Institute of Waste Management of Southern Africa

LICENCING
Of Waste Management Activities In Gauteng

To license or not to license?
Listed or Unlisted?

Jeffares & Green
ENGINEERING & ENVIRONMENTAL CONSULTING

Presented by: Stuart Gower-Jackson

Order of proceedings…

1. Classification of activities and an easy explanation on how to determine which activities qualify and which ones don't qualify for licensing

2. The intention behind the licensing regulations and the spirit of the law

3. Where and how to license activities and all other licensing regulations in Gauteng

Waste in South Africa is currently governed by means of a number of pieces of legislation

- The South African Constitution (Act 108 of 1996)
- Hazardous Substances Act (Act 5 of 1973)
- Health Act (Act 63 of 1977)
- **Environment Conservation Act (Act 73 of 1989)**
- Occupational Health and Safety Act (Act 85 of 1993)
- National Water Act (Act 36 of 1998)
- **The National Environmental Management Act (Act 107 of 1998)**
- Municipal Structures Act (Act 117 of 1998)
- Municipal Systems Act (Act 32 of 2000)
- Mineral and Petroleum Resources Development Act (Act 28 of 2002)
- Air Quality Act (Act 39 of 2004)
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008)**

The Waste Act

- There is one National Law that governs all waste in South Africa.
- **The National Environmental Management: Waste Act (no. 59 of 2008) (The Waste Act).**

Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 525 Cape Town 10 March 2009

No. 32000

No. 278 THE PRESIDENCY

10 March 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:–

No. 59 of 2008: National Environmental Management: Waste Act, 2008.

AIDS HELPLINE: 0800-123-22 Prevention is the cure

Understanding The Waste Act

- The Waste Act states that Waste Producers are responsible for the waste they generate.

- It also holds businesses involved in waste management and recycling **accountable** for the waste they manage.

- **The Waste Act Aims to:**
  - protect human health and the environment
  - provide for the licensing and control of waste management activities;
  - provide for national norms and standards for regulating the management of waste; and
  - provide for a national waste information system

The Minister of Environmental Affairs published the following Regulations, and Norms & Standards for immediate implementation in Government Gazette No 36784 dated 23 August 2013.

- R634 Waste Classification & Management Regulations
- R635 National Norms & Standards for the Assessment of Waste for Landfill Disposal
- R636 National Norms & Standards for Disposal of Waste to Landfill

R634 Waste Classification & Management Regulations

"waste classification" means establishing-

(a) whether a waste is hazardous based on the nature of its physical, health and environmental hazardous properties (hazard classes); and

(b) the degree or severity of hazard posed (hazard categories);

Defining Waste

National Environmental Management Laws Amendment Act (Act 14 or 2013)

38. Section 1 of the NEM:WA, 2008, amended the definition of ‘‘waste’’ :

‘‘‘Waste’ means that any substance, whether or not that substance can be reduced, re-used, recycled ~~[and]~~ **or** recovered –

(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
(b) which the generator has no further use of for the purposes of production;
(c) that must be treated or disposed of; or
(d) that is identified as a waste by the Minister by notice in the Gazette;

and includes waste generated by the mining, medical or other sector, but -

(i) a by-product is not considered waste; and
(ii) any portion of waste, once re-used, recycled ~~[and]~~ **or** recovered, ceases to be waste;’’

To license or not to license?
Listed or Unlisted?

Section 19(1) of NEM:WA states that;

“No Person may commence, undertake or conduct a waste management activity listed in this schedule unless a license is issued in respect of that activity.”

Licensing of Waste Management ACTIVITIES

1. Storage of waste,
2. Reuse, recycling and recovery of waste
3. Treatment of waste,
4. Disposal of waste,
5. Storage, treatment and processing of animal waste
6. Storage of hazardous waste, and
7. The construction of facilities to undertake the above.

Listed Activities

In-depth look at the Listed Activities

- Category A—Scoping and EIA
- Category B—Basic Assessment

CATEGORY B

4. A person who wishes to commence, undertake or conduct an activity listed under this Category, must conduct an environmental impact assessment process, as stipulated 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.

