

LICENSING OF WASTE MANAGEMENT ACTIVITIES (RECLAIMED ASPHALT AND WASTE REGULATIONS)

ROAD PAVEMENT FORUM

DATE: 07 NOVEMBER 2016

CSIR-PRETORIA

Presenter: MR. B.R DLAMINI



Chemicals and Waste Management



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



PRESENTATION OUTLINE



- Introduction
- Legislative Framework
- Waste Management Measures
- Waste act and Regulations
- Licensing authorities
- Amendment of Waste activity list
- Main features of the Amended List
- Other Regulatory provisions
- Requirements for Disposal of Waste
- Regulation 9 process

Introduction

- Sect 20 of NEM: WA prohibits persons to commence, undertake or conduct waste management activity unless they have a waste management licence.
- A Waste Management Licence is a legally binding document issued in terms of Section 49(1) of the NEM:WA.
- The Minister published Government Notice(GN) 718 dated, 3rd July 2009) a list of waste management activities that require a waste management licence.
- GN 921 dated 29 November 2013 repealed GN 718 dated 3rd July 2009.
- The list have activities under **Category A -Basic Assessment (BA)** and **Category B- Full** (Environmental Impact Assessment(EIA), **Category C-** Norms and Standards



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Legislative Framework

- The Constitution
- The National Environmental Management Act
- The Waste Act
- The National Waste Management Strategy

The Waste Act aims to protect health, well-being and the environment by providing reasonable measures for:

- Avoiding the generation of waste;
- Reducing, reusing, recycling and recovery of waste
- Treating and safely disposing of waste as a last resort;
- Preventing pollution; and
- Securing ecologically sustainable development while promoting justifiable economic and social development



Waste Management Measures

- Industry waste management plans
- Extended producer responsibility
- Declaration of priority wastes
- Licensing
- Waste classification & management system
- Norms & Standards

- **Industry waste management plans** - enables collective planning by industry to manage their products once they become waste and to collectively set targets for waste reduction, recycling and re-use.
- **Extended Producer Responsibility (EPR)** - identifies particular products that have toxic constituents or that pose waste management challenges, and regulates industry responsibility for these products beyond point of sale.
- **Priority wastes** - identifies categories of waste that require special waste management measures due to the risks of these wastes to human health and the environment.

- **Licensing** - the Act provides for a list of waste activities that require licensing and the setting of conditions. The Act also provides for listing waste management activities that do not require a licence if undertaken according to specified norms and standards or requirements.
- **Waste Classification and Management System** - provides a methodology for the classification of waste and provides standards for the assessment and disposal of waste for landfill disposal
- **Norms and standards** - baseline regulatory standards for managing waste at each stage of the waste management hierarchy.

Waste Act & Regulations

- Waste Act Listed Activities (require licensing)
- Waste Information Regulations
- Waste Classification & Management Regulations
- Norms and Standards for:
 - Assessment of Waste for Landfill Disposal
 - Disposal of Waste to Landfill
 - Storage of Waste
 - Composting of waste (draft)

Licensing Authorities (Sect 43)

Minister of DEA the licensing authority where:-

- **hazardous** waste management activities are undertaken;
- Both general and hazardous activities are undertaken in the same facility;
- Waste Management Activity/s that involve international obligations;
- Activity undertaken by a National Department;
- Activity undertaken by a Provincial Department of Environmental Affairs



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Licensing Authorities (Sect 43)

Minister of DEA the licensing authority where:-

- Waste Management Activity is undertaken by a national department or a statutory body.

The **MEC** for a Provincial Environment Department is the licensing authority for all listed **general** waste management activities



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Licensing Authorities (Sect 43)

Minister of Mineral Resources is the licensing authority where the waste management activity is directly related to:-

- Prospecting or exploration of a mineral or petroleum resource;
- Extraction and primary processing of a mineral or petroleum resource or;
- Residue deposits and residue stockpiles from a prospecting, mining, exploration or production operation.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Amendment of the WMA List

