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List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment

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Published under

GN 921 in GG 37083 of 29 November 2013

as amended by

GN 332 in GG 37604 of 2 May 2014 ¹

GN R633 in GG 39020 of 24 July 2015²

GN 1094 in GG 41175 of 11 October 2017 ³

GN 1757 in GG 45907 of 11 February 2022 ⁴

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 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 59 OF 2008)

³ GN 1094 in GG 41175 of 11 October 2017 Transitional Arrangements:

(1) A person who lawfully conducts the repealed waste management activity contemplated in paragraph 2 of this notice [Editorial note: this refers to Category A, Activity 3(2) of GN 921 in GG 37083 of 29 November 2013] on the date of the commencement of this notice, must register in terms paragraph 4(2) of the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017, and must comply with the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017 within 90 days from the date of such registration.

(2) A person, who submitted an application for a waste management licence for the repealed waste management activity contemplated in paragraph 2 of this notice [Editorial note: this refers to Category A, Activity 3(2) of GN 921 in GG 37083 of 29 November 2013] and a decision is still pending on the date of the commencement of this notice, must consider such an application withdrawn and such a person must comply with the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017.

⁴ GN 1757 in GG 45907 of 11 February 2022:

'This notice will come into effect on the date of publication in the *Gazette*, except for the amendments pertaining to organic waste treatment (other than composting), which will come into effect on the date of the publication of the Norms and Standards for Organic Waste Treatment in the *Government Gazette* for implementation.' [Editorial note: The date of publication of the Norms and Standards for Organic Waste Treatment is 1 April 2022.]

1 Definitions

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 59 of 2008).

2 General

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.

3 Category A

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 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)

[Activity 3(2) deleted by GN 1094 of 11 October 2017.]⁵

(3) The recycling of general waste at a facility that has an operational area in excess of 500 m², 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 500 kg 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 500 kg 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 per day calculated as a monthly average, excluding the treatment of organic waste using composting and any other organic waste treatment.

[Activity 3(6) substituted by GN 1757 of 11 February 2022.]

(7) The treatment of hazardous waste using any form of treatment at a facility that has the capacity to process in excess of 500 kg but less than 1 ton per day calculated as a monthly average, excluding the treatment of effluent, wastewater, sewage or organic waste using composting or any other organic waste treatment.

[Activity 3(7) substituted by GN 1757 of 11 February 2022.]

(8)

[Activity 3(8) deleted by GN 332 of 2 May 2014.]⁶

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 50 m² but less than 200 m² 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 500 kg 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.

Residue stockpiles or residue deposits

(15) The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a prospecting right or mining permit, in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).

[Activity 3(15) added by GN R633 of 24 July 2015.]⁷

⁵ GN 1094 in GG 41175 of 11 October 2017 Transitional Arrangements:

(1) A person who lawfully conducts the repealed waste management activity contemplated in paragraph 2 of this notice [Editorial note: this refers to Category A, Activity 3(2) of GN 921 in GG 37083 of 29 November 2013] on the date of the commencement of this notice, must register in terms paragraph 4(2) of the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017, and must comply with the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017 within 90 days from the date of such registration.

(2) A person, who submitted an application for a waste management licence for the repealed waste management activity contemplated in paragraph 2 of this notice [Editorial note: this refers to Category A, Activity 3(2) of GN 921 in GG 37083 of 29 November 2013] and a decision is still pending on the date of the commencement of this notice, must consider such an application withdrawn and such a person must comply with the National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste, 2017.

⁷ GN R633 in GG 39020 of 24 July 2015 Transitional Arrangements:

4. An environmental management programme or plan approved in terms of the Mineral and Petroleum Resources Development Act, 2002 shall be deemed to have been approved and issued in terms of this Act.

5. Notwithstanding paragraph 4 above, the Minister responsible for mineral resources may direct any holder of a prospecting right, mining permit, mining right, exploration right, or production right, if he or she is of the opinion that the residue stockpile or residue deposit in question is likely to result in significant pollution, degradation or damage to the environment, to take such action to upgrade the environmental management programme or plan to address any deficiency in the environmental management programme or plan.

