

IWMSA

Western Cape Branch

Overview of Waste and related Environmental Legislation

15 March 2017



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Purpose of workshop

- Provide brief overview of more general environmental legislation
- Overview of national and Western Cape provincial legislation and Cape Town waste by-laws
- Relevant international legislation
- Keep workshop flexible
- Opportunity for questions and clarifying issues

Overview of more general national environmental and waste legislation

- *National Environmental legislation:*
 - Constitution
 - National Environmental Management Act (NEMA)
 - [Environment Conservation Act]
 - National Water Act
 - Waste Act, plus subsidiary legislation
 - Air Quality Act
 - Regulations for the Transportation of Dangerous Goods and Substances by Road (Ch VIII of the Regs to the National Road Traffic Act)

- *Provincial legislation:*

Examples:

- Western Cape Health Care Waste Management Act
- Western Cape Health Care Risk Waste Management Regulations
- Gauteng Health Care Waste Management Regulations
- Gauteng General Waste Management Facility Standards

- *By-laws:*
- Each municipality has its own by-laws
- Some more recent, therefore stricter, but even here are differences
- Many still have old by-laws

- *International legislation:*

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Constitution (s 24)

Everyone has the right-

(a) to an environment that is not harmful to their health or well-being, and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that-

(i) prevent pollution and ecological degradation,

(ii) promote conservation, and

secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

National Environmental Management Act (NEMA)

Is framework Act for all environmental matters and must be taken into account when applying any other environmental legislation

Duty of care (s 28)

s 28(1) Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

This includes:

- owner of land or premises
- person in control thereof, or
- person who has a right to use same (s 28(2)).

Control of Emergency Incidents (s 30)

“incident” defined as unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property

Control of Emergency Incidents (cont)

- Duty to report incident forthwith after obtaining knowledge thereof to:
 - Director-General (of DEA)
 - SAPS
 - relevant fire prevention service
 - relevant provincial head of environmental dept or municipality
 - all persons whose health may be affected by the incident

Control of Emergency Incidents (cont)

- Must report:
 - nature of incident
 - any risks posed by incident to public health, safety and property
 - toxicity of substances or by-products released, and
 - any steps that should be taken in order to avoid or minimise effects of incident on public health and environment

Control of Emergency Incidents (cont)

- Must give follow up report within 14 days to
 - Director-General, and
 - relevant provincial head of environmental dept or municipality

(see s 30(5) for details of this report)

Control of Emergency Incidents (cont)

- Responsible person includes person:
 - responsible for incident
 - who owns any hazardous substance involved in incident, or
 - who was in control of any involved hazardous substance at time of incident

Control of Emergency Incidents (cont)

- Responsible person must:
 - contain and minimise effects of incident, including its effects on environment and any risks posed by incident to H&S and property of persons
 - undertake cleanup procedures
 - remediate
 - assess immediate and long-term effects on environment and public health

Duty of care (cont)

- Authorities can take reasonable measures themselves (if no steps taken by person), and can then recover costs from any of the following:
 - person who is or was responsible for, or who directly or indirectly contributed towards pollution/ degradation
 - owner of land, or successor-in-title
 - person in control of land or any person who has or had a right to use land
 - any person who negligently failed to prevent this
- (s 28(8))

Duty of care (cont)

- Authorities can also approach court for relief
- Costs claimed may include, without being limited to, labour, administrative and overhead costs (s 28(10))
- Polluter Pays Principle

Criminal proceedings (s 34)

- Schedule 3 (cross-references to other Acts)
- Upon conviction court can determine loss/damage cause to state/individual, incl cost of rehabilitating or preventing environmental damage
- Investigate monetary value of advantage gained by accused by offence
- Prosecution and investigation costs payable

Criminal proceedings (cont)

- Employer guilty for offences caused by manager, employee or agent (vicarious liability)
- If manager, employee or agent performs or omits act which is offence then personally liable as if were employer
- Director personally guilty and liable, incl for damages and prosecution costs, if offence due to his failure to take reasonable steps to prevent offence
- Manager, agent, employee, director may be convicted and sentenced in addition to employer or firm

National Water Act

Pollution prevention (s19):

- Following have duty to take reasonable measures to prevent actual or likely water pollution from occurring, continuing or recurring:
 - owner of land
 - person in control of land
 - person who occupies or uses land

Control of Emergency Incident (s 20)

“incident” includes any incident or accident in which a substance-

- pollutes or has potential to pollute water resource; or
- has, or is likely to have, detrimental effect on water resource

Control of Emergency Incident (cont)

“responsible person” includes any person who-

- is responsible for incident
- owns substance involved
- was in control of substance involved

Control of Emergency Incident (cont)

Responsible person, any other person involved in incident or any other person with knowledge of incident must, as soon as reasonably practicable after obtaining knowledge of incident, report to

- Department (DWS)
- SAPS or relevant fire department, or
- relevant catchment management agency

Control of Emergency Incident (cont)