Storage of Waste

1) **<u>Temporary or permanent</u>** storage of general waste whose total capacity is over **100m³** in a facility at any one time.

- 100m³ = 3 Shipping containers (30m³)

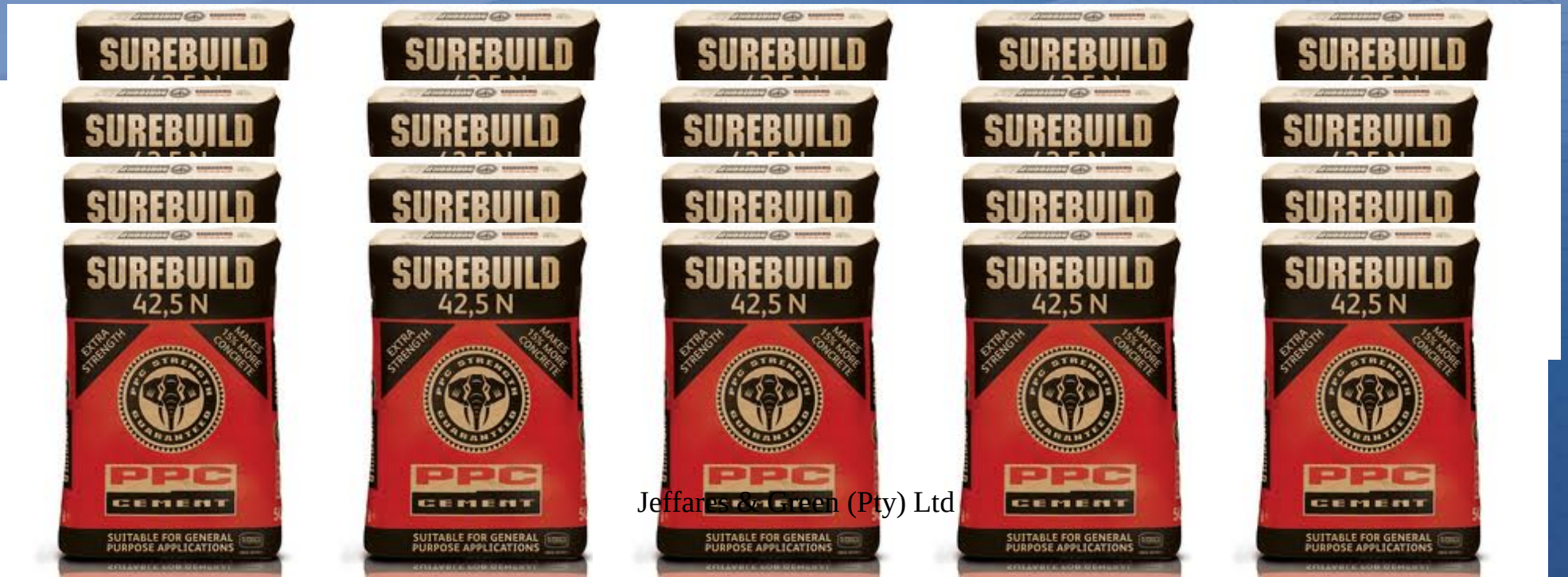
Storage of Waste

4) **Temporary or permanent** storage of waste **tyres** in an area exceeding 500m^2

Reuse, Recycling and Recovery

5) A facility that **<u>can</u>** process more than **one ton** of general waste per day by means of sorting, shredding, grinding or baling

- 1 ton (1000kg) = 20 bags of cement



Reuse, Recycling and Recovery

7) Recycling or re-use of general waste of more than **10 tons per month**

Reuse, Recycling and Recovery

8) The recovery of waste including the refining, utilisation or co-processing of waste at a facility that has the capacity to process in excess of **3 tons** of general waste or less than **500kg** of hazardous waste per day – excluding where this happens as an internal process

Treatment of Waste

11) The treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2000 cubic meters but less than 15 000 cubic m

