) Water residue from the oil or water separation system must not be discharged direct into the storm water drains, nearby water streams; soils; ground water or wetlands without an approval from the National Department responsible for water affairs.
- (j) Disposal of such residue water into the municipal sewer must be in compliance with municipal by-laws regulating sewerage systems and may only be undertaken after authorization has been granted in writing from the relevant municipality.
- (k) The opportunity for the onsite reuse and recycling of contaminated water must be investigated prior to disposal.
- (l) The oil or water separation system must be inspected daily and maintained by trained personnel in such a way that oil or contaminated water does not

overflow and spill direct into storm water drains or direct into the environment.

- (m) Oil from the oil or water separation system must be pumped out for recycling by a registered waste oil handling company or for disposal at a licensed hazardous waste handling and management facility.
- (n) If the antifreeze is not reused or recycled, it must be handled as hazardous waste and disposed at a licensed hazardous waste landfill site by a registered hazardous waste handling company.
- (o) Used hot tank solutions must be stored in a container designed to hold strong corrosives and labelled "Hazardous Waste-Corrosive" and must be disposed as hazardous waste at a hazardous waste landfill site by a registered hazardous waste handling company.
- (p) Liquids or solvents from mineral spirits and petroleum-based parts washers must be handled and disposed as hazardous waste.

## **7. General requirements**

- (1) These standards do not replace any other relevant requirements stipulated in terms of other legislation unless the requirements in terms of the other legislation are less stringent than these requirements.
- (2) Pollution of the biological and physical environments (including habitats for animal and plant species, water resources, land, soil and air) as a result of operations within the facility must at all times be prevented or minimized.
- (3) Waste streams must not be mixed. While general waste generated during the construction, operation and decommissioning phases of the facility may be disposed at a general waste management site, all hazardous waste material must be disposed at a licensed hazardous waste disposal or handling facility.
- (4) The yard area where a core pile of auto shells is kept must be well maintained, with weed growth and dust emissions kept under control.
- (5) A Safety Data Sheet for each of the chemical products utilised must be kept on site. The SDS information must be obtained, maintained and updated and the files to be kept in an easily accessible location to employees. If SDSs are kept on a file in a computer, a hard copy should also be available.
- (6) Non-recyclable general waste must be stored in a storage container designed for such waste and must be disposed at a licensed waste disposal or handling facility.
- (7) The installation and maintenance of underground fuel storage tanks must comply with SANS10089 or any other applicable and valid national standards.

## **8. Training and capacity building**

- (1) A motor vehicle scrapping, or recovery facility must, during the safety, health and environment induction, train a new employee or employees on waste management in order to be able to identify, prevent, minimise or manage actions or behaviour that is likely to cause adverse impacts on air, water, land, fauna and flora as a result of construction, operation and decommissioning of the facility.

- (2) Members of staff must be trained to manage all types of wastes in accordance with the provisions of these standards and any other relevant legislative requirements applicable to the motor vehicle scrapping or recovery facility.
- (3) The oil or water separation system must be maintained and serviced by only suitably qualified and trained personnel.

## **9. Management of emergency situations**

- (1) Response measures must be put in place to deal with overflows of the oil or water separator system or holding tank into the environment or into the municipal sewerage system.
- (2) Emergency incidents must be dealt with in accordance with section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

