



Waste Management Licensing and Exclusion Workshop : 26-27 FEBRUARY 2026, ENVIRONMENT HOUSE



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



PRESENTATION OUTLINE

- LEGISLATIVE FRAMEWORK
- LICENSING MANDATE
- WASTE EXCLUDED FROM LICENSING
- LICENSING PROCESS
- REVIEW OF WASTE MANAGEMENT LICENCES (WML) (SEC53)
- VARIATION OF WASTE MANAGEMENT LICENCES
- REVOCATION AND SUSPENSION OF WML
- SURRENDER OF WML
- WASTE EXCLUSION



LEGISLATIVE FRAMEWORK

- **Section 24 of the Constitution of RSA (Bill of Rights)** states that ‘Everyone has a right to an environment that is not harmful to their health and wellbeing’
- **Section 7(2) of the Constitution of RSA (Bill of Rights)** provide that state must respect, protect, promote and fulfil the rights in the Bill of Rights.
- **National Environmental Management Act (NEMA) (1998)**- framework legislation for environmental management and provide all environmental principles that inform all environmental legislation in the country



LEGISLATIVE FRAMEWORK

- **National Environmental Management: Waste Act (Act No.59 of 2008)**- framework legislation for Waste Management that provide principles, procedures, policies, regulations, National Norms and Standards, and National Waste Management Strategy to provide measures to prevent degradation of environment while promoting beneficial use of waste resources (Circular Economy)



National Waste Management Strategy



LICENSING MANDATE (SEC 43)

- Minister is competent authority in respect of hazardous waste
- waste management activity that involve international obligation, including the importation or exportation of hazardous waste;
- The waste management activity that will affect more than one province; or traverse international boundaries; or two or more waste management are to be undertaken at the same facility and the Minister is the licensing authority for any one of those activity.
- **MEC is competent authority in respect of general waste**



LICENSING MANDATE (SEC 43)

- A Waste Management Licence is a legally binding document issued in terms of Section 49(1) (a) of the NEM:WA.
- GN 921 dated 29 November 2013 repealed GN 718 dated 3rd July 2009.
- The list have activities under **Category A -Basic Assessment** (BA) and **Category B- Full** (Scoping & Environmental Impact Assessment(S & EIA). Category C (Norms and Standard for Storage of Waste).



NATIONAL NORMS AND STANDARD

- National Norms and Standards For the Storage of Waste
- National Standards for the Extraction, Flaring or Recovery of Landfill Gas
- National Standards For the Scrapping or Recovery of Motor Vehicles
- National Norms and Standards for the Sorting, Shredding, Grinding, Screening or Bailing of General Waste.
- National Norms and Standards for Organic Waste Composting and NS for Treatment of Organic Waste



WASTE EXCLUDED FROM LICENSING

- Explosive wastes (Explosive Act 26 of 1956 or as amended Explosive Act 15 of 2003)
- Radioactive waste (National Radioactive Waste Management Act no 29 2012)
- Waste management activity is or directly related to prospecting or exploration of a mineral or petroleum resources (Sec 43(1A))
- Extraction and primary processing of a mineral or petroleum resources



