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Government Notice

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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS**No. R. 625****13 August 2012****NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008****(ACT NO. 59 OF 2008)****NATIONAL WASTE INFORMATION REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby make the National Waste Information Regulations under section 69(1)(y), (aa) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

**BOMO EDITH EDNA MOLEWA****MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

SCHEDULE

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CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Definitions

1. (1) In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition –

“independent person” means a person who is not an employee of, and not otherwise related to, the entity he or she is auditing;

“provincial authority” means Provincial Government Department or an agency responsible for the management of waste in the province;

“provincial waste information system” means a provincial waste information system established in terms of section 62 of the Act;

“registration certificate” means a written proof issued by the Department to a registered person to submit information to the South African Waste Information System in terms of Chapter 3 of the Regulations;

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

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

“source” means the point of origin of waste whereby registered hazardous waste generators are selected or municipality or province in the case of general waste;

“South African Waste Information System” or “SAWIS” means a national waste information system established in terms of section 60 of the Act;

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

“these Regulations” include the Annexures to these Regulations;

“waste information registration number” or **“WIR number”** means the unique number allocated by the Department to a registered person in terms of these Regulations;

“waste management method” means a systematic procedure, technique, or process for the management of waste;

“waste quantification equipment” means a measuring device used to determine or express the quantity of waste; and

“waste quantification survey” means the collection of data which is performed for the purpose of obtaining measurements and analysis of waste quantities.

- (2) When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

Purpose of Regulations

2. The purpose of these Regulations is to regulate the collection of data and information to fulfill the objectives of the national waste information system as set out in section 61 of the Act.

Application of Regulations

3. (1) These Regulations apply uniformly to all persons conducting an activity listed in Annexure 1 to these Regulations.
- (2) 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 collects the minimum information required by these Regulations must submit the information to the provincial waste information system.
- (3) Where a province has developed waste information regulations that are compatible with these Regulations, a person who conducts an activity contemplated in Annexure 1 to these Regulations must comply with the provincial waste information regulations.

Confidentiality of information

4. (1) No person may disclose confidential information obtained in terms of these Regulations, unless-
- (a) the information is disclosed in compliance with the provisions of any law;
 - (b) the person is ordered to disclose the information by a court of law;
 - (c) the information is disclosed to enable a person to perform a function in terms of these Regulations.

CHAPTER 2**REGISTRATION****Application for registration**

5. (1) Any person conducting an existing activity listed in Annexure 1 must apply to the Department to be registered on the SAWIS within ninety (90) days of the coming into operation of these Regulations.
- (2) Any person commencing such an activity after the promulgation of the Regulations must apply to be registered on the SAWIS thirty (30) days after the commencement of such an activity.
- (3) Where a person in subregulation (1) (a) conducts more than one activity in different facilities, such activities must be registered individually.
- (4) An application contemplated in subregulation (1) must be in a form determined by the Department.

Consideration of applications for registration

6. (1) The Department must, within thirty (30) days of receiving an application for registration, either-
- (a) register the applicant and issue a registration certificate to the applicant which contains-

- (i) name of the activity;
 - (ii) a waste information registration number;
 - (iii) waste management method or hazardous waste generator; and
 - (iv) the date of registration; or
- (b) refer the application for registration back to the applicant for correction.
- (2) An application for registration which has been referred back for correction must be amended and resubmitted to the Department within thirty (30) days after the date the Department issued a written notification to the applicant for correction.
- (3) The provisions of subregulation (1)(a) shall apply to an application for registration which has been referred back, corrected and resubmitted.

Changes to registration certificate

7. (1) A registered person must notify the Department of any change in respect of that person's registration certificate within thirty (30) days of such change occurring.
- (2) If a registered person transfers ownership of the business or no longer undertakes the activity which caused that person to register, the registered person must notify the Department in the form determined by the Department within thirty (30) days prior to the business being transferred or the activity being discontinued.
- (3) The person to whom the business is transferred to in subregulation (2), must within thirty (30) days of taking ownership of the business, amend the registration details of the business in a form determined by the Department.
- (4) On receipt of a notification in subregulations (1) and (2) and after the amendment of the registration details of a registered person in subregulation (3), the first application is deemed withdrawn.
- (5) If a person intends to recommence with an activity for which the registration was withdrawn, the person must comply with the legal requirements as set out in regulation 6.

CHAPTER 3

REPORTING AND RECORD KEEPING

Reporting or submission of information

8. (1) The submission of information to the SAWIS commence ninety (90) days after the end of registration period in regulation 6(1).
- (2) A registered person conducting an activity listed in Annexure 1 must submit quarterly information as prescribed in Annexure 2, within sixty (60) days of the end of a reporting period.
- (3) Subregulation (1) does not apply to the registered generators of hazardous waste.
- (4) A registered person submitting information on hazardous waste must submit the information based on actual quantities.
- (5) A registered person submitting information on general waste may submit information that is based on an estimation of quantities for a period of five (5) years after promulgation of the Regulations, where after the information must be based on actual quantities.
- (6) The five (5) year period in subregulation (5) does not apply to waste disposal of general waste to land covering an area in excess of 200m².
- (7) The provision in subregulation (5) regarding estimation of quantities for a period of five (5) years does not apply to waste management facilities installed with waste quantification equipment.
- (8) The information must be submitted to the SAWIS.
- (9) If a registered person is not able to submit the required information to the SAWIS, a registered person must submit the required information to the Department by facsimile, post or hand delivery within sixty (60) days of the end of a reporting period.

