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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1555

12 DECEMBER 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****NOTICE OF INTENTION TO REQUIRE ANY PERSON OR CATEGORY OF PERSONS WHO
TRANSPORT WASTE FOR GAIN TO REGISTER WITH THE DEPARTMENT**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention, under section 25(1) read with sections 72 and 73 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008), to require any person or category of persons who transports waste for gain to register with the Department, as provided in the schedule hereto.

Members of the public are invited to submit to the Minister, within thirty (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 Road, Arcadia, 0083

By email: apillay@environment.gov.za

Any inquiries in connection with the notice can be directed to Mr Anben Pillay at (012) 399 9827/9828.

The draft Notice 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

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act bears that meaning, unless the context otherwise indicates—

“**Regulations**” means the National Waste Information Regulations, 2012;

“**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).

Purpose

2. The purpose of this Notice is to require any person or category of persons who transports waste for gain to register with the Department on the South African Waste Information System.

Registration of persons transporting waste for gain

3. (1) Any person who transports waste for gain must within ninety (90) days of publication of this Notice; apply to the Department to be registered on the South African Waste Information System.
(2) The provisions of sub regulation (1) do not apply to Municipalities who are transporting waste.
(3) A person contemplated in subregulation (1) must apply for registration using a form obtainable from the Department or through the SAWIS as provided for in Regulation 5 of the Regulations.
(4) The information to be furnished on the application form will include;
(a) Name of the company or entity and registration number;
(b) Name and contact details of the contact person;
(c) Registration details of the vehicle(s) used for transporting waste for gain; and
(d) Type or types of waste transported;

Offences

4. A person commits an offence if that person—
(a) fails to apply for registration in terms of this Notice; or
(b) intentionally provide false or misleading information to the Department;

Penalties

5. A person convicted of an offence in terms of this Notice is liable to—
(a) imprisonment for a period not exceeding 15 years; or
(b) an appropriate fine; or
(c) to both a fine and imprisonment.

Short title and Commencement

6. This Notice is called the Notice for Registration of Persons who Transports Waste for Gain, 2016 and takes effect on the date of publication in the *Government Gazette*.

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1556

12 DECEMBER 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****PROPOSED AMENDMENTS TO THE NATIONAL WASTE INFORMATION REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention, under section 69(1)(y), (t), (aa) and (ee) read with section 72 and 73 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), to make amendments to the national waste information regulations as set out in the schedule hereto.

Members of the public are invited to submit to the Minister, within thirty (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 Road, Arcadia, 0083
- By email: apillay@environment.gov.za

Any inquiries in connection with the notice can be directed to Mr Anben Pillay at (012) 399 9827/9828

The draft amendments on National Waste Information Regulations 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**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from the existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments

Definitions

1. In these regulations "the regulations" means the National Waste Information Regulations, 2012 published in terms of section 69(1)(y),(aa) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008).

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the regulations is hereby amended

(a) by the insertion of the following definition in subregulation (1) —

"administrator" means an official assigned by the Department or provincial authority to administer the implementation of the waste information regulations;

(b) by the deletion of the definition "**these regulations**".

Amendment of regulation 3 of the Regulations

3. Regulation 3 is hereby amended by the addition after subregulation (3) of the following subregulation:

"(4) These regulations do not apply to residue stockpiles or residue deposits."

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by the addition after subregulation (1) of the following subregulation: —

“(2) Only a registered person or an administrator shall have access to the information held in the SAWIS.”

Amendment of regulation 5 of the regulations

5. Regulation 5 of the Regulations is hereby amended by the substitution of subregulation (3) of the following subregulation: —

“(3) Where a person referred to in subregulation (1) [(a)] conducts more than one activity in different facilities[,] or the same facility , such activities must be registered individually.”

Amendment of regulation 6 of the regulations

6. Regulation 6 of the regulations is hereby amended by the substitution of item (iii) of paragraph (a) of subregulation (1) of the following item: —

“(iii) waste management method, waste transporter or hazardous waste generator; and”

Amendment of regulation 7 of the regulations

7. Regulation 7 of the Regulations is hereby amended by the substitution of subregulation (5) of the following subregulation: —

“(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]** regulation 5 (2).”

Amendment of regulation 8 of the regulations

8. Regulation 8 of the Regulations is here by amended—

(a) by the substitution of subregulation (1) of the following subregulation:

“(1) The submission of information to the SAWIS commences ninety (90) days after the end of registration period in regulation [6(1)] 5 (1).”

(b) by the substitution of subregulation (2) of the following subregulation: —

“(2) A registered person conducting an activity listed in Annexure 1 must submit quarterly information as prescribed in Annexure 2, within [~~sixty (60)~~] thirty (30) days of the end of a reporting period.”

(c) by the substitution of subregulation (9) of the following subregulation: —

“(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, e-mail or hand delivery within [~~sixty (60)~~] thirty (30) days of the end of a reporting period.”

Amendment of regulation 12 of the regulations

9. Regulation 12 of the regulations is hereby amended by the substitution in subregulation (1) of paragraph (a) of the following paragraph:

“(a) provides incorrect or misleading information to the SAWIS[,]or Department.”

Transitional provisions

10. (1) Any person who transports waste for gain on the date of coming into effect of these regulations, must apply to the Department to be registered on the SAWIS in accordance with Regulations 5, within ninety (90) days of publication of these regulations.

(2) Any person who conducts an activity listed in Annexure 1 is required to register and report in the SAWIS in accordance with these amended regulations, must apply to the Department to be registered in the SAWIS in accordance with Regulation 5, within ninety (90) days of publication of these regulations.

Amendment of Annexure 1 of the regulations

11. Annexure 1 of the Regulations is hereby amended by substitution of Annexure 1 of the following annexure:—

ANNEXURE 1

[LIST OF] PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER IN THE SAWIS IN TERMS OF REGULATION 5

Generators of waste

(a) Generators of hazardous waste in excess of 20kg per day calculated monthly as a daily average.

Recovery or recycling of waste

(b) Recovery of energy from general waste in excess of three (3) tons per day calculated monthly as a daily average.

(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 100[500]kg 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 100[500]kg per day calculated as a monthly average.

Treatment of waste

- (g) Treatment of waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons of general waste or 100[500]kg 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.

Transportation of waste

- (l) Transportation of waste for gain excluding Municipalities.

Amendment of Annexure 2 of the regulations

3. Annexure 2 of the Regulations is hereby amended by substitution of annexure 2 of the following annexure:

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.

Amendment of Annexure 3 of the regulations

4. Annexure 3 of the Regulations is hereby amended by substitution of annexure 3 of the following annexure

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 | |

Amendment of Annexure 4 of the regulations

5. Annexure 4 of the Regulations is hereby amended by substitution of annexure 4 of the following annexure

ANNEXURE 4

HAZARDOUS WASTE TYPES FOR REPORTING TO THE SAWIS

| LEV EL 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 sludge[s] 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 |
| | | | 04 | Mixed HCRW |
| | [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.

Amendment of Annexure 5 of the regulations

6. Annexure 5 of the Regulations is hereby amended by substitution of annexure 5 of the following annexure

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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