WASTE EXCLUDED FROM LICENSING

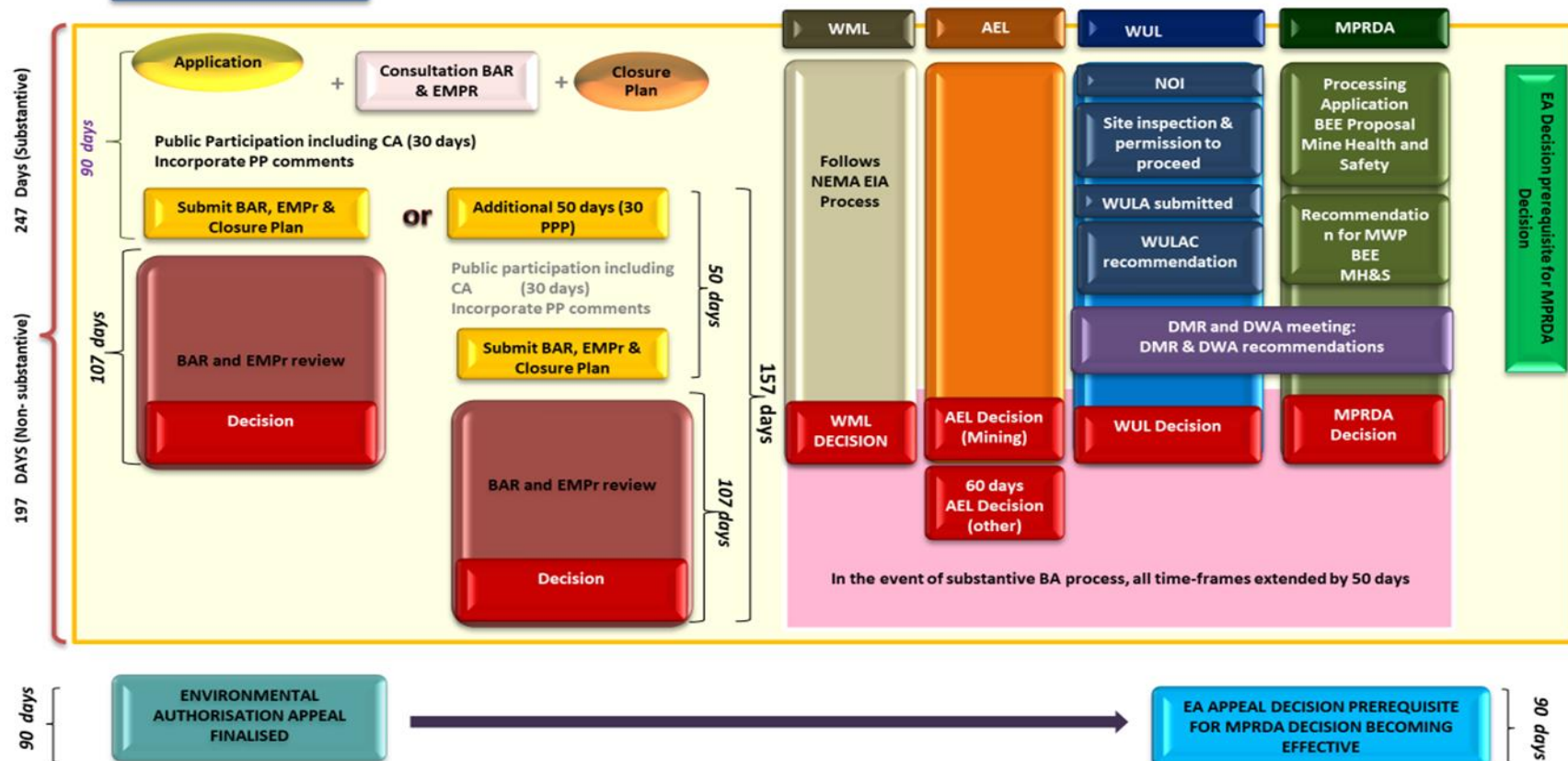
- Residue deposits and residue stockpiles from prospecting, mining, exploration or production areas
- Residue stockpiles and residue deposits must be managed in the prescribed manner on any site demarcated for that purpose in the environmental management plan or environmental management programme for that prospecting, mining, exploration or production operation (Sec 43 A)



BA Process

MPRDA Application
Accepted

Pre-application (Optional)



