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GENERAL NOTICE

NOTICE 1113 OF 2010

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (Act No. 59 of 2008) AMENDMENT TO THE LIST OF WASTE MANAGEMENT ACTIVITIES THAT HAVE, OR ARE LIKELY TO HAVE A DETRIMENTAL EFFECT ON THE ENVIRONMENT

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, intend to make amendments to the published List of Waste Management Activities which have, or are likely to have a detrimental effect on the environment in accordance with section 19 (1) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

Interested and affected parties are invited to submit written comments within 60 days of publication of this notice, to The Director-General, Department of Environmental Affairs, Private Bag x447, Pretoria, 0001.

Comments can be addressed for the attention of Ms Khashiwe Masinga at the following contact details: Fax: (012) 322 5515, E-mail: kmasinga@environment.gov.za, Tel (012) 310 3377 / 3735. Comments can also be delivered at 315 Pretorius street, Pretoria, Fedsure Forum building North Tower, 2nd floor (Reception).

The full document can also be accessed at www.sawic.org.za

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE
(Section 19(1))

**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)**

DEFINITIONS

1. In this Schedule any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) and associated regulations shall have the meaning so assigned and, unless the context otherwise indicates—

“construction” means the building, erection, establishment or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, 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 or extending the area covered by a facility used to undertake an activity;

“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 upgrade or modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased, or the increase in volume of waste stored, used, treated, processed or disposed;

“facility for a waste management activity” 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 station, container yard, landfill site, incinerators, lagoons, recycling and composting facilities;

“lagoons” means the containment of waste in excavations and includes evaporation dams, earth cells or sludge impoundments;

“operational area” an area where waste is handled including the storage areas”

“physico-chemical” means both physical and chemical;

“remediation” means the interim or permanent elimination through mitigation or abatement of toxic or biohazard contaminants that pose human health consequences or threats to the environment from environmental media such as groundwater, surface water, and soil, through chemical, biological, physical or bulk movement methods, in conjunction with environmental monitoring for the general protection of human health, other life forms and the environment, even if the site is not intended for any future development or redevelopment;

“temporary storage” means a once off storage of waste for a period not exceeding 90 consecutive days per annum.

“wastewater treatment plant” means a facility for the physical, biological, and/or chemical treatment of water that emanates from an industrial or domestic source to

remove any solid material or material that is suspended, dissolved or transported in water including sediment.

GENERAL

2. No person may commence, undertake or conduct a waste management activity listed in this schedule unless a licence is issued in respect of that activity.

CATEGORY A

A person who wishes to commence, undertake or conduct an activity listed under this Category, must conduct a basic 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) The storage, excluding the temporary 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.
- (2) The storage, excluding the temporary storage, of hazardous waste at a facility that has the capacity to store in excess of 80m³ of hazardous waste at any one time.
- (3) The storage of general waste in lagoons.
- (4) The storage of waste tyres in a storage area exceeding 500m².

Recycling or recovery of waste

- (5) The sorting, shredding, grinding or bailing of general waste at a facility that has an operational area in excess of 500m².
- (6) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m².
- (7) The recycling of general waste at a facility that has an operational area in excess of 500m².
- (8) The recycling of hazardous waste in excess of 500kg but less than 1 ton per day.
- (9) The recovery of general waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of 10 tons but less than 100 tons of general or in excess of 500kg 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

- (10) 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 of general waste or in excess of 500kg less and than 1 ton of hazardous waste per day.
- (11) The remediation of contaminated land.

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

Disposal of waste

- (13) The disposal of inert waste to land with a cumulative total exceeding 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.
- (14) The disposal of general waste to land covering an area of more than 50m² but less than 200m² and with a cumulative total not exceeding 25 000 tons.
- (15) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed exceeds 500kg per month.

Reuse, treatment, processing or disposal of animal waste or sludge

- (16) The reuse, treatment, processing or disposal of animal waste at a facility with a capacity to reuse, treat, process or dispose of animal waste in excess of 1 tons per day.
- (17) The reuse, treatment, processing or disposal of sludge from a waste water treatment or water treatment facility with a capacity to reuse, treat, process or dispose of sludge in excess of 10 tons of general sludge or any quantity of hazardous sludge per day.

Construction or decommissioning of facilities and associated structures and infrastructure

- (18) The construction of facilities for activities listed in Category A of this Schedule (not in isolation to associated activity).
- (19) The expansion of waste management activities listed in this schedule.
- (20) The decommissioning of waste management activities listed in Category A or B of this Schedule.

CATEGORY B

3. A person who wishes to commence, undertake or conduct an activity listed under this Category, must conduct a scoping and environmental impact reporting 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 hazardous waste

- (1) The storage of hazardous waste in lagoons.

Reuse, recycling or recovery of waste

- (2) The reuse or recycling of hazardous waste in excess of 1 ton per day.
- (3) The recovery of hazardous waste including the refining, utilisation or co-processing of hazardous waste at a facility with a capacity to process more 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.

- (4) The recovery of general waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of 100 tons of general waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

Treatment of waste

- (5) The treatment of hazardous waste using any form of treatment at a facility that has the capacity to treat in excess of 1 ton of hazardous waste per day.
- (6) The treatment of hazardous waste in lagoons.
- (7) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 100 tons of general waste per day.
- (8) The treatment of health care risk waste regardless of the size or capacity of the facility.

Disposal of waste on land

- (9) The disposal of any quantity of hazardous waste to land.
- (10) The disposal of general waste to land covering an area in excess of 200m².

Construction of facilities and associated structures and infrastructure

- (11) The construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity).

COMMENCEMENT AND TRANSITIONAL PROVISION

4. (1) This Notice takes effect on the date of publication.
- (2) Persons who lawfully conduct waste management activities listed in this Schedule on the date of the coming into effect of this Notice may continue with those activities until such time that the Minister by notice in the Gazette calls upon those persons to apply for waste management licences.