Responsible person to

- take all reasonable measures to contain and minimise effects of incident
- undertake clean-up procedures
- remedy the effects of incident, and
- take such measures as catchment management agency (CMA) may direct

Control of Emergency Incident (cont)

- Authorities can intervene if no action by person(s)
- If so acting can recover costs (incl labour, administrative and overhead) jointly and severally from:
 - any person who is/was responsible for, or who directly or indirectly contributed to, pollution or potential pollution
 - owner of land at the time, or successor-in-title
 - person in control of land or any person who has a right to use land
 - any person who negligently failed to prevent pollution or situation

Control of Emergency Incident (cont)

If failure to act CMA may recover take steps and then recover costs jointly and severally from responsible person(s)

Offences (s 151)

First conviction:

fine or imprisonment for period not exceeding five years, or to both a fine and such imprisonment

Second or subsequent conviction:

fine or imprisonment for a period not exceeding ten years or to both a fine and such imprisonment

Damages enquiry (s 152)

Where any person convicted of offence and

- another person suffered harm or loss as result thereof, or
- damage has been caused to water resource

court can enquire without pleadings into the harm, loss or damage and determine extent thereof

Damages enquiry (cont)

Court can then:

- award damages for loss or harm suffered by other party
- order accused to pay for cost of any remedial measures implemented or to be implemented, and
- Order that remedial measures be implemented, undertaken either by accused or relevant water management institution

Vicarious liability (s 154)

Employer or principal can be convicted for offences by employee or agent, and vice versa

Therefore important for management to implement control measures and procedures

Environment Conservation Act

- Not that relevant anymore since Waste Act entered into force (1 July 09), as well as various National Environment Laws Amendment Acts

Environmental Impact Assessments (EIA's)

- Governed by GN R 982, 983, 984 and 985 of 2014
 - GN R 982 (EIA Regulations)
 - GN R 983 (Listing Notice 1)
 - GN R 984 (Listing Notice 2)
 - GN R 985 (Listing Notice 3)
- Only relevant in the event of a planned identified activity, eg. waste activity identified in GN 921 of 2013 (waste management licences)

Environmental Impact Assessment, GN R 983 of 2014

- Basic Assessment
 - Aimed at investigating and managing impacts of smaller projects
 - Investigation is not as detailed
 - Procedure is simpler
 - Finalised much quicker than Scoping & EIA

Environmental Impact Assessment, GN R 984 of 2014

- Scoping & EIA (S&EIA)
 - Aimed at investigating and managing impacts of larger projects
 - Investigation far more detailed
 - First do Scoping and then EIA
 - Finalisation takes (much) longer than Basic Assessment

Environmental Impact Assessment (cont)

- Any identified activity may only be commenced with, or continued, if an environmental authorisation (EA) was granted following BA / S&EIA
- Criminal offence if no EA
 - > s 24 (NEMA)
 - > s 67 (Waste Act)

Waste Act, 2009



Waste Act, 2009

Introduction:

- Gives legal effect to waste hierarchy:
 - Prevention and minimisation of waste
 - Reducing, re-using, recycling and recovering of waste
 - Treatment and disposal
- Also aims to minimise consumption of natural resources
- Prevent pollution and ecological degradation
- Remediation of contaminated land
- Waste management strategies and standards

Waste Act (cont)

General duty in respect of waste management :

- Any holder of waste must take all reasonable measures to, inter alia:
 - avoid waste generation, and where this cannot be avoided to minimise toxicity and amounts of waste generated
 - reuse, recycle or recover waste
 - where disposal is required waste must be treated and disposed of in environmentally sound manner
 - manage waste so that it does not endanger health or environment or cause nuisance through noise, odour or visual impacts

Waste Act (cont)

General duty in respect of waste management (cont):

- Any person who sells product that may be used by public and which results in generation of hazardous waste must take reasonable steps to inform public of impacts of waste on human health and environment

ie. extended producer responsibility (EPR)

Waste Act (cont)

Duties of persons transporting waste (s 25):

- Prevent spillage of waste or littering during transport
- Ensure waste facility is authorised to accept waste type

Waste Act (cont)

Prohibition of unauthorised disposal (s 26):

- Waste facility to be authorised to accept waste type
- No disposal which is likely to cause pollution or harm to health and well-being

Waste Act (cont)

Priority wastes:

- Minister or MEC may identify priority wastes and prescribe measures
- Already in place: eg. waste tyre industry waste management plan
- Recent proposal for: paper/packaging industry, electronic/electrical and lighting waste

Waste Act (cont)

Consequences of declaration of priority wastes (PW):

- No person may import, manufacture, process or sell or export PW or product that will result in generation of PW unless product complies with measures prescribed by Minister or MEC, or an industrial waste management plan
- No person may recycle, recover, treat or dispose of PW unless in accordance with Act or any measures prescribed by Minister or MEC

List of Waste Management Activities requiring Licence

GN 921 of 2013:

- Category A and B activities
- Apply for licence
- For A: Basic Assessment (as per EIA Regs) needed
- For B: Scoping and EIA needed
- Category C – refers to other laws which must be complied with, no licence needed
- If activity already lawful (eg. some other permit granted) then can carry on, and currently no licence required

Waste Act (cont)

Extended producer responsibility:

- Minister or MEC may identify
 - product or class of products (eg. electronic / electrical equipment, paper and packaging)
 - producer responsibility measures that must be taken (eg. take back old equipment)
 - person or category of persons who must take those measures (eg. manufacturer / supplier)

Waste Act (cont)

Extended producer responsibility (cont):

- Detailed requirements may be imposed by Minister or MEC, eg:
 - waste minimisation, incl waste avoidance, recovery, reuse and recycling
 - % of products that must be recovered under waste minimisation programme
 - labelling requirements
 - producer to carry out life cycle assessment

Waste Act (cont)

Extended producer responsibility (cont):

- specify requirements for design, composition or production of product or packaging
- clean production measures to be implemented
- composition, volume or weight of packaging to be restricted
- packaging to be designed, produced and used so as to be capable of being reduced, reused, recycled or recovered

Industrial / Technical Inefficiency

- **1 ton** of consumer good household waste ~ **70 ton** to make materials in the first place (life cycle) including activities like mining, agricultural, processing, manufacturing, finishing (www.ggrn.org)

- Toothbrush ~1.5 kg waste
- Cell phone ~ 75 kg waste
- 1 ton car ~ 62 tons of waste
- 2.3 kg laptop ~ 9 tons waste



Waste Act (cont)

Contaminated land (Part 8):

- Covers historic and present contamination
- Site assessment reports
- Remediation order and declaration as remediation site
- No transfer of remediation sites without informing new owner
- Entry in title deed
- Contaminated land register
- National Norms & Standards for the Remediation of Contaminated Land and Soil Quality, GN 331 of 2014

Waste Act (cont)

Schedule 3:

- Defined waste categories
- Category A: hazardous waste
- Category B: General waste

Waste Act (cont)

Penalties/sentences:

- Vary, but can be R 10 m and/or 10 years
- Continuing offence: R 1000/day and/or imprisonment not exceeding 20 days in respect of each day the offence continues

National Pricing Strategy for Waste Management, 2016

- Guiding methodologies for:
 - setting of waste management charges, aimed at funding the re-use, recycling or recovery of waste;
 - implementation of industry waste management plans (IndWMP) for those activities that generate specific waste streams

National Pricing Strategy for Waste Management (cont)

- Selection and use of economic instruments must be aligned with “polluter pays principle” where all waste generators (incl businesses and households) are responsible for costs of managing waste
- Action Plan in Strategy as well as time frames for implementation by responsible parties

National Pricing Strategy for Waste Management (cont)

- IndWMP include not only direct financial costs of collection, treatment and disposal of waste, but also associated negative externalities including negative health and environmental impacts

What is the Magnitude?

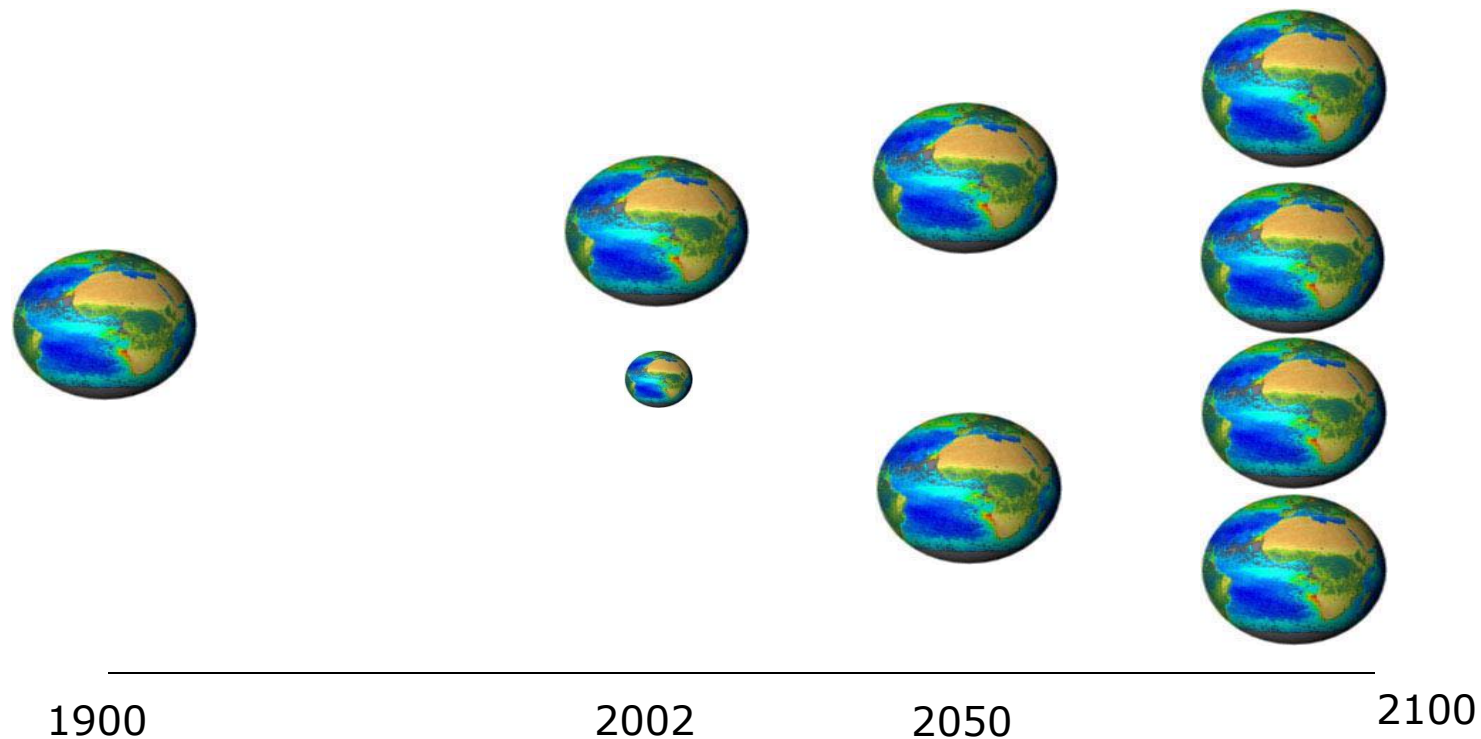
20% of the world's population consumes 86% of its resources
(the poorest 20% a minuscule 1.3%)