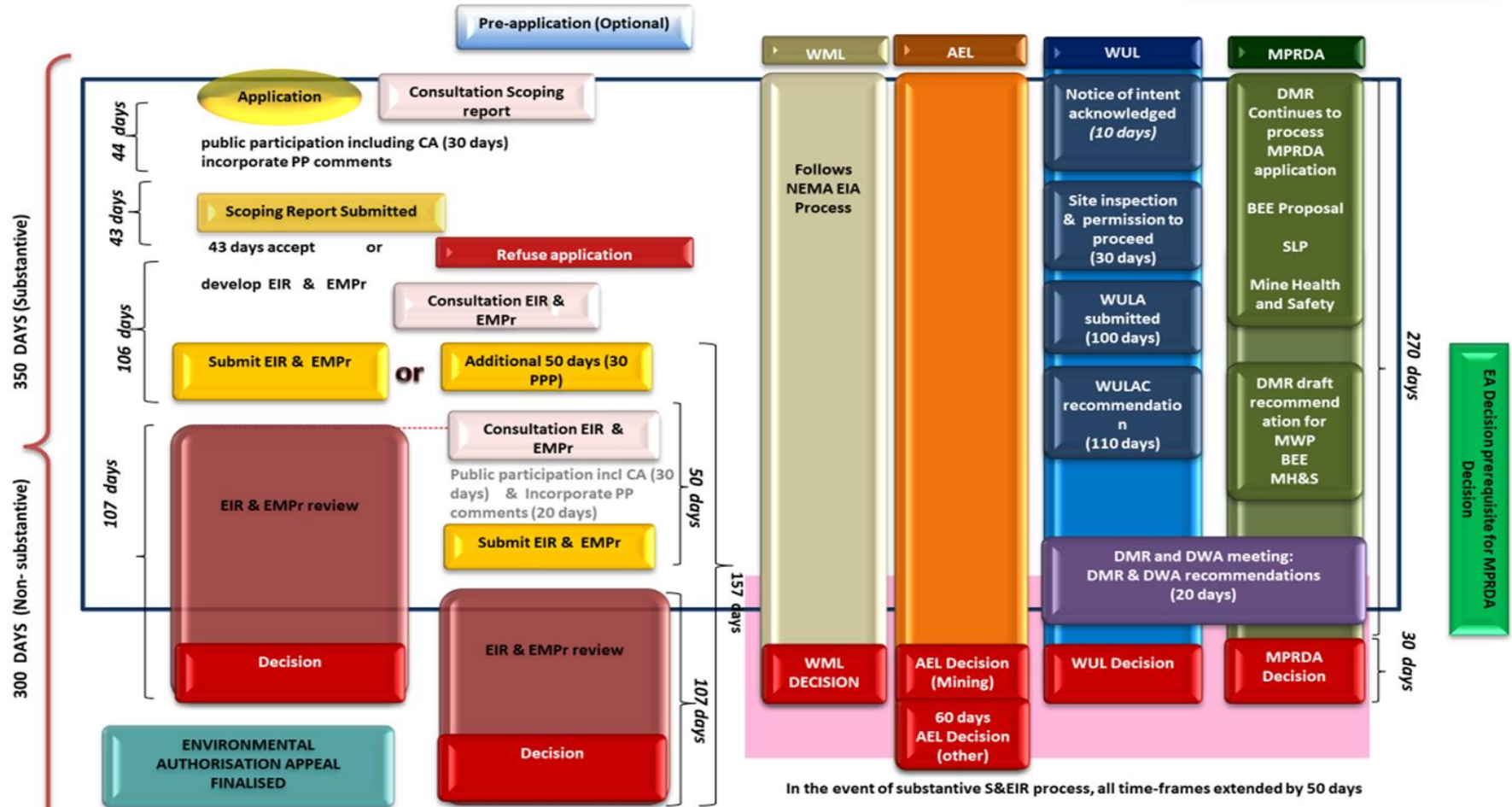
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S&EIR Process

MPRDA Application Accepted



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SCOPING

- Desirability of project and consideration of National Waste Management Strategy.
- Identification of potential impacts of activity on environmental media (water, soil etc)
- Identification of alternatives: locations, technologies, processes and designs

NB: before scoping, applicant must have identified competent authority



SCOPING

Plan of studies:

- Waste classification
- Water quality studies
- Soil quality studies
- Geohydrological studies
- Biodiversity studies
- Climate change studies
- Wetland studies, heritage studies, etc

NB: before scoping activity starts, the applicant must have identified competent authority