Record keeping

9. (1) A registered person must keep a record of the information submitted to the SAWIS or the Department.

- (2) The records contemplated in subregulation (1) must be-
- (a) retained for a period of at least 5 (five) years; and
 - (b) made available for inspection by a representative of the Department on request.

CHAPTER 4

VERIFICATION OF INFORMATION AND GENERAL MATTERS

Verification of information

10. (1) If a provincial authority responsible for the management of waste information in that province reasonably believes that the information submitted is incorrect or misleading, a provincial authority as the case may be, may instruct a registered person who the information belongs to, in writing, to-
- (a) submit an audit report prepared by an independent person on the accuracy of the information that has been submitted to the Department; or
 - (b) undertake a waste quantification survey and submit a waste quantification report prepared by an independent person.
- (2) An audit report or waste quantification report requested in terms of subregulation (1) must be submitted within the period determined by a provincial authority, which period may not be less than thirty (30) days.
- (3) A registered person is liable for all costs in connection with compliance with an instruction in terms of sub-regulation (2).
- (4) If a registered person fails to submit an audit report or waste quantification survey report contemplated in subregulation (2) within the period determined by a provincial authority, a provincial authority may-
- (a) appoint an independent auditor/person to perform the audit or waste quantification survey; and

- (b) recover the cost of the audit or waste quantification survey from the registered person.

General matters

11. Where a provincial authority is not able to conduct the requirements in terms of regulation 10 the Department may, after consultation with the provincial authority, conduct such requirements as stipulated in these Regulations.

Offences and penalties

12. (1) A person commits an offence if that person-
 - (a) provides incorrect or misleading information to the SAWIS; or
 - (b) fails to comply with regulations 4, 5, 6(2), 7, 8 and 9.
- (2) A person who commits an offence in terms of subregulation (1) is liable on conviction to-
 - (a) imprisonment for a period not exceeding fifteen (15) years;
 - (b) an appropriate fine; or
 - (c) both a fine and imprisonment.

Short title and commencement

13. These Regulations are called the National Waste Information Regulations, 2012 and take effect on 1 January 2013.

ANNEXURE 1**LIST OF PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER ON THE SAWIS IN TERMS OF REGULATION 5****Generators of waste**

- (a) Generators of hazardous waste in excess of 20kg per day.

Recovery or recycling of waste

- (b) Recovery of energy from general waste in excess of three (3) tons per day.
- (c) Recovery of waste at a facility that has the capacity to process in excess of 10 tons of general waste or in excess of 500kg of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.
- (d) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m².
- (e) Recycling of general waste at a facility that has an operational area in excess of 500m².
- (f) Recycling of hazardous waste in excess of 500kg per day calculated as a monthly average.

Treatment of waste

- (g) Treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons of general waste or 500kg of hazardous waste per day excluding the treatment of effluent, wastewater or sewerage.
- (h) Treatment of health care risk waste regardless of size or capacity of the facility.

Disposal of waste

- (i) Disposal of general waste to land covering an area in excess of 200m².
- (j) Disposal of any quantity of hazardous waste to land.

Exportation of hazardous waste

- (k) Hazardous waste exported from the Republic of South Africa.

ANNEXURE 2**REPORTING REQUIREMENTS IN TERMS OF REGULATION 8(1)**

The required quarterly information for reporting to the SAWIS, read with the Annexure 1 of these Regulations must include—

- (a) the month and year to which the information applies;
- (b) Categories of waste as detailed in Annexures 3 and 4;
- (c) Source from which waste comes
- (d) The quantity of waste reported in tons.

ANNEXURE 3**GENERAL WASTE TYPES FOR REPORTING TO THE SAWIS**

LEVEL 1	LEVEL 2 - Major Waste Type		LEVEL 3 - Specific Waste Type	
	No.	Name	No.	Name
GENERAL WASTE	GW 01	Municipal waste	01	
	GW10	Commercial and industrial waste	01	
	GW13	Brine	01	
	GW14	Fly ash and dust from miscellaneous filter sources	01	
	GW15	Bottom ash	01	
	GW16	Slag	01	Ferrous metal slag
			02	Non-ferrous metal slag
			03	Other
	GW 17	Mineral waste	01	Foundry sand
			02	Refractory waste
			03	Other
	GW 18	Waste of Electric and Electronic Equipment (WEEE) from which hazardous components/substances have been removed	01	Large Household Appliances
			02	Small Household Appliances
			03	Office, information & Communication Equipment
			04	Entertainment & Consumer Electronics and toys, leisure, sports & recreational