- 1st published for comment on 14 December 2010, NG 1113
- 2nd publication: **GN 779 of 2012, Gazette No: 35718**
- Same day published proposed amendments to **EIA listing Notices- Wastewater Treatment Works activities**
- Published on 28 September 2012, for 60 day commenting period
- **NEMWA-section 19(2)** provides that the Minister may amend the list by adding other waste activities, removing activities or making **changes to the particulars** in the list
- List must indicate whether a **licence is required or not or set requirements or standards** which must be adhered to when conducting the activity



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Main features of the Amended List

Amendment of Definitions

Category A

Storage of waste:

- Removed storage of both general and hazardous waste
- Retained storage of general and hazardous waste in lagoons

Recycling or recovery of waste

- Deleted reuse of general waste
- Added crushing and screening and changed the threshold to an operational area in excess of 1000m²



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Main features of the Amended List

- ❑ Recycling or recovery of waste
 - Removed scrapping or recovery of motor vehicles
 - Removed Extraction, Flaring or Recovery of Landfill Gas
 - Included the recovery of hazardous waste (for lower thresholds that require a BA process)
 - Recycling of general waste based on the operational area of the facility and not on tons recycled
 - Increased the thresholds for recovery of waste



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Main features of the Amended List

- ❑ Treatment of waste:
 - Any form of treatment included (reworded)
 - Deleted the processing of waste at biogas installations as a stand alone activity
 - **Removed the treatment of effluent, wastewater or sewage (EIA Listing Notice)**
 - Deleted the treat of Animal manure- covered under treatment off waste
- ❑ Reuse, recycling and recovery of waste
 - Set thresholds for the reuse and recycling of hazardous waste
 - Included the recovery of general waste in excess of 100 tons



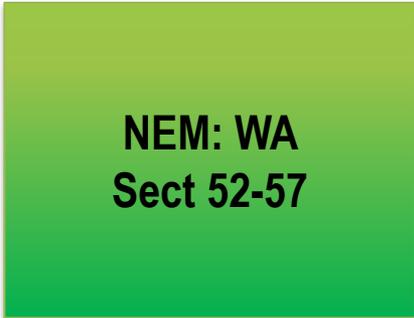
environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Other Licensing Related Provisions

- The NEM: WA has also made provision for the following:
- Transfer;
- Review;
- Variation;
- Renewal;
- Revocation; and
- Suspension and surrender of WML



**NEM: WA
Sect 52-57**



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Requirements for Disposal of Waste

- Waste is assessed according to the Standard for Assessment of Waste for Landfill Disposal Regulation
- Determine waste type for landfill disposal (Type 1, 2, 3 or 4)
- Type of waste will determine the class of landfill at which the waste may be disposed of (Class A, B, C and D)
- Class of landfills have different liner requirements

Requirements for Disposal of Waste

- Class A – Type 1 waste, e.g. hazardous waste, asbestos, HCRW
- Class B – Type 2 waste, e.g. domestic waste, garden waste, business waste
- Class C – Type 3 waste, e.g. waste tyres, consumer packaging
- Class D – Type 4 waste, e.g. excavated earth material, building and demolition waste

Regulation 9: activities that do not require a waste management license

Waste management strategy

Provision of certain approaches:

- Waste Management License
 - Regulation 9
 - S74 of NEMWA
- Regulation 9 of Waste Classification and Management Regulations
- Motivation for and consideration of listing wm activities



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



Regulation 9: Cont.

- Any person may submit a motivation to the minister
 - List a specific waste management activity as activity that do not require a license in of s19 of the act, but to adhere to the requirements in terms of s19 (3)
 - Motivation must demonstrate that the waste management activity , including associated storage and handling, can be implemented and conducted consistently and repeatedly in a controlled manner
- Motivation must contain certain information such as,
 - Basis for motivation (benefits – waste minimisation or diversion)
 - Description of the waste (quantities, classification, physical characteristics, chemical composition, sources generating waste etc.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



- Director: Mr Bonginkosi Dlamini
- T: 012 399 9777/78
- BRDlamini@environment.gov.za

- Mr Lucas Mahlangu (Systems)
- T: 012 399 9791
- LMahlangu@environment.gov.za

- Mr Zama Mtembu: Hazardous Waste Management
- Zmtembu@environment.gov.za

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



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

