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GENERAL NOTICE

NOTICE 779 OF 2012

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

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

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention, under section 19(2) read with section 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), to publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment, in the Schedule hereto.

Members of the public are invited to submit to the Minister, within sixty (60) days after the publication of this notice in the *Gazette*; written representations or objections to the following addresses:

By post to: The Director-General
 Department of Environmental Affairs
 Attention: Ms Khashiwe Masinga
 Private Bag X447
 PRETORIA
 0001

By hand at: 2nd Floor (Reception), Fedsure Forum Building, 315 Pretorius Street, Pretoria, 0001

By email: kmasinga@environment.gov.za, or by fax to: 012 322 5515 or tel 012 310 3377.

The proposed amendments can also be accessed at www.sawic.org.za under **Documents for Comment** or can be obtained at the Department of Environmental Affairs offices.

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE
(Section 19(1))

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)

DEFINITIONS

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

“construction” means the building, erection, 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 or extending the area covered by a facility used to undertake an activity;

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

“lagoons” means a lined dam which is used for containment of liquid waste;

“operational area” an area where waste is handled including the storage areas;

“physico-chemical” means both physical and chemical;

“remediation” means the interim or permanent elimination through mitigation or abatement of toxic or biohazard contaminants that pose human health consequences or threats to the environment.

GENERAL

2. 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.

CATEGORY A

3. 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 or bailing of general waste at a facility that has an operational area in excess of 500m².
- (3) The recycling of general waste at a facility that has an operational area in excess of 500m².
- (4) The recycling of hazardous waste in excess of 500kg but less than 1 ton per day calculated as a monthly average.
- (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 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 of general waste or in excess of 500kg but less than 1 ton of hazardous waste per day excluding the treatment of effluent, wastewater or sewage.
- (7) The remediation of contamination, excluding emergency incidences regulated under section 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Disposal of waste

- (8) 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.
- (9) The disposal of general waste to land covering an area of more than 50m² but less than 200m² and with a total capacity not exceeding 25 000 tons.
- (10) 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

- (11) 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).

- (12) The expansion of a waste management activity listed in Category A or B of this Schedule.
- (13) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

CATEGORY B

4. 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.

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.
- (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 200m² and with a total capacity exceeding 25 000 tons.

Construction of facilities and associated structures and infrastructure

- (9) 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).

CATEGORY C

5. A person who wishes to commence, undertake or conduct a waste management activity listed under this Category, must comply with the requirements or standards determined by the Minister in terms of this Act.

Storage of waste

- (1) The storage of general waste at a facility that has the capacity to store in excess of 100m³ 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 80m³ of hazardous waste at any one time, excluding the temporary storage of such waste.
- (3) The storage of waste tyres in a storage area exceeding 500m².

Recycling or recovery of waste

- (4) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m².
- (5) The extraction, recovery or flaring of landfill gas.

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 conduct 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 not listed similarly under the current list of waste management activities, and a decision on such an application is still pending, such an application will be considered withdrawn, 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 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, must 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 whereafter 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 an application for an environmental authorisation for the construction of that facility in terms of the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and will be assessed and decided by the competent authority in terms of the Environmental Impact Assessment Regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- (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.

SPECIAL ARRANGEMENTS

8. 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, such an application will be considered an application for a waste management licence in this 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.

REPEAL OF LAWS

9. 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.

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