
GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 718

3 July 2009

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

I, Marthinus Christoffel Johannes van Schalkwyk, Acting Minister of Water and Environmental Affairs, under section 19 (1) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), publish a List of Waste Management Activities which have, or are likely to have a detrimental effect on the environment, in the Schedule hereto.



**MARTHINUS VAN SCHALKWYK
ACTING 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 NO. 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 No. 59 of 2008) and associated regulations shall have the meaning so assigned and, unless the context otherwise indicates—

“animal manure” means a by-product of animal excreta which is bio-degradable in nature and could further be used for fertilisation purposes;

“construction” means the building, erection, establishment, alteration or expansion of a facility, structure or infrastructure that is necessary for the undertaking of a listed activity;

“co-processing” means the substitution with a waste of either a energy source or raw material;

“expansion” means extending the range of outputs from a facility or extending the area covered by a facility used to undertake an activity;

“facility for a waste management activity” means a place, infrastructure, structure or containment of any kind, 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 sewage treatment facilities and sludge farms;

“physico-chemical” means both physical and chemical;

“temporary storage” means continuous storage of waste excluding a once off storage of waste for a period not exceeding 90 days.

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

3. 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, including 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 including the temporary storage of hazardous waste at a facility that has the capacity to store in excess of 35m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons.
- (3) The storage including the temporary storage of general waste in lagoons.
- (4) The storage of waste tyres in a storage area exceeding 500m².

Reuse, recycling and recovery

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

- (9) The biological, physical or physico-chemical treatment of general waste at a facility that has the capacity to process in excess of 10 tons of general waste per day.
- (10) The processing of waste at biogas installations with a capacity to process in excess of five tons per day of bio-degradable waste.
- (11) The treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.
- (12) The remediation of contaminated land.
- (13) The extraction, recovery or flaring of landfill gas.

Disposal of waste

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

Storage, treatment and processing of animal waste

- (17) The storage, treatment or processing of animal manure at a facility with a capacity to process in excess of one ton per day.

Construction, expansion 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 facilities or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new permit or license in terms of legislation governing the release of pollution, effluent or waste.
- (20) The decommissioning of activities listed in this Schedule.

CATEGORY B

4. A person who wishes to commence, undertake or conduct an activity listed under this Category, must conduct an environmental impact 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 hazardous waste

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

Reuse, recycling and recovery of waste

- (2) The reuse and recycling of hazardous waste.
- (3) The recovery of hazardous waste including the refining, utilisation or co-processing of waste at a facility with a capacity to process more than 500kg of hazardous waste per day excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises or unless the Minister has approved re-use guidelines for the specific waste stream.

Treatment of waste

- (4) The biological, physical or physico-chemical treatment of hazardous waste at a facility that has the capacity to receive in excess of 500 kg of hazardous waste per day.
- (5) The treatment of hazardous waste using any form of treatment regardless of the size or capacity of such a facility to treat such waste.
- (6) The treatment of hazardous waste in lagoons.
- (7) The treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more.
- (8) The incineration of waste regardless of the capacity of such a 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

5. (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.

GENERAL NOTICE

NOTICE 409 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (Act 59 of 2008) LIST OF WASTE MANAGEMENT ACTIVITIES THAT HAVE, OR ARE LIKELY TO HAVE, A DETRIMENTAL EFFECT ON THE ENVIRONMENT

I, Marthinus Johannes van Schalkwyk, the Minister for Environmental Affairs and Tourism, under section 19 (1) of the Waste Act, 2008 (Act 59 of 2008) intend to publish the list of waste management activities that have, or are likely to have, a detrimental effect on the environment, as indicated in the Schedule.

Interested and affected parties are invited to submit comments on the proposed regulations, within thirty days (30) of publication of this notice, to the Director-General, Department of Environmental Affairs and Tourism, Private Bag X447, Pretoria 0001,

Fedsure Forum Building, 315 Pretorius Street Pretoria, 0002

Attention: **Obed Baloyi** or e-mail any comments to obaloyi@deat.gov.za or fax to (012) 322 5515
tel: (012) 310 3833



MARTHINUS VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

SCHEDULE
(Section 19(1))

**LIST OF WASTE MANAGEMENT ACTIVITIES THAT HAVE, OR ARE LIKELY TO HAVE, A
DETRIMENTAL EFFECT ON THE ENVIRONMENT**

DEFINITIONS

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) shall have the meaning so assigned and, unless the context otherwise indicates—

“facility for a waste management activity” means a place, infrastructure, structure or containment of any kind, wherein, upon or at, a waste management activity takes place and includes a waste transfer station, container yard, landfill site, incinerators and lagoons;

“construction” means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a listed or specified activity, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure;

“expansion” means extending the range of outputs from a facility or extending the area covered by a facility used to undertake an activity;

“temporary closure” means the intermediate cessation of the undertaking of a waste management activity identified in category B of this schedule for a period longer than 90 days;

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

“physico-chemical” means both physical and chemical;

“co-processing” means the substitution with a waste of either a energy source or raw material.