If everyone consumed at the top consumption level, it would take 4 extra planets NOW to provide the necessary resources sustainably. Global marketing of this consumer lifestyle is headed for natural disaster

The Ecological Footprint

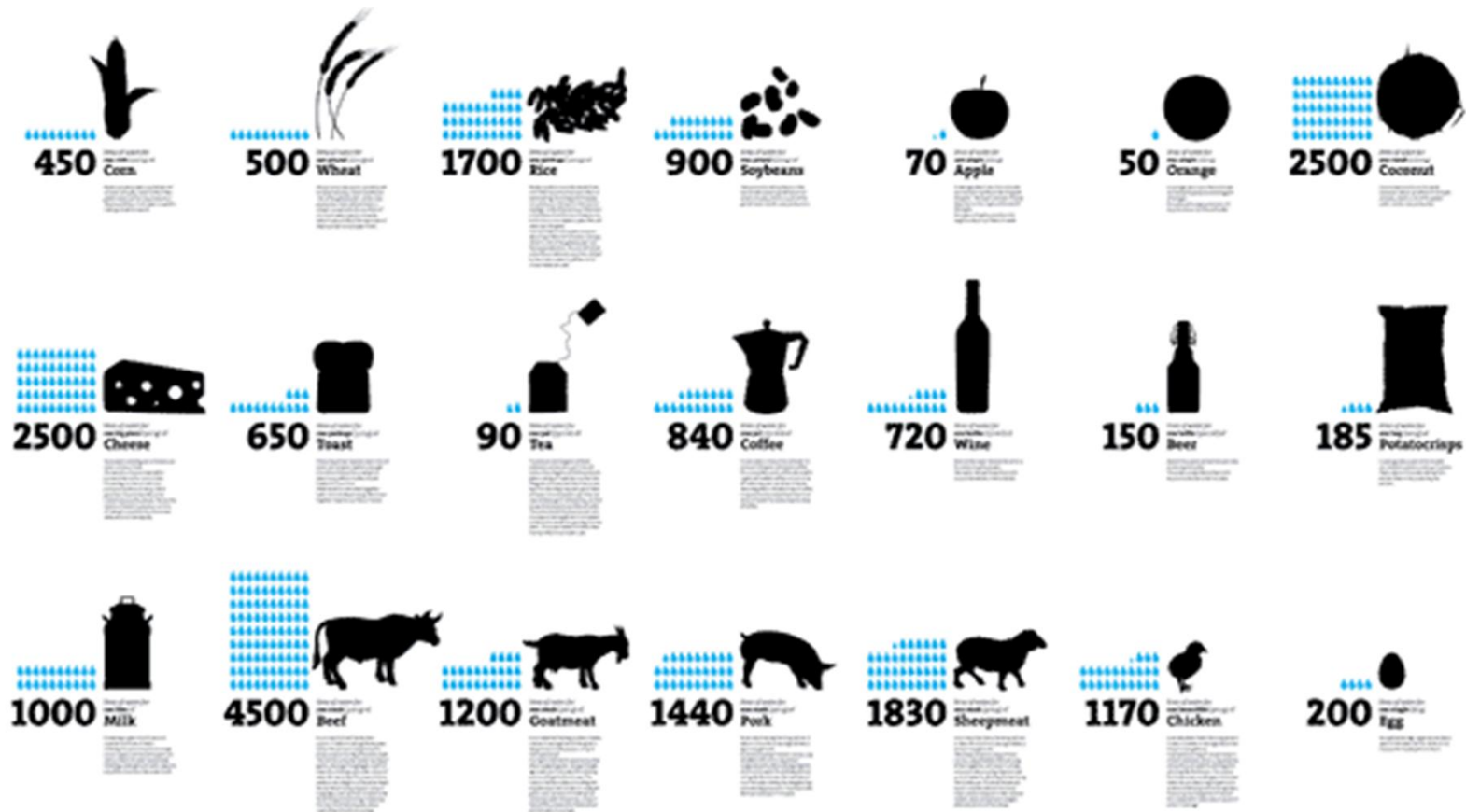
Maintaining the Status Quo ?