## **10. Monitoring, auditing and reporting**

- (1) The site must be inspected on a daily basis to ensure early detection and addressing of environmental pollution.
- (2) The relevant authority must be given access to audit or inspect the site at any time and at such frequency as the authority may decide. The audit or inspection reports by the authority must be made available to the facility owner within sixty (60) days of the audit or inspection.
- (3) The oil storage area (including the oil or water separation system) must be inspected daily to ensure early detection of leakages, overflows or spillages and a speedy clean up response.
- (4) The site owner must, during the audit or inspection, make any records or documentation available to the audit or inspection team as may be required.
- (5) Safe disposal certificates for hazardous waste removed from site must be kept on record.
- (6) A certificate of compliance with relevant SANS standards regarding the installation of above ground or underground waste storage containers must be kept in the files and made available to the relevant authority on request.
- (7) A record of any non-compliance findings by the relevant authority and the manner such non-compliances were addressed must be kept in the file.
- (8) Internal audits detailing environmental performance of the facility must be conducted bi-annually and official reports thereof must be prepared. Each of the internal audits must be made available to the external auditor referred to in paragraph (9) below and to the relevant authority upon request.
- (9) External audits of the facility must be conducted biennially by an independent auditor and the auditor must prepare an official audit report documenting the audit findings. The external audit report must be submitted to the Department and must include the following:
  - (a) Confirmation of compliance of the facility to these standards;

- (b) Confirmation of compliance with any specific requirements issued by the relevant authority either at national, provincial or local sphere of government;
  - (c) Confirmation that the oil or water separation system is functioning well and maintained in good order;
  - (d) Confirmation of any major environmental incidences that occurred and details of the manner the incidences were addressed;
  - (e) Confirmation that hazardous waste is separated from non-hazardous waste and that such waste is removed by a registered waste handling company for either recycling or disposal at licensed disposal facility; and
  - (f) Confirmation of the presence of records of safe disposal certificates for all hazardous waste removed from the facility.
- (10) For the purposes of compliance monitoring, all facilities that fall within the scope as described in paragraph 4 of these standards must prior to commencement with the construction of this activity inform the Department for a once off registration of the activity in the Departmental database.
- (11) The registration application referred to in subparagraph (10) above must as a minimum include the following:
- (a) the name of the owner of the facility where the activity is intended to take place;
  - (b) the location of the facility in terms of the name of the local municipality, erf number and geographical coordinates;
  - (c) the size of the facility;
  - (d) the proximity of the facility to the nearest residential area; and
  - (e) the land use or zoning.

#### **11. Minimum requirements during decommissioning phase**

- (1) A facility to be discontinued, for whatever reasons, must be rehabilitated to the satisfaction of the Department.
- (2) A rehabilitation plan for the site, including the indication of end use of the area must be developed and submitted to the Department for approval not more than one (1) year prior to the intended closure of the facility.
- (3) The rehabilitation plan must set out the following:
  - (a) Rehabilitation measures for contaminated areas within the facility;
  - (b) Indication of the intended use of containers or tanks and related piping that previously stored hazardous fluids such as used fuel, used brake fluid, used engine and transmission oil drained from the dismantled motor vehicles; and

- (c) Measures to be undertaken to deal with infrastructure such as oil or water separation systems, bund walls within which fluid storage tanks or containers were kept, the contaminated floor and shredding areas as well as any waste material still kept on site such as auto shells, tyres, auto fluff, used fuel, used oil, etc.
- (4) The site must be rehabilitated according to the rehabilitation plan.
- (5) The owner of the facility, including the subsequent owner of the facility will remain responsible for any adverse impacts on the environment, even after operations have ceased.

## **12. Transitional arrangements**

A person who lawfully conducted the activity of scrapping or recovery of motor vehicle prior to and on the date of coming into operation of these standards may continue with the activity for the duration as stipulated in the approval, authorisation or licence and after the expiry of the approval, authorisation or licence comply with the provisions of these standards.

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO.59 OF 2008)**

**NATIONAL NORMS AND STANDARDS  
FOR THE SORTING, SHREDDING,  
GRINDING, CRUSHING, SCREENING  
OR BALING OF GENERAL WASTE,  
2017**

Published under Government Notice 1093 in *Government Gazette* 41175 of 11 October 2017.

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby under section 7(2)(a) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), set national norms and standards for the sorting, shredding, grinding, crushing, screening or baling of general waste, under section 7(2)(a) of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) in the Schedule hereto.

**(Signed)**  
**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE  
TABLE OF CONTENTS**

**CHAPTER 1  
INTERPRETATION, PURPOSE AND APPLICATION**

1. Definitions
2. Purpose
3. Application

**CHAPTER 2  
REQUIREMENTS FOR FACILITIES THAT SORT, SHRED, GRIND, CRUSH, SCREEN,  
CHIP OR BALE GENERAL WASTE**

4. Registration
5. Location
6. Construction and Design

**CHAPTER 3  
MANAGEMENT OF FACILITIES THAT SORT, SHRED, GRIND, CRUSH, SCREEN, CHIP  
OR BALE GENERAL WASTE**

7. Access control and notices
8. Operation
9. Emergency preparedness plan

10. Monitoring and inspection
11. Auditing
12. Competent authority audits and inspections
13. Reporting
14. Minimum requirements for the Decommissioning Phase

## CHAPTER 4 MISCELLANEOUS

15. Transitional provisions
16. Short title

## CHAPTER 1 INTERPRETATION, PURPOSE AND APPLICATION

### 1. Definitions

- (1) In this Schedule, unless the context indicates otherwise, any word or expression that is defined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (as amended) has the same meaning, and-

**“baling”** means the manual or mechanical tying, bundling or wrapping of compressed waste material;

**“chipping”** means the manual or mechanical chopping or cutting of garden waste into smaller pieces in preparation for further processing;

**“competent authority”** means, the organ of state charged by the National Environmental Management: Waste Act, 2006 (Act No. 59 of 2008) (as amended), as the licensing authority;

**“crushing”** means breaking down of waste into small pieces by pressing or pounding using mechanical or manual means;

**“grinding”** means breaking down or reducing waste material to smaller fragments or a powder through manual or mechanical friction;

**“impermeable surface”** means an area provided with a physical barrier or a membrane that prevents leaching of waste into the soil;

**“operational area”** means an area where waste is sorted, shredded, ground, crushed, screened, chipped or baled;

**“screening”** means a process or system for examining, removing or separating material from the waste stream identified through sorting for a specific process;

**“shredding”** means the breaking down of waste material, through manual or mechanical cutting or tearing, into smaller parts;

**“sorting”** means the manual or automated separation of waste materials according to type, class, state of contamination or usability for a particular purpose;

**“waste facility”** means a commercial place, infrastructure or containment of any kind including associated structures or infrastructure where there is sorting, shredding, grinding, crushing, screening, chipping or baling of general waste.

- (2) For any action contemplated in terms of these Norms and Standards for which a timeframe is prescribed, the specified numbers of days are calendar days.

## **2. Purpose**

The purpose of these Norms and Standards is to provide a uniform national approach relating to the management of waste facilities that sort, shred, grind, crush, screen, chip or bale general waste.

## **3. Application**

- (1) These Norms and Standards apply to a waste facility that has an operational area that is 1000m<sup>2</sup> and more.
- (2) A waste facility that has an operational area that is less than 1000m<sup>2</sup> must comply with section 4(4) of these Norms and Standards only.

## **CHAPTER 2 REQUIREMENTS FOR FACILITIES THAT SORT, SHRED, GRIND, CRUSH, SCREEN, CHIP OR BALE GENERAL WASTE**

## **4. Registration**

- (1) A new waste facility must be registered with the competent authority in accordance with these Norms and Standards within 90 days prior to any construction taking place.
- (2) Existing waste facilities must register with the competent authority in accordance with these Norms and Standards within 90 days of publication of these Norms and Standards in the *Government Gazette*.
- (3) A waste facility that is already registered in terms of the National Norms and Standards for Storage of Waste and is sorting, shredding, grinding, crushing, screening or baling general waste must not re-register, but must comply with these Norms and Standards from the date of publication of these Norms and Standards in the *Government Gazette*.
- (4) A waste facility that is less than 1000m<sup>2</sup> must register with the competent authority and comply with the principle of duty of care as contained in Section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and Section 16(1) and 16(3) of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).
- (5) The applicant must provide the following information as a minimum to be registered:
  - (a) Name of the waste facility;
  - (b) Name of the owner of the waste facility;
  - (c) Physical address of the owner of the waste facility;