CATEGORY A

The activities listed under Category A are equivalent to those that require 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.)

Storage and transfer of waste

1. The storage, including 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 including the temporary storage of hazardous waste at a facility that has the capacity to store in excess of 31m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons.
3. The storage including the temporary storage of general waste in lagoons.
4. The storage of waste tyres in excess of 500m²

Recycling, reuse and recovery

4. The sorting, shredding and bailing of general waste at a facility that has the capacity to process in excess of one ton of general waste per day.
5. The scrapping or recovery of motor vehicles at a facility that has the capacity to receive 5 vehicles per month.
6. The re-use of general waste in road building or road surfacing, excluding the disposal of inert waste for the purposes of levelling and building.
7. The recovery of waste including the refining, utilisation, treatment or co-processing of the waste at a facility that has the capacity to process in excess of 3 tons of general waste or less than 500kg of hazardous waste per day, excluding recover that takes place as an integral part of an internal manufacturing process within the same premises.

Treatment of waste

8. The biological, physical or physico-chemical treatment of general waste at a facility that has the capacity to process in excess of 10 tons of general waste per day.
9. The treatment of general waste in lagoons.
10. The processing of waste at biogas installations with a capacity to process in excess of 5 tons per day of bio-gradable waste.

Disposal of waste

11. The disposal of inert waste in excess of 25 ton and with a total capacity 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.
12. The disposal of general waste to land covering an area of more that 50m² but less than 200m² and with a total capacity not exceeding 25 000 tons.
13. The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed does not exceed 500kg per month.

Storage, treatment and processing of animal waste

14. The storage, treatment or processing of animal manure at a facility with a capacity to process in excess of 1 ton per day.

Construction, expansion or decommissioning of facilities and associated structures and infrastructure

15. The construction of facilities for activities listed in this schedule.
16. The expansion of facilities for activities listed in this schedule.
17. The decommissioning of activities listed in this schedule.
18. The re-commissioning of activities listed in this schedule.
19. Temporary closure of operations of activities listed in category B of this schedule.

CATEGORY B

The activities listed under Category B are equivalent to those that require a environmental impact assessment process stipulated in the environmental impact assessment regulations made under section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

Storage of hazardous waste

1. The storage including the temporary storage of hazardous waste in lagoons.

Recycling, reuse and recovery of waste

2. The recovery of hazardous waste including the refining, utilisation or co-processing of waste at a facility with a capacity to process more than 500kg of hazardous waste.
3. The reuse of hazardous waste in road building and road surfacing.

Treatment of waste

4. The biological, physical or physico-chemical treatment of hazardous waste at a facility that has the capacity to receive in excess of 500 kg of hazardous waste per day.
5. The autoclaving, drying or microwaving of hazardous waste at a facility regardless of the capacity of such a facility.
6. The incineration of waste at a facility regardless of the capacity of such a facility.
7. The treatment of hazardous waste in lagoons.

Disposal of waste on land

8. The disposal of any quantity of hazardous waste to land.
9. The disposal of general waste to land covering an area in excess of 200m².

Construction, expansion or decommissioning of facilities and associated structures and infrastructure

10. The construction of facilities for activities listed in this schedule.
 11. The expansion of facilities for activities listed in this schedule.
 12. The decommissioning for activities listed in this schedule.
 13. The re-commissioning for activities listed in this schedule.
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PROCLAMATION

by the

Minister of Environmental Affairs and Tourism

of the Republic of South Africa

No. 34, 2009

DETERMINING A DATE ON WHICH THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), WILL COME INTO OPERATION

In terms of section 84 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby determine **1 July 2009** as the date on which the Act will come into operation, except section 28(7) (a), Part 8 of the Act (sections 35 – 41) and section 46.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 8th day of April Two Thousand and Nine.



MARTHINUS VAN SCHALKWYK

MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM