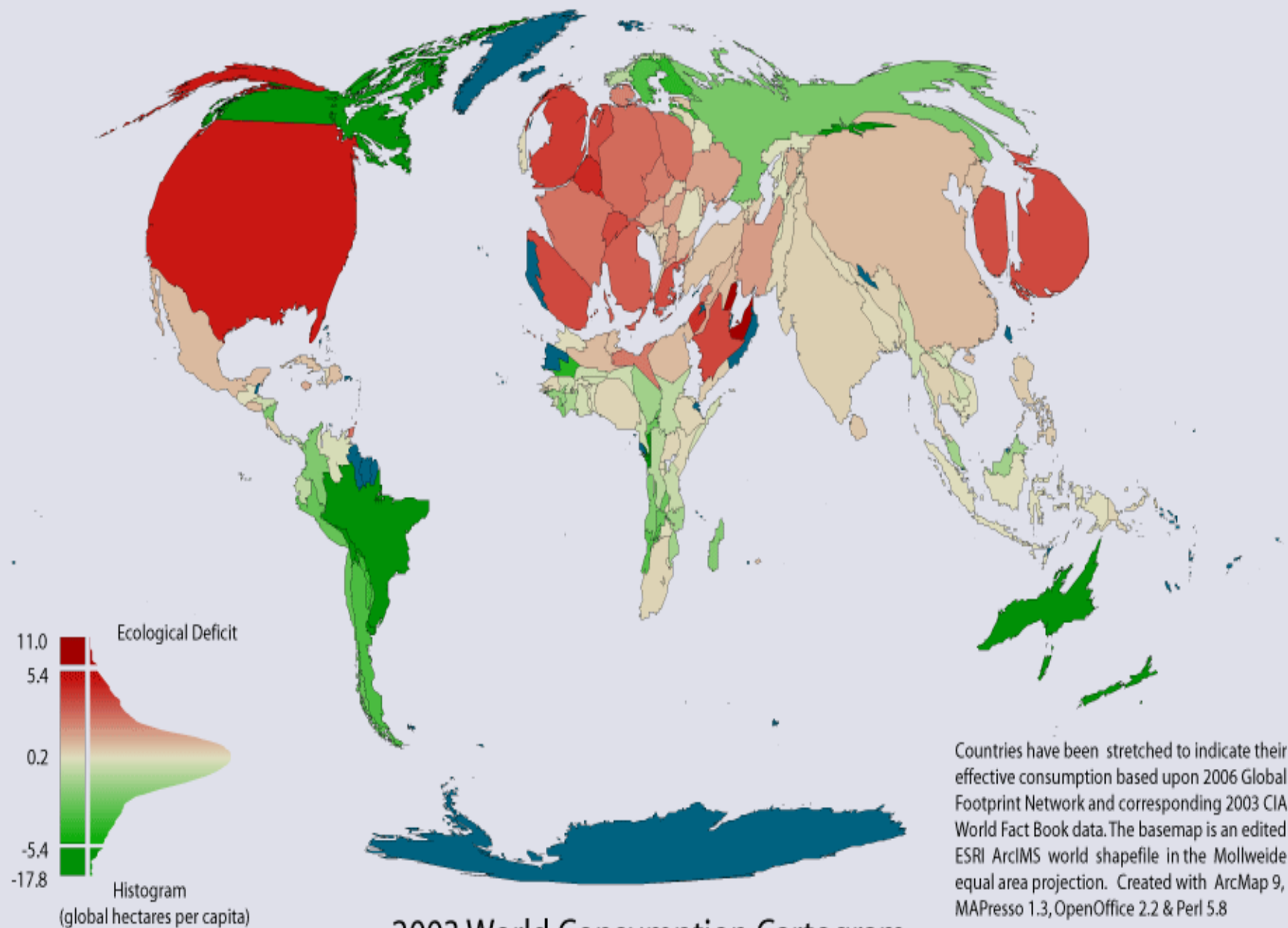
If we go on with current production and consumption patterns, then two planets are needed by 2050...



Consumer Choice: “To eat or not to eat”

VIRTUAL WATER inside products





National Waste Information Regulations, GN R 625 of 2012

- Certain activities/waste streams must be registered for information collection purposes on SA Waste Information System (or provincial system)
- Information to be supplied periodically
- Also have the Western Cape IPWIS and Gauteng WIS

Waste Classification and Management Regulations, GN R 634 of 2013

Purpose of Regulations:

- regulate the classification and management of waste in a manner which supports and implements the provisions of the Act;
- establish a mechanism and procedure for the listing of waste management activities that do not require a Waste Management Licence;
- prescribe requirements for the disposal of waste to landfill;
- prescribe requirements and timeframes for the management of certain wastes; and
- prescribe general duties of waste generators, transporters and managers

Waste Classification and Management Regulations (cont)

- All waste (except that listed in Annexure 1) to be classified in accordance with SANS 10234 within 180 days of generation
- SANS 10234 (Globally Harmonized System of Classification and Labelling of Chemicals (GHS))
- Waste must be re-classified in terms of SANS 10234 every 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

Waste Classification and Management Regulations (cont)

- 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
- Generators of hazardous waste to prepare safety data sheet in terms of SANS 10234 (apart from Annexure 1 waste)

Waste Classification and Management Regulations (cont)

Annexure 1 (waste that does NOT have to be classified to SANS 10234)

(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.

Waste Classification and Management Regulations (cont)

Annexure 1 (cont)

(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)

Waste Classification and Management Regulations (cont)

- Waste transporters and waste managers must not accept waste that has not been classified in terms of Reg 4 unless such waste is listed in Annexure 1
- All waste containers to be labelled in terms of Reg 6(3) – date, category, classification
- Waste generators to keep accurate records
- Holders of waste to have waste manifest system which complies with Annexure 2
- Transporters to complete waste manifest as per Annexure 2
- Both to retain copies for 5 years



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National Norms and Standards for the Assessment of Waste for Landfill Disposal, GN R 635 of 2013

- Fairly technical, contains several limits etc
- Specific type of waste for landfill disposal must be determined by comparing the total concentration (TC) and leachable concentration (LC) of the elements and chemical substances in the waste with the total concentration threshold (TCT) and leachable concentration threshold (LCT) limits specified in section 6 of the Norms & Standards
- This will then determine what type of waste it is (Type 0 – 4)

National Norms and Standards for Disposal of Waste to Landfill (cont)

- Sets out which waste types may go to which class landfill (A – D)
- Type 0 – landfill prohibited
- Landfill disposal requirements for certain listed waste are set out
- Waste disposal restrictions: different time frames for identified waste streams and when it cannot be landfilled anymore (some already in force)

National Norms and Standards for the Storage of Waste, GN 926 of 2013

- Applies to new or existing waste storage facilities
- General waste storage facility: capacity to store in excess of 100m³ of general waste continuously
- Hazardous waste storage facility: capacity to store in excess of 80m³ of hazardous waste continuously
- New facilities to be registered within 90 days prior to construction taking place
- Construction and design requirements
- Access control and notices

