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**GENERAL NOTICE**

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**NOTICE 1006 OF 2014****DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO. 59 OF 2008)****PROPOSED REGULATIONS TO EXCLUDE A WASTE STREAM OR A PORTION OF A WASTE  
STREAM FROM THE DEFINITION OF WASTE**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention, to make regulations to exclude any waste stream or a portion of a waste stream from the definition of waste under section 1(b) (iv) and section 69 (1) (dd) and (ee) read with section 73 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 days of publication of this notice in the *Gazette*, written representations on or objections to the following addresses:

By post to:           The Director-General  
                          Department of Environmental Affairs  
                          Attention: Mr Anben Pillay  
                          Private Bag X447  
                          **PRETORIA**  
                          0001

By hand at:           Environment House, 473 Steve Biko Street, Arcadia, Pretoria.

By email:             [apillay@environment.gov.za](mailto:apillay@environment.gov.za), or by fax: 012 320 2309.

Any inquiries in connection with the notice can be directed to Mr Anben Pillay at 012 399 9827.

The draft regulations to exclude any waste stream or a portion of a waste stream from the definition of waste can also be accessed at <http://sawic.environment.gov.za/> under "Draft documents for comment".

Comments received after the closing date may not be considered.



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

**SCHEDULE**

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## CHAPTER 1

### DEFINITIONS, PURPOSE AND APPLICATION OF THE REGULATIONS

#### Definitions

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—

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

“Applicant” means a person or category of persons who has submitted an application for exclusion of waste stream or portion of waste stream from the definition of waste to the Minister.

#### Purpose

2. The purpose of these Regulations is to prescribe the manner in which—
  - (1) a person or category of persons may apply for the exclusion of a waste stream or a portion of a waste stream from the definition of waste.
  - (2) the Minister may exclude a waste stream or portion of waste stream from the definition of waste through a publication of list in government gazette

#### Application of the Regulations

3. These Regulations are applicable where
  - (1) a person or category of persons wishes to apply for the exclusion of a waste stream or a portion of waste stream from the definition of waste.
  - (2) the Minister believes that a waste stream or portion of waste stream should be excluded from the definition of waste

## CHAPTER 2

### GENERAL APPROACH AND APPLICATION FOR EXCLUSION

#### General approach

4.
  - (1) Any portion of a waste generated from a source listed in Category A of Schedule 3 of the Act may be excluded from being defined as hazardous on demonstration that such portion of waste is non-hazardous in accordance with the Waste Management and Classification regulations.
  - (2) Any waste or portion of a waste generated from a source listed in Schedule 3 of the Act may be excluded from the definition of waste where such waste will be used in a manner that will not have a significant adverse impact on the environment.

#### Application and motivation for exclusion

5. (1) Any person or category of persons may apply to the Minister
  - (a) for exclusion of a waste stream or a portion of a waste stream from the definition of waste or

- (b) for exclusion of a portion of a waste generated from a source listed in Category A of Schedule 3 from being defined as hazardous on demonstration that such portion of waste is non-hazardous in terms of the Waste Management and Classification regulations.
- (2) An application in terms of sub-regulation (1) must be made in the prescribed form.
- (3) the Minister may apply his or her powers in terms of the Act to exclude certain part of waste stream or a portion of waste stream through publication of those waste stream in the government gazette.
- (4) Exclusion of a waste stream or a portion of a waste stream from the definition of waste will be considered if the motivation demonstrates that-
- (a) the waste defined is in terms of section 1 of the Waste Act ; and or
- (b) that any contaminant of concern from waste reaching a receptor will not exceed the acceptable environmental limits for any contaminant of concern for such a receptor;

### Review of exclusions

6. (1) The Minister may—
- (a) from time to time review any exclusion of a waste stream or a portion of a waste stream from the definition of waste approved in terms of these Regulations; and
- (b) on good grounds withdraw such exclusion or amend the exclusion, or any part thereof.
- (2) Before withdrawing or amending exclusion, the Minister must give the person contemplated in regulation 5 of these Regulations an opportunity to comment, in writing, on the reasons for the withdrawal or amendment.

## CHAPTER 3

### GENERAL MATTERS

#### Offences

7. (1) A person who contravenes or fails to comply with a provision of regulations 4 and 5 of these Regulations commits an offence.
- (2) A person convicted of an offence in terms of sub-regulation (1) is liable on conviction to—
- (a) imprisonment for a period not exceeding 15 years;
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

#### Short title and commencement

8. These Regulations are called the Regulations to Exclude a Waste Stream or a Portion of a Waste Stream from the Definition of Waste, 2014, and take effect on the date of publication in the *Gazette*.



**environmental affairs**

Department  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

**ANNEXURE A**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

**APPLICATION FORM FOR THE EXCLUSION OF A WASTE STREAM OR PORTION OF A WASTE STREAM FROM THE DEFINITION OF WASTE**

Applicant /Agent of Applicant: Contact person: Postal Address: Telephone: Email:		
	Cell:	
	Fax:	

**1** Description of the waste or portion of waste that is applied for exclusion (Attach motivation or supporting information)


**2** What is the classification of the Waste or portion of waste? Provide evidence of classification (if applicable).


**3** What will the waste be used for? (Provide a description of the process of using the waste).


**4** List all potential impacts from the use of the waste (both negative and positive).


- 5** Provide information on the mitigation measures that will address all the negative impacts stated in (4) above. (Provide supporting information if any)


- 6** What are the existing volumes/quantities of the waste


- 7** Provide photographs of the accumulated waste from different vantage points.

- 8** What is the estimated capital investment for use of the waste stream? Please indicate if this information is confidential.

Provide a site plan clearly indicating the location of the storage area of the accumulated waste

- 9** What would the waste stream be used for? Please provide details of all components of the reuse and attach diagrams (if any) (e.g. architectural drawings or perspectives, engineering drawings, process flow charts).

**Declaration :**

I hereby declare that the information provided above is true and correct and that all persons listed above have been consulted prior to this application submitted to the DEA and that failure to comply with the requirements may constitute an offence in terms of the National Environmental Management: Waste Act, 2008 (Ac No. 59 of 2008):

Applicant (Full names) \_\_\_\_\_ Date: \_\_\_\_\_ Place: \_\_\_\_\_

Signature \_\_\_\_\_ (duly authorised to sign on behalf of Applicant)

Witness Full names) \_\_\_\_\_ Date: \_\_\_\_\_ Place: \_\_\_\_\_

Signature \_\_\_\_\_

**DEPARTMENTAL DETAILS**

***Pretoria***

***Department of Environmental Affairs***

Attention: Directorate: Licencing

Private Bag X 447, PRETORIA, 0001

Website: <http://sawic.environment.gov.za/>

***Registry Office***

***Environment House***

473 Steve Biko Street, Arcadia, **PRETORIA**, 0083

***Queries*** should be directed to the Directorate:  
Licencing at:

Tel: (012) 399 9778, Fax (012) 399 9777

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