

WASTE LEGISLATION IN SOUTH AFRICA

INTRODUCTION

- What is the current status of waste legislation in South Africa?
- Recent Developments, Draft Legislation and Looking Forward
 - Budget Speech
 - Industry Waste Management Plans
 - Proposed Regulations to Exclude a Waste Stream or Portion of a Waste Stream From the Definition of Waste

NATIONAL LEGISLATION

- ▶ Recent Amendments to the Waste Act
- ▶ Definitions
 - ▶ “Recovery”
 - ▶ “Waste”
- ▶ Schedule 3 – Defined Waste

NATIONAL LEGISLATION

- ▶ Chapter 3A – Financial Provisions
 - ▶ Pricing Strategy
 - ▶ Waste Management Bureau
 - ▶ Promote and facilitate minimisation, re-use, recycling and recovery of waste
 - ▶ Manage the disbursement of incentives and funds derived from waste management charges contemplated
 - ▶ Monitor implementation of industry waste management plans and the impact of incentives and disincentives

WASTE PRICING STRATEGY

- ▶ What is the Pricing Strategy?
- ▶ Economic Instruments for Implementing the Pricing Strategy
- ▶ Examples of Economic Instruments
- ▶ Possible Problems Posed by the Pricing Strategy

REMEDIATION OF CONTAMINATED LAND

- ▶ Application
- ▶ Investigation Areas
- ▶ Site Assessments
- ▶ Notification
- ▶ Ministers Decision
- ▶ Transfer of Contaminated Land
- ▶ Contaminated Land Register

NATIONAL NORMS AND STANDARDS FOR THE REMEDIATION OF CONTAMINATED LAND AND SOIL QUALITY

- ▶ Apply to an owner of land or any person who undertakes site assessment and remediation activity
- ▶ Uniform Approach to:
 - ▶ Contamination status of an investigation area
 - ▶ Criteria in assessment of contaminated land
 - ▶ Minimum standards for environmental protection measures for remediation activities.

LISTED ACTIVITIES

- ▶ Focus on Two Changes:
- ▶ “The Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste at a Facility that has an Operational Area in Excess of 1000m²”

LISTED ACTIVITIES

- ▶ Does this activity apply?
- ▶ Is there sorting, shredding, grinding, crushing, screening or bailing of general waste?
- ▶ What is a facility?
- ▶ “**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;

LISTED ACTIVITIES

▶ What is a Waste Management Activity?

- ▶ “**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
- ▶ (i) the disposal of waste;

LISTED ACTIVITIES

- ▶ What is Operational Area?
- ▶ “**operational area**” an area where waste is handled including the storage areas;
- ▶ What is meant by “waste is handled”
- ▶ Confusion and guidance.....

LISTED ACTIVITIES

- ▶ Treatment of Effluent
- ▶ No longer under the Waste Act
 - ▶ Used to require Category A or B depending on volumes
- ▶ Has been moved to NEMA
 - ▶ Listing Notice 1 and 2

LISTED ACTIVITIES

- ▶ Introduction of Category C
- ▶ Norms and Standards for the Storage of Waste
- ▶ Standards for Extraction, Flaring or Recovery of Landfill Gas
- ▶ Standards for Scrapping or Recovery of Motor Vehicles

CATEGORY C – NATIONAL NORMS AND STANDARDS FOR THE 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.

CATEGORY C – NATIONAL NORMS AND STANDARDS FOR THE STORAGE OF WASTE

- ▶ No requirement for a waste licence
- ▶ Regulate requirements for waste storage facilities which fall within the ambit of the norms and standards
 - ▶ Registration
 - ▶ Construction and design, access control and notices, operation and general requirements for waste storage containers

CATEGORY C – NATIONAL NORMS AND STANDARDS FOR THE STORAGE OF WASTE

- ▶ Continuous training of employees and contract workers
- ▶ Develop emergency preparedness plan
- ▶ Monitoring and inspections
- ▶ Internal and external audits

CATEGORY C – NATIONAL NORMS AND STANDARDS FOR THE STORAGE OF WASTE

- ▶ For general and hazardous storage – temporary storage is excluded
- ▶ **“temporary storage”** means a once off storage of waste for a period not exceeding 90 days
- ▶ What does “once off” mean – major impact on whether it applies or not

NATIONAL WASTE INFORMATION REGULATIONS

- ▶ Regulate the collection of data and information to fulfil the objectives of the national waste information system
- ▶ Applies to all persons conducting activities in Annexure 1 to the Regulations
- ▶ Problems faced operationally

WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS

- ▶ Regulate the classification and management of waste
- ▶ Establish a mechanism for the listing of waste management activities that do not require a waste management licence
- ▶ Prescribe requirements for the disposal of waste to landfill
- ▶ Timeframes for the management of certain wastes
- ▶ Prescribe general duties of waste generators, transporters and managers

WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS

- ▶ Do not apply to generators of domestic waste that is collected by the municipality
- ▶ Wastes listed in Annexure 1 do not require classification
- ▶ Safety Data Sheets
- ▶ Record Keeping
- ▶ Waste Manifest System

WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS

- ▶ Waste Management Activities That Do Not Require a Waste Licence
 - ▶ Submit motivation to list a specific activity as one which does not require a waste licence
 - ▶ Demonstrate aspects of the activity can be implemented and conducted without unacceptable impact or risk to environment and health

WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS

- ▶ Annexure 1 – Wastes That Do Not Require Classification or Assessment
- ▶ Problem with the way the regulations are worded
 - ▶ Alludes to none of the waste requiring classification
 - ▶ Assumed to be an error

REGULATIONS FOR ADMISSION OF GUILT FINES

- ▶ Introduction of admission of guilt fines for certain offences listed in the Waste Act
- ▶ Only apply to offences relating to general waste – not applicable to offences related to hazardous and/or priority waste
- ▶ Maximum fine – R5000

LOCAL LEGISLATION

- ▶ Discrepancies in the regulation, enforcement and administration of waste management functions between municipalities
- ▶ Lack of understanding by municipal officials of the requirements
- ▶ Certain municipalities have a well co-ordinated approach to waste management and enforcement

LOCAL LEGISLATION

- ▶ Focus on City of Cape Town: Integrated Waste Management By-Law
- ▶ Integrated waste management plans
- ▶ Issues with health care waste
- ▶ Obligations of waste generators
- ▶ Waste management clubs
- ▶ Transport and disposal of waste
- ▶ Prohibition of unauthorised disposal of waste

END