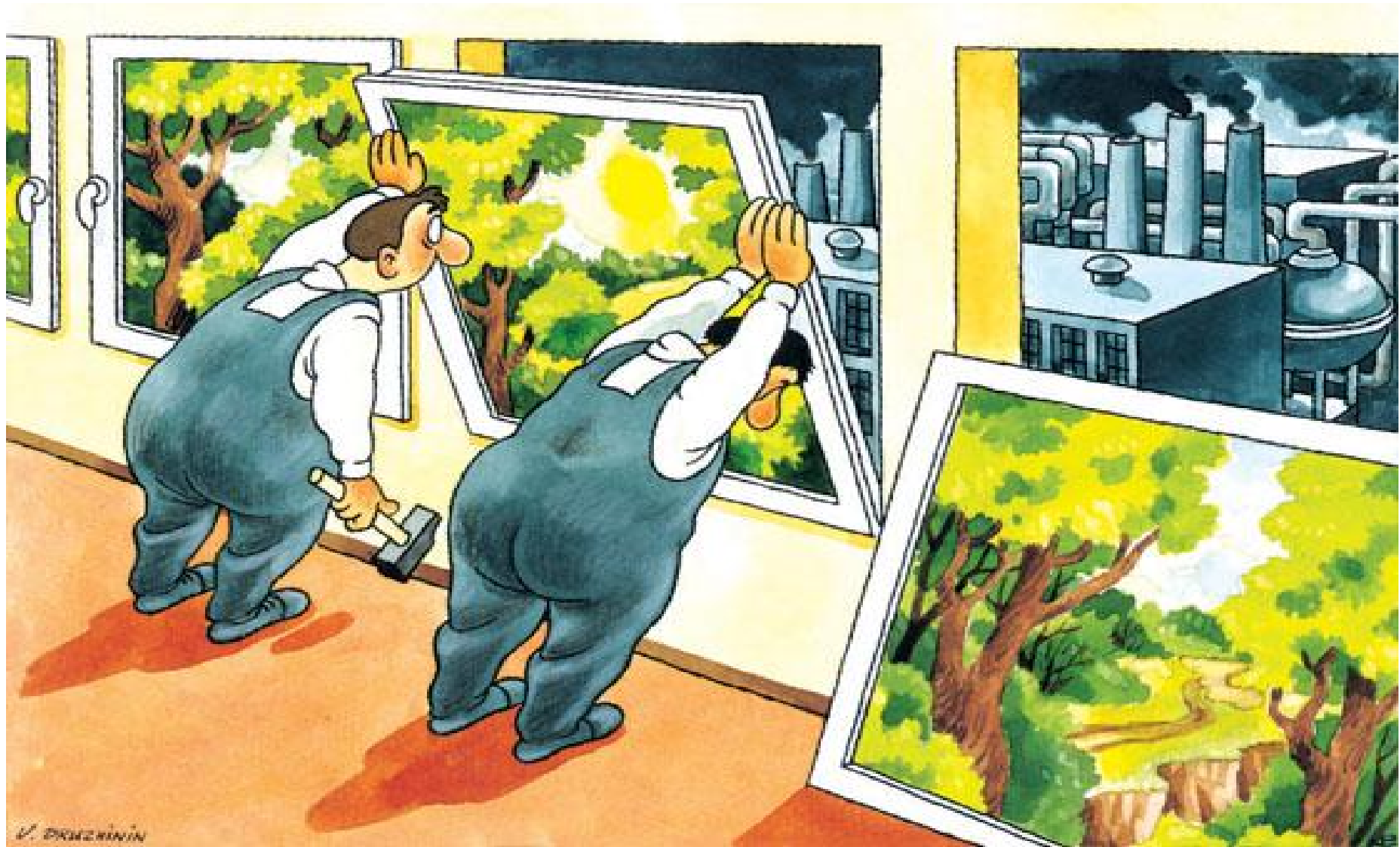
National Norms and Standards for the Storage of Waste (cont)

- Manner of operation
- General requirements for waste storage containers
- Minimum requirements for above and underground waste storage facilities and containers
- Training
- Emergency preparedness plan
- Monitoring and inspection
- Audits (internal: bi-annually; external: biennially)
- Record keeping

Draft legislation under Waste Act (selection)

- Notice of Intention to Require any Person or Category of Persons who Transport Waste for Gain to Register with the Department (of Environmental Affairs), 2016
- Draft National Standard for Validation of the Treatment Efficacy and Operation of a Non-combustion Technology for the Treatment of Health Care Risk Waste, 2012
- Draft Health Care Risk Waste Management Regulations, 2012
- Draft National Norms and Standards for Organic Waste Composting, 2014
- Draft Regulations for Site Assessments and Reports, 2012

AIR POLLUTION



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Air Quality Act

- Atmospheric Emission Licences
 - National framework setting air quality norms and standards
 - National monitoring and information management standards
 - Nat/prov standards for ambient air quality and emissions
 - Local emission standards
-
- Licence required for incineration of waste

Ch VIII of Regulations in terms of National Road Traffic Act

- Incorporates various SANS standards
- Qualified person to be appointed by operator, consignor and consignee to perform such tasks as are required by Regulations
- Drivers (with category “D” professional driving permit) to also hold training certificate from Dangerous Goods Driver Training Body

General Health Regulations, GN R 180 of 10 February 1967

- Prohibits depositing of waste, offensive matter, liquid etc so as to be offensive or a nuisance or injurious or dangerous to health
- Also prohibits discharge of any offensive liquid, waste etc
- Spilling/leaking of such during transport also prohibited
- Prevent water pollution

Hazardous Chemical Substances Regulations (Reg 15)

[Regulations to Occupational Health and Safety Act]

- Employer as far as reasonably practicable to
 - recycle HCS
 - ensure correct and safe disposal
 - if waste contractor is used: provision to be incorporated into contract stating that contractor shall also comply with provisions of these Regulations

Overview of provincial waste legislation

Western Cape Health Care Waste Management Act

- Duty of care to minimise HCW, separate at source, safely packaged, stored, transported, treated and disposed
- Only registered generator, transporter, treater or disposer may store health care risk waste (HCRW)
- Generator, transporter, treater or disposer to ensure disposal at authorised disposal site
- Generator, transporter, treater or disposer to keep records
- Generator, transporter, treater or disposer to perform and record internal audits

Western Cape Health Care Risk Waste Management Regulations

- Same requirements as Act, just in more detail, especially for topics like:
 - transport
 - vehicles
 - drivers
 - treatment
 - disposal
 - training
 - registration
 - reporting
 - internal audits (every 3 months)
 - record keeping (show at least monthly total mass of HCW) – keep records for minimum 5 years