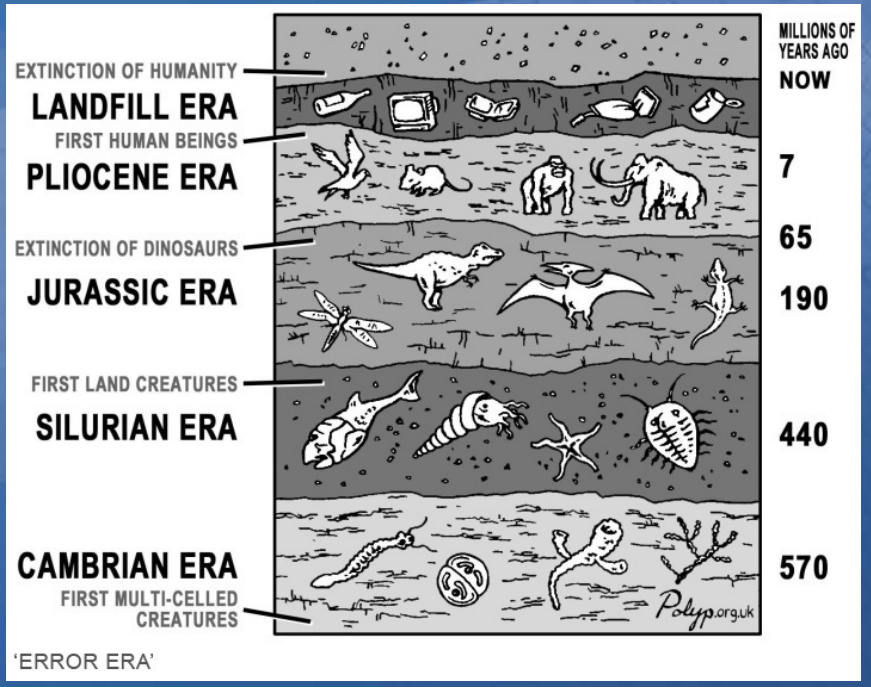
- **Exceed 15 0**

Includes the establishment, upgrading and some cases the maintenance of.

Disposal

15) The disposal of general waste to land covering an area of more than 50m^2 but less than 200m^2 and with a total capacity not exceeding 25 000 tons

- **Exceed 200m^2 or 25 000 tons triggers a full EIA**
- **Dispose any amount of hazardous waste triggers a full EIA**



Authority Responsibilities

Provincial Government

- General Waste

National Government

- Hazardous Waste
  - Sewage
  - E-waste

Obtaining a Waste Management Licence

- If you trigger a listed activity, you will be required to apply for a Waste Management Licence.
  - The assessment will ensure that the facility does not negatively impact the environment
  - The legislation requires that an **INDEPENDENT ENVIRONMENTAL PROFESSIONAL** conducts the assessment,
  - The process will take between 8 and 14 months to complete

- Operating without a licence, is considered unlawful and you can be fined or imprisoned.
  - The maximum fine is R10 000 000 and / or 10 Years imprisonment.

Waste Information Centre

- Waste Classification System
- Hazardous Chemicals Mngt
- Draft Documents for comments
- Presentations
- Waste in South Africa
- Waste Tyre Management Plans
- SAWIS Implementation
- Waste Policy and Regulation
- Waste prevention
- Waste recycling and reuse
- Waste Authorisations
- Waste sources and types
- Waste Tariff Strategy & Model
- Licenses
- Publications
- Frequently asked questions
- Related Links
- SAWIS login

Last Updated: 2013-08-28 15:10:01

Waste Policy and Regulation

WASTE Act, 2008 (Act No. 59 of 2008)
uploaded on 01 June 2009

Waste in South Africa is currently governed by means of a number of pieces of legislation, including:

- The South African Constitution (Act 108 of 1996)
- Hazardous Substances Act (Act 5 of 1973)
- Health Act (Act 63 of 1977)
- Environment Conservation Act (Act 73 of 1989)
- Occupational Health and Safety Act (Act 85 of 1993)
- National Water Act (Act 36 of 1998)
- The National Environmental Management Act (Act 107 of 1998)
- Municipal Structures Act (Act 117 of 1998)
- Municipal Systems Act (Act 32 of 2000)
- Mineral and Petroleum Resources Development Act (Act 28 of 2002)
- Air Quality Act (Act 39 of 2004)
- National Environmental Management: Waste Act, 2008 (Act 59 of 2008)

The President of the Republic of South Africa signed The National Environmental Management: Waste Bill into an Act of Parliament in March 2009, The Act took effect from 01 July 2009. It is the intention of this Act to address the current fragmentation in waste legislation in South Africa.