6. An environmental management programme or plan submitted in terms of the Mineral and Petroleum Resources Regulations, 2004 and which is pending when this Notice takes effect, must despite the repeal of the Mineral and Petroleum Resources Regulations, 2004 be dispensed with in terms of the Mineral and Petroleum Resources Regulations, 2004 as if those regulations were not repealed.

4 Category B

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 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 using any form of treatment at a facility that processes in excess of 1 ton per day calculated as a monthly average, excluding the treatment of effluent, wastewater, sewage or organic waste using composting or any other organic waste treatment.

[Activity 4(4) substituted by GN 1757 of 11 February 2022.]

(5) The treatment of hazardous waste in lagoons, excluding the treatment of effluent, wastewater or sewage.

(6) The treatment of general waste using any form of treatment at a facility that has a capacity to process in excess of 100 tons per day calculated as a monthly average, excluding the treatment of organic waste using composting or any other organic waste treatment.

[Activity 4(6) substituted by GN 1757 of 11 February 2022.]

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 200 m² 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).

Residue stockpiles or residue deposits

(11) The establishment or reclamation of a residue stockpile or residue deposit resulting from activities which require a mining right, exploration right or production right in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).

[Activity 4(11) added by GN R633 of 24 July 2015.]⁸

⁸ GN R633 in GG 39020 of 24 July 2015 Transitional Arrangements:

4. An environmental management programme or plan approved in terms of the Mineral and Petroleum Resources Development Act, 2002 shall be deemed to have been approved and issued in terms of this Act.

5. Notwithstanding paragraph 4 above, the Minister responsible for mineral resources may direct any holder of a prospecting right, mining permit, mining right, exploration right, or production right, if he or she is of the opinion that the residue stockpile or residue deposit in question is likely to result in significant pollution, degradation or damage to the environment, to take such action to upgrade the environmental management programme or plan to address any deficiency in the environmental management programme or plan.

6. An environmental management programme or plan submitted in terms of the Mineral and Petroleum Resources Regulations, 2004 and which is pending when this Notice takes effect, must despite the repeal of the Mineral and Petroleum Resources Regulations, 2004 be dispensed with in terms of the Mineral and Petroleum Resources Regulations, 2004 as if those regulations were not repealed.

5 Category C ⁹

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, published under Government Notice R926 in *Government Gazette* 37088 of 29 November 2013; or
- (b) Standards for Extraction, Flaring or Recovery of Landfill Gas, published under Government Notice R924 in *Government Gazette* 37086 of 29 November 2012; or
- (c) Standards for Scrapping or Recovery of Motor Vehicles, published under Government Notice R925 in *Government Gazette* 37087 of 29 November 2013; or
- (d) Norms and Standards for the Sorting, Shredding, Crushing, Screening or Bailing of General Waste, published under Government Notice 1094 in *Government Gazette* 41175 of 11 October 2017; or
- (e) National Norms and Standards for organic waste composting published under Government Notice 561 in *Government Gazette* 44762 of 25 June 2021.

Storage of waste

(1) The storage of general waste at a facility that has the capacity to store in excess of 100 m³ 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 80 m³ 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 500 m².

Treatment, Recycling, or Recovery of waste

(4) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500 m².

(5) The extraction, recovery or flaring of landfill gas.

(6) The sorting, shredding, grinding, crushing, screening or baling of general waste at a waste facility that has an operational area that is 1 000 m² and more.

(7) The treatment of organic waste using composting and any other organic waste treatment.

[Activity 5 substituted by GN 1094 of 11 October 2017 and by GN 1757 of 11 February 2022.]

TRANSITIONAL PROVISIONS

6 Definition

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 718 in the *Government Gazette* 32368 of 3 July 2009).

(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.

8 Special arrangements

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 R386 of 21 April 2006 and R387 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 718 under *Government Gazette* 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.

9 Repeal of laws

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 718 under *Government Gazette* 32368 dated 3 July 2009, is hereby repealed.