FINAL EIA REPORTS

- Impacts evaluated and baseline established
- Class of wastes (type 1-4) and containment barrier (Class A,B, C and D) identified
- Results/findings of studies
- Environmental Management Plan developed that adequately address impacts that were identified during scoping and evaluated



RENEWAL OF WML

- A WML may, on application by the holder of the licence be renewed by a licensing authority
- The holder of WML must, before the expiry date of licence and within the period specified in the licence, apply for the renewal of licence by lodging an application with LA



VARIATION OF WML

LA must may , by written notice to holder of WML, vary licence:

- the attaching of an additional condition or the requirement to the WML or requirement to WML
- the substitution of a condition or requirement or
- the amendment of a condition or requirement



REVOCATION AND SUSPENSION OF WML

LA may , by written notice to holder of WML, revoke or suspend that licence if the licensing authority is of the opinion that licence holder has contravened a provision of a Waste Act or condition of the licence, and such contravention may have or is having a significant effect on health or the environment.



REGULATIONS REGARDING THE EXCLUSION OF A WASTE STREAM OR A PORTION OF A WASTE STREAM FROM THE DEFINITION OF WASTE, 2018.



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REGULATIONS REGARDING THE EXCLUSION OF A WASTE STREAM OR A PORTION OF A WASTE STREAM FROM THE DEFINITION OF WASTE, 2018.

- LEGISLATIVE FRAMEWORK
- PURPOSE
- CONSIDERATION OF APPLICATION AND CRITERIA FOR EXCLUSION
- ELEMENTS OF THE RISK ASSESSMENT
- CONTENT OF THE RISK MANAGEMENT PLAN
- REPORTING
- REVIEW, WITHDRAWAL AND AMENDMENT AND REGISTER OF WASTE STREAMS



PURPOSE

- 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
- Exclude permitted uses of a waste stream or a portion of waste stream from the definition of waste
- Promote diversion of waste from landfill disposal to its beneficial use



CONSIDERATION OF APPLICATION AND CRITERIA FOR EXCLUSION

- The Minister may exclude a waste stream or portion of a waste stream, from the definition of a waste for the purpose of beneficial use, provided that the:
 - ✓ application demonstrates that the waste is being or has been or will be used for a beneficial purpose either locally or internationally
 - ✓ applicant undertakes a risk assessment and submits a risk management plan demonstrating that the intended beneficial use will not result in significant adverse impacts on the environment



CONSIDERATION OF APPLICATION AND CRITERIA FOR EXCLUSION

- a risk management plan developed and responding to the risks identified in the risk assessment and accompanies any delivery of the excluded waste to the user



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ELEMENTS OF THE RISK ASSESSMENT (R-8)

- Provide information that is facility based
- Description and source of the waste
- Intended uses of the excluded waste
- Description of the methodology used to assess the hazardous characteristics of the waste that is to be excluded
- Identification of any potential risks relating to all the activities associated with the intended beneficial use of the excluded waste



ELEMENTS OF THE RISK ASSESSMENT (R-8)

- Identification of mitigation measures that can be used to manage the risk identified
- The results of the risk assessment must be used as the basis of a risk management plan



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CONTENDS OF THE RISK MANAGEMENT PLAN (R-9)

- a Safety Data Sheet which complies with the requirements of SANS 10234, where the waste material is classified as hazardous
- Permitted uses for which the waste material may be used
- A mechanisms to record the amount of waste distributed to specific users for a permitted use; including the number of enterprises established or supported and the extentt to which previously disadvantaged individuals have been supported



REPORTING

- The risk management plan and any reports arising from the risk management plan must be:
 - ✓ made available to the Department on request
 - ✓ must be submitted to the Department on an annual basis



Conclusion

- **Beneficial use of waste is the wealth of the future**
- It is possible to promote beneficial use and circular economy while giving true meaning to environment that is not detrimental to human.
- Waste sector present opportunity for inclusive economic growth and alleviation of poverty
- Collaboration, advocacy, research and innovation, active citizenry, responsive legislative environment and appreciating that environment requires multidiscipline and interdisciplinary mindset and approach.



THANK YOU!

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Thank You



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