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GENERAL NOTICE

Environmental Affairs and Tourism, Department of

General Notice

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GENERAL NOTICE

NOTICE 430 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

DRAFT WASTE INFORMATION REGULATIONS IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT No. 59 OF 2008)

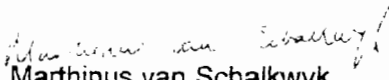
I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, intend making the regulations under section 69(1)(y) and (ee) of the National Environmental Management: Waste Act 2008 (Act No. 59 of 2008) in the Schedule hereto.

Interested and affected parties are invited to submit comments on the proposed regulations, within sixty days (60) of publication of this notice, to the Director-General, Department of Environmental Affairs and Tourism, Private Bag X447, Pretoria 0001,

Fedsure Forum Building, 315 Pretorius Street Pretoria, 0002

Attention: **Khashiwe Masinga** or e-mail any comments to kmasinga@deat.gov.za or fax to (012) 322 5515 tel: (012) 310 3377

Comments received after the closing date will not be considered.


Marthinus van Schalkwyk

Minister of Environmental Affairs and Tourism (MP)

21 APR 2009

SCHEDULE

Definitions

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise—

“national waste information system” means the information system established in terms of section 60 of the Act;

“registered person” means a person who is the holder of a registration certificate;

“registration certificate” means a certificate issued in terms of regulation 5;

“reporting period” means the quarterly period of a year calculated from January in respect of which information must be reported;

“the Act” means the National Environmental Management: Waste Act, 2008 (Act No 59 2008);

“waste information authority” means the Minister or MEC charged with the responsibility of managing the waste information system, or components thereof; and

“waste information registration number” or **“WIR number”** means the unique number allocated by the Minister or MEC to a person in terms of these Regulations.

(2) When a period of days must in terms of these Regulations be reckoned from or after a particular day, that period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the following day which is not a Saturday, Sunday or public holiday.

Purpose of these Regulations

2. The purpose of these regulations is to—
- (a) give effect to section 60 of the Act.
 - (b) regulate—
 - (i) the procedures and criteria as contemplated in Chapter 6 of the Act for the submission and processing of applications for registration on the national waste information system;
 - (ii) the submission of information to the national waste information system; and
 - (iii) for other matters pertaining national waste information system.

Implementation of these Regulations

3. (1) For the implementation of these regulations, a registered person may submit information that is based on the estimations of weight for the period of 2 years after promulgation of these regulations; but the information must be based on actual weight thereafter.

(2) The Minister or the MEC may request the submission of information on any waste activity not listed in Annexure 1, which may include waste declared as priority waste.

(3) Waste disposal facilities not contemplated in Annexure 1; may where reasonably possible register and report to the national waste information system.

Application for registration

4. (1) A person who conducts an activity listed in Annexure 1 must apply to the waste information authority to be registered on the national waste information system within 60 days of—

- (a) the commencement of these regulations; or
- (b) the commencement of an activity.

(2) An application for registration must be made in the form obtained from the waste information authority.

Consideration of applications for registration

5. (1) The waste information authority must, within 30 days of receiving an application for registration—

(a) register the applicant and issue a registration certificate to the applicant which—

- (i) contains a WIR number;
- (ii) indicates the information which must be submitted; and
- (ii) any other conditions of registration; or

(b) advise the applicant that the application is rejected because it does not contain the information required by the waste information authority.

(2) An application which has been rejected must be amended and resubmitted to the waste information authority within 14 days of the applicant receiving notification of the rejection.

(3) The provisions in subregulation (1) read with the necessary changes apply to a rejected application which has been amended and resubmitted.

General conditions of registration and duty to submit information

6. (1) A registered person must submit the required information to the waste information authority, within 30 days of the end of a reporting period, in the electronic format specified by the waste information authority.

(2) If a registered person is not able to submit the required information in the electronic format specified by the waste information authority, the registered person must submit the required information to the waste information authority by facsimile (obtainable from the Waste Information Authority) within 30 days of the end of a reporting period.

(3) A registered person must notify the waste information authority, in a form and manner specified by the waste information authority, of any changes in respect of that person's registration details within 30 days of the change occurring.

(4) If a registered person no longer undertakes the activity which caused that person to register, the registered person must notify the waste information authority within 30 days after the activity has ceased.

(5) The waste information authority may cancel a registration on receipt of a notification in terms of subregulation (4) or on receipt of any other information that a registered person is no longer undertaking an activity contemplated in regulation 3.

Duty to keep records

7. (1) A person who is required to register in terms of regulation 4 must keep an accurate record of—

- (a) the type of waste and amount, expressed in tons, of that waste that is recycled, treated, disposed of, recovered for energy, imported or exported each month;
- (b) the province and/or municipality in which the waste originated, or if the waste did not originate in South Africa, the country in which the waste originated;
- (c) in the case of a registered person exporting hazardous waste, the country to which the waste was exported; and
- (d) such other record as may be specified in the registration certificate.

(2) a person registered in terms of Regulation 4 may submit readily available information collected after year 2005.

(3) The records contemplated in subregulation (1) must be—

- (a) retained for at least 5 years; and
- (b) made available for inspection to the waste information authority or an environmental management inspector appointed in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Verification of information

8. (1) The waste information authority may request a registered person to—

- (a) submit an audit report on the accuracy of the information that has been submitted to the waste information authority or on any specific matter determined by the waste information authority; or
- (b) undertake a volumetric survey and submit a volumetrics report.

(2) An audit report, volumetric survey or volumetrics report requested in terms of subregulation (1) must be submitted in a form and within a period determined by the waste information authority.

(3) The waste information authority may require a person contemplated in subregulation (1) to appoint an independent person approved by the Waste Information Authority to perform the audit or volumetric survey.

(4) A person contemplated in subregulation (1) is liable for all costs in connection with the complying with a request in terms of subregulation (2).

(5) If a person contemplated in subregulation (1) is requested to submit an audit report or volumetrics report and fails to submit the report within the period determined in terms of subregulation (3), the waste information authority may—

- (a) appoint an independent person to perform the audit or survey; and
- (b) recover the cost of the audit or survey from that person.

Offences and penalties

9. (1) A person is guilty of an offence if that person—

- (a) provides incorrect or misleading information to the national waste information system;
- (b) fails to comply with a requirement of regulation 4, 5(2), 6, 7 or 8; or
- (c) contravenes or fails to comply with a condition specified in a registration certificate.

(2) A person, who commits an offence under subregulation (1) is liable on conviction to—

- (a) imprisonment not exceeding 15 years;
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

Short title and commencement

10. These Regulations may be cited as the Waste Information Regulations, 200... and take effect on the date of publication thereof.

ANNEXURE 1**ACTIVITIES REQUIRED TO REGISTER AND REPORT IN TERMS OF THE WASTE INFORMATION SYSTEM (REGULATION 4)**

1. **Disposal of waste**
 - (a) Waste disposal facilities receiving more than 150 tons per day of general waste.
 - (b) Waste disposal facilities receiving hazardous waste
 2. **Recycling of waste**
 - (a) Recycling of general wastes which include paper, plastic, glass, beverage cans, tyres and scrap metal
 - (b) Recycling of electronic waste.
 - (c) Recycling of used oil.
 3. **Treatment of waste**
 - (a) Facilities treating general waste
 - (b) Facilities treating hazardous waste
 4. **Exportation of waste**
 - (a) Hazardous waste exported
 5. **Importation of waste**
 - (a) Hazardous waste imported
 6. **Waste to energy recovery**
 - (a) Recovery of energy from waste tyres
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