				equipment and automatic issuing machines
			05	Lighting equipment
			06	Electric and Electronic tools
			07	Security & health care equipment
			08	Mixed WEEE
	GW 20	Organic waste	01	Garden waste
			02	Food waste
			03	Wood waste
	GW 21	Sewage sludge	01	Sewage sludge
	GW30	Construction and demolition waste	01	
	GW50	Paper	01	Newsprint and magazines
			02	Brown grades
			03	White grades
			04	Mixed grades
	GW51	Plastic	01	Polyethylene Terephthalate (PET)
			02	Polyvinyl Chloride (PVC)
			03	Low-density polyethylene (LPDE)
			04	Polypropylene (PP)
			05	Polystyrene (PS)
			06	Other
	GW52	Glass	01	
	GW53	Metals	01	Ferrous metal
			02	Non-ferrous metal
	GW54	Tyres	01	
	GW99	Other	01	

ANNEXURE 4

HAZARDOUS WASTE TYPES FOR REPORTING TO THE SAWIS

LEVEL 1	LEVEL 2 - Major Waste Type		LEVEL 3 - Specific Waste Type	
	No.	Name	No.	Name
HAZARDOUS WASTE	HW 01	Gaseous waste	01	Gases (excluding Greenhouse gases)
			02	Obsolete ozone depleting gases
	HW 02	Mercury containing waste	01	Liquid waste containing mercury
			02	Solid waste containing mercury
	HW 03	Batteries	01	Lead Batteries
			02	Mercury batteries

		03	Ni/Cd batteries
		04	Manganese dioxide and alkali batteries
		05	Lithium & Lithium ion batteries
		06	Nickel-metal hydride batteries
		07	Mixed batteries
HW 04	POP Waste	01	PCB containing waste (>50mg/kg)
		02	Other POP-containing waste
HW 05	Inorganic waste	01	Liquid and sludge inorganic waste
		02	Solid inorganic waste
		03	Spent pot lining (inorganic)
HW 06	Asbestos containing waste	01	Asbestos containing waste
HW 07	Waste Oils	01	Waste oil
HW 08	Organic halogenated and /or sulphur containing solvents	01	Solvents containing halogens and/or sulphur
HW 09	Organic halogenated and/or sulphur containing waste	01	Liquids and sludges containing halogens and/or sulphur
		02	Solids containing halogens and/or sulphur
HW 10	Organic solvents without halogens and sulphur	01	Solvents without halogens and sulphur
HW 11	Other organic waste without halogen or sulphur	01	Liquid and sludge organic waste
		02	Solid organic waste
		03	Spent pot lining (organic)
HW 12	Tarry and Bituminous waste	01	Tarry waste
		02	Bituminous waste
HW 13	Brine	01	Brine
HW 14	Fly ash and dust from miscellaneous filter sources	01	Fly ash
HW 15	Bottom ash	01	Bottom ash
HW 16	Slag	01	Ferrous metal slag
		02	Non-ferrous metal slag
		03	Other
HW 17	Mineral waste	01	Foundry sand
		02	Refractory waste
		03	Other
HW 18	Waste of Electric and Electronic Equipment (WEEE)	01	Large Household Appliances
		02	Small Household Appliances
		03	Office, information & Communication Equipment

			04	Entertainment & Consumer Electronics and toys, leisure, sports & recreational equipment and automatic issuing machines
			05	Lighting equipment
			06	Electric and Electronic tools
			07	Security & health care equipment
			08	Mixed WEEE
	HW 19	Health Care Risk Waste	01	Pathological waste
			02	Infectious waste and sharps
			03	Chemical waste
	HW 20	Sewage sludge	01	Sewage sludge
	HW 99	Miscellaneous	01	Miscellaneous

For mixtures, report under the waste type which represents the largest fraction of the waste under consideration. Report under a specific waste type e.g. mercury battery would be reported under mercury battery and not mercury containing waste.

ANNEXURE 5

WASTE MANAGEMENT METHODS:

LIST OF RECYCLING, RECOVERY, TREATMENT AND DISPOSAL (R, R, T & D) CODES FOR CATEGORIZATION

Code	Description
RECYCLING AND RECOVERY	
R1	Direct recovery of energy from waste
R2	Direct recovery of raw material from waste
R3	Regeneration or rejuvenation of waste (solvents, carbons, acids & alkalis)
R4	Recycling of organic substances
R5	Recycling of metals and metal compounds
R6	Recycling of other inorganic materials
Treatment (treatment not for the purposes of disposal)	
T1	Biological treatment (e.g. biodegradation, composting, biogas generation)
T2	Physical treatment
T3	Chemical treatment
T4	Thermal treatment (incineration, pyrolysis, etc.)
Disposal	
D1	Disposal of waste to land (e.g. specially engineered landfill)
D2	Disposal of waste to landfill (e.g. non-engineered landfill)
D3	Storage/disposal of waste in surface impoundments (e.g. placement of liquid or sludge discards into pits, ponds, lagoons etc.)

D4	Release of waste into water bodies (except seas/oceans)
D5	Permanent storage (stabilization, micro-encapsulation, macro-encapsulation)

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