

(29 November 2013 – 1 May 2014)

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

(Gazette No. 32000, Notice No. 278. Commencement date: 1 July 2009 – save for sections 28(7)(a), sections 35 to 41 and section 46 [Proc. No. 34, Gazette No. 32189])

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

Government Notice 921 in Government Gazette 37083 dated 29 November 2013. Commencement date: 29 November 2013

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)

DEFINITIONS

1. 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).

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

Prepared by:

In partnership with:

- (2) The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area in excess of 1000m².
- (3) The recycling of general waste at a facility that has an operational area in excess of 500m², 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) The remediation of contaminated land.

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 50m² but less than 200m² 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.

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 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 200m² 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).

CATEGORY C

- 5. 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 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 storage of hazardous waste in lagoons or 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 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 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 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.

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, 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.

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.