Copies of legislation mentioned above, can be sourced from http://www.polity.org.za/pol/acts/
The Minister of Environmental Affairs herebey publishes the following regultions, Norms & Standards for immediate implementation in Government Gazette No 36784 dated 23 August 2013.

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- R635 National Norms & Standards for the Assessment of Waste for Landfill Disposal
- R636 National Norms & Standards for Disposal of Waste to Landfill

Any enquiries may be directed to Dr. Shauna Costely, email SCostely@environment.gov.za , Tel: 012 310 3330 or Mr. Rendani Ndou, email: RNdou@environment.gov.za , Tel: 9012 310 3782.

Starter Documents (NWMS)

Thermal Treatment Policy Documents

Waste Regulations

Waste Legislation

- Waste Act Made Easy A user friendly guide to the NEM Waste Act - 5Mb ~ 29 min
- Guideline for the designation of Waste Management Officers - 460Kb ~ 3 min
- NEMA, 1998 (AMENTMENT OF NOTICES NOS. R.386 AND R.387 OF 2006 - 161Kb ~ 1 min
- National Environmental Management: Waste Act 2008 (Act 59 of 2008) - 764Kb ~ 4 min
- List of waste management activities causing detrimental environmental effect - 321Kb ~ 2 min
- Date of commencement of The Waste Act - 126Kb ~ 1 min

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Waste Policies

National Norms and Standards

www.wastehub.org.za

Joburg

world class African city

waste•hub

Forum Corner

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ABOUT US

All Waste Management Activities (WMA) are required to register and receive licenses in a
By-law.

The CoJ enforcement officers will enforce the by-law which includes monitoring all vehicles
CoJ area.

Joburg Metro Police Officers and CoJ by-law enforcement team shall be issuing citations a
by-law.

Registration and licensing process

After completing registration forms and sending them to Wastehub, it will take four (4) to
City's detailed procedure entail evaluation of sites and vehicles prior approval being gran
and vehicles shall be withheld.

Joburg

a world class African city

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GWIS

Gauteng Waste Information System

Gauteng Department of Agriculture and Rural Development

Home | Public reports | Authorisation | Registration | Login

Public reports
Access publically available reports generated from GWIS

Register
Learn about registration and who should register, or begin the registration process.

Login
Already registered? Login now!

YOU ARE HERE: GWIS » Home

DOCUMENTS

- Gauteng Health Care Waste Management Regulations, 2004
- Gauteng Waste Information Regulations, 2004
- GWIS User Manual

Welcome to the Gauteng Waste Information System

Notice

Dear Hazardous Waste Generator

Posted: Jul 18th, 12:23

NOTICE FOR HAZARDOUS WASTE GENERATORS WHO GENERATE HAZARDOUS WASTE IN EXCESS OF 20KG PER DAY TO REGISTER WITH THE GAUTENG WASTE INFORMATION SYSTEM

The Gauteng Department of Agriculture and Rural Development ("the Department") would like to notify all hazardous waste generators who generate in excess of 20kg of hazardous waste per day to register on the Gauteng Waste Information System, as required in terms of National Waste Infromation Regulations, 2012 - Annexure 1 (a); and regulation 3 (2) which states that:

"A person who conducts an activity in a province that has an established waste information system in terms of section 62 of the act and collect the minimum information required by these Regulations must submit the information to the provincial waste information system".

Regulation 5.1 also indicates that any person conducting an existing activity listed in Annexure 1 of the Regulations must apply

www.gwis.gpg.gov.za

Thank You