Western Cape – Industry Waste Management Plans, PN 365 of 2013

- Each manufacturing company within the Paint, Ink, Adhesive, Cosmetic, Pharmaceutical and Cleaning Chemicals subsectors of the Consumer Formulated Chemical Sector in the Western Cape who generate on average more than 20 kg of hazardous waste per day to prepare Industry Waste Management Plan for approval

Overview of Cape Town waste related by-laws

Integrated Waste Management By-law, 2009

Duties of waste generators (s 4)

- Follow waste hierarchy
- For recyclable waste:
 - use City's services
 - services of accredited provider
 - deliver to waste disposal facility
- Conclude contract with City, its service provider or accredited service provider for storage and collection of waste

Duties of waste generators (s 4)

- Any business or agent disposing of waste on behalf of business shall provide report of waste disposed to City's waste management officer in format as determined by Director from time to time, on or before 7th of each month
- Waste generator generating industrial waste must contract with accredited service provider for collection and disposal of such waste to licenced waste disposal facility

Integrated Waste Management Plans

Following waste generators must submit integrated waste management plan to City:

- (a) business waste;
- (b) industrial waste;
- (c) building waste;
- (d) event waste;
- (e) priority waste;
- (f) hazardous waste;
- (g) those applying for special dispensation in terms of section 9;
- (h) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
- (i) any other person who is given notice to do so by the Director; or
- (j) those persons carrying out activities listed in paragraph (h).

Hazardous waste (s 5)

- Generator of hazardous waste and owner of property where hazardous waste is generated must contract with accredited service provider to collect and dispose of such waste at licenced hazardous waste disposal facility

Priority waste (s 7)

- May be identified by Director

Recycling, re-use, sorting and recovery of waste (s 13)

- (1) Any person who undertakes a *recycling, re-use or recovery activity* or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must, before undertaking that activity make sure by way of an EIA or similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal and must obtain accreditation from the City in terms of its guidelines as published from time to time.
- (2) Also submit IWMP.

Recycling, re-use, sorting and recovery of waste (s 13)

- Recyclers etc must register for accreditation with City
- Submit reports by 7th of each month
- City may exempt recyclers etc from such requirements

Waste management services (s 17)

- (1) All persons collecting or removing waste must have contract for collection and removal of waste with City or accredited service provider.
- (2) Residents must apply and register for waste collection and removal services that will be provided exclusively by City or its contracted accredited service provider, unless Council authorises otherwise.
- (3) Businesses have option to contract with City for waste collection and removal services, or with accredited service provider.
- (4) Industries, including those that produce hazardous waste, due to specialised nature of waste produced in these sectors, must contract with private sector accredited service provider.

CT Environmental Health By-law

Medical waste (ss 23 – 27):

- Generator to register with Council
- Transporter to register with Council
- Transporter/disposer to issue safe disposal certificate
- Medical waste to be separated, labelled and stored separately
- Generators to maintain records of waste removed, and keep records for 1 year

w w . o f f t h e m a r k . c o

IT'S REALLY A SHAME TO HAVE
ALL THAT WASTEFUL PACKAGING...



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International waste legislation

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Transboundary movement (TBM) is any movement of hazardous wastes or other wastes:

- from an area under the national jurisdiction of one state
- to or through an area under the national jurisdiction of another state, or to or through an area not under the national jurisdiction of any state

provided at least two states are involved in the movement .

[State means a country (party) which ratified the Convention, non-ratifying states are not bound.]

Basel Convention (cont)

- Parties are under an obligation to take appropriate measures to ensure that TBM of hazardous wastes and other wastes are only allowed if one of the three following conditions satisfied:

Basel Convention (cont)

- 1) The state of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound manner

Basel Convention (cont)

- 2) The wastes in question are required as raw material for recycling or recovery industries in the state of import

Basel Convention (cont)

- 3) The TBM in question is in accordance with other criteria decided by the parties (such criteria will normally be found in the decisions adopted by the Conference of the Parties)

Basel Convention (cont)

- Convention sets out when parties may restrict TBM and when they must restrict

Basel Convention (cont)

- Parties have the right to prohibit totally or partially the import of hazardous wastes or other wastes into their jurisdiction for disposal
- Party must not allow exports to a state when it has reason to believe that the wastes in question will not be managed in an environmentally sound manner
- Parties may decide to limit or ban export of hazardous wastes or other wastes to other parties

Basel Convention (cont)

- Parties are prohibited from exporting wastes falling within scope of Convention for disposal within area south of 60° South latitude
- TBM should not occur with a non-party
- TBM can take place through transit states that are not parties to Convention. However in that case, some elements of notification procedure apply *mutatis mutandis* to such TBM: generator, exporter or state of export required to notify competent authority of state of transit of any proposed TBM

Basel Convention (cont)

- Person wanting to transport must notify exporting and importing countries' competent authorities (in SA this is DEA)
- Both parties to consent to TBM
- Various documents form part of TBM
- Generator and export country to receive proof of lawful disposal by disposer



Ask Me A Question



It's Free

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