- (d) Postal address of the owner of the waste facility;
- (e) Contact details of the owner of the waste facility;
- (f) Land use or zoning of the waste facility location area;
- (g) Locality map and site plan including a full description of all activities that will be conducted on the site;
- (h) Geographical co-ordinates of the 4 corners of the waste facility;
  - (i) The size of the operational area (m<sup>2</sup>) as well as the footprint of the entire waste facility;
  - (j) The types and maximum quantities of waste to be processed at the waste facility;
  - (k) The sources of waste to be processed at the waste facility; and
  - (l) The approved civil engineering designs, where applicable in terms of relevant building regulations and bylaws.

## **5. Location**

- (1) The location of the waste facility must give consideration to public health, environmental protection and the requirements in respect of existing servitudes.
- (2) The waste facility must be located such that it is easily accessible especially by emergency response personnel and equipment.

## **6. Construction and design**

- (1) Construction and development of the waste facility must be undertaken in accordance with relevant regulations and by-laws pertaining to construction and development of buildings and structures.
- (2) The owner of the waste facility must ensure good housekeeping in managing waste material and rubble generated, during the construction of the waste facility.
- (3) The contractor responsible for removal of the waste generated during the construction of the waste facility must supply the facility owner with a certificate indicating safe disposal.
- (4) All storm water must be channelled away from the construction site to avoid contamination.
- (5) The construction of the processing floor must be constructed in a way that the movement of heavy machinery and vehicles is supported.

# **CHAPTER 3**

## **MANAGEMENT OF FACILITIES THAT SORT, SHRED, GRIND, CRUSH, SCREEN, CHIP OR BALE GENERAL WASTE**

## **7. Access control and notices**

- (1) A waste facility must be securely fenced and gated to prevent unauthorised entry.
- (2) Security personnel must be provided at the entrances.
- (3) The following must be recorded:
  - (a) All incoming vehicles and persons; and
  - (b) Tonnages and volumes of waste entering or leaving the premises.
- (4) All notice boards placed in the waste facility must be written in at least two languages, one of which should be the predominant local language in the area.
- (5) A notice board should be placed at all entrances of the waste facility detailing the name of the waste facility, accepted waste type, operating hours, contact details including contact details in emergency situations.

## **8. Operation**

- (1) Waste accepted at the waste facility must be screened for any hazardous waste material.
- (2) No hazardous waste may be accepted at the waste facility covered by these Norms and Standards.
- (3) The operational area must be hard surfaced or impermeable where there is potential for significant leachate generation.
- (4) The facility including the operational area must be kept clear of any residual waste that is spilled during the loading and offloading of waste or produced as part of the processing.
- (5) Roadways must be maintained and accessible.
- (6) Dust suppression abatement methods must be employed in accordance with relevant National Dust Control Regulations, 2013 in the case where dust emissions are generated from the processing of waste material.
- (7) Any wastewater generated from the processing of waste material must comply with municipal wastewater requirements.
- (8) Noise levels in the waste facility must meet the noise standard requirements of applicable relevant legislation.
- (9) The waste facility should be free from odour or emissions that are likely to cause a nuisance.
- (10) The storage of waste must be compliant with all relevant legislation regulating storage of general waste.
- (11) Personnel employed at the waste facility must be trained accordingly in relation to and as a minimum:
  - (a) Facility management and operation;

- (b) Health and safety requirements including the importance of personal protective equipment;
  - (c) Response to complaints and emergency incidents;
  - (d) The identification of hazardous and unacceptable waste materials; and
  - (e) Storage requirements relevant to the specific waste streams.
- (12) Proof of the requisite training must be kept on-site and presented to competent authority upon request.
- (13) Health and safety issues including the use of personal protective equipment must be in compliance with relevant legislation at all times during the operational processes.

## **9. Emergency Preparedness Plan**

The waste facility must minimise environmental impacts by preparing and implementing an emergency preparedness plan, which must include the following as a minimum:

- (a) Emergency response plan;
- (b) Remedial actions; and
- (c) Preventative measures,

## **10. Monitoring and Inspection**

- (1) Temporary waste storage containers must be inspected for any sign of deterioration on a bi-annual basis.
- (2) The storm water containment system, where applicable, must be inspected weekly or after each significant rainfall event to ensure that the system is free from debris, and other materials.

## **11. Auditing**

- (1) Internal audits must be conducted bi-annually by the waste facility owner and on each occasion a report must be compiled for record purposes.
- (2) The waste facility owner must appoint a suitably qualified independent auditor to undertake external audits biennially.
- (3) A competent authority may prescribe auditing formats and methodologies to be applied by the external auditor.
- (4) The external audit report must-
  - (a) Detail the extent of compliance with the conditions of these standards for the reporting period;
  - (b) Specify non-compliances identified and rectified prior to the audit;
  - (c) Contain recommendations regarding non-compliance or potential non-compliance; and

- (d) Specify target dates for the implementation of the recommendations and whether corrective action taken for the previous audit non-compliances was adequate.

## **12. Competent Authority Audits and Inspections**

- (1) A competent authority reserves the right to audit and/or inspect the waste facility without prior notification at any time.
- (2) Any records or documentation pertaining to the management of the waste facility must be made available to the competent authority upon request, as well as any other information that may be required.
- (3) Records must be kept for a minimum of five years and must also be available for inspection by the competent authority.
- (4) A complaints register and incident report must be made available to the external auditor and the competent authority.

## **13. Reporting**

All incidents occurring at the waste facility, excluding those that fall within the ambit of Section 30 of the National Environmental Management Act, 1998 must be reported to the competent authority.

## **14. Minimum requirements for the Decommissioning Phase**

- (1) Should the owner of the waste facility plan to cease operations at the waste facility, the competent authority must be contacted in writing at least six months prior to the ceasing of operations to determine the required actions for the decommissioning of the waste facility.
- (2) The facility owner must also identify and inform the competent authority of the future end use of the site.
- (3) The competent authority may-
  - (a) Require a decommissioning plan to be prepared and submitted; or
  - (b) In cases where the impacts envisaged are of a lower intensity, make certain requirements that the facility owner has to comply with to ensure that the potential impacts of the decommissioning process are avoided or minimised without the need for a decommissioning plan.
- (4) Where a waste facility is decommissioned, all surplus feedstock and product must be removed from site.
- (5) The decommissioning plan contemplated in subsection (3) must indicate the following as a minimum:
  - (a) The future end use of the site;
  - (b) The site-specific decommissioning process to be followed;

- (c) Potential human and environmental Impacts of the decommissioning process; and
  - (d) Mitigation measures to be implemented to minimise and/or avoid such impacts.
- (6) Should the land be contaminated as a result of these waste management activities, the owner of the waste facility must comply with all relevant legislation dealing with remediation of contaminated land.
  - (7) The waste facility owner, including the subsequent owner of the waste facility, are responsible for compliance with the provisions for duty of care and remediation of environmental damage as contained in Section 28 of the National Environmental Management Act, 1998.
  - (8) In the advent of change of ownership, the registered owner of the waste facility must notify the competent authority in writing, within one month of such change.

## **CHAPTER 4 MISCELLANEOUS**

### **15. Transitional Provisions**

A person who has been lawfully operating a waste facility for the sorting, shredding, grinding, crushing, screening, chipping or baling of general waste prior to and on the date of coming into effect of these Norms and Standards, must register in terms section 4(2) of these Norms and Standards, and where after must comply with these Norms and Standards within 90 days after such registration.


### **16. Short Title**

These Norms and Standards are called National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening, Chipping or Baling of General Waste, 2017.

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