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REPUBLIC OF SOUTH AFRICA

Overview National Environmental Management: Waste Bill

EWASA WORKSHOP
07 November 2008

Purpose:

**To provide an overview of the National
Environmental Management: Waste Bill**



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Outline

- **Background**
- **General Approach**
- **Overview of the Bill**
- **Way forward**



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Background

- **Review of environmental legislation (1996)**
- **Promulgation of NEMA as overarching framework legislation for environmental management (1998)**
- **Development of White Paper on Integrated Pollution and Waste Management for South Africa (2000)**
- **Development of the NWMS & AP's for SA (1999)**
- **Development of Waste Bill as subsidiary legislation to NEMA**



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General Approach

- Bill is **framework** legislation that provides the basis for the regulation of waste management
- **Why Framework legislation:**
 - detailed regulation of different types of wastes requires specific regulatory approaches to ensure that they are optimally managed from an environmental perspective
 - a “*one-size fits all*” approach frequently results in unintended consequences or undue regulatory burden without necessarily achieving the environmental objective



Overview of the Bill

Structure of the Waste Bill

- **C1: Interpretation and principles**
- **C2: National waste management strategy, norms and standards**
- **C3: Institutional and planning matters**
- **C4: Waste Management Measures**
- **C5: Licensing of Waste Management Activities**
- **C6: Waste Information**
- **C7: Compliance and Enforcement**
- **C8: General Matters**
- **C9: Miscellaneous**



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C1: Interpretation and principles

S1: Definitions: provides meaning and context of terminology used in the Bill

“**waste**” means any substance, whether or not that substance can be reduced, re-used, recycled or recovered –

(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;

(b) which the generator has no further use of for the purposes of production;

(c) that must be treated or disposed of; or

(d) that is identified as a waste by the Minister by notice in the *Gazette*, but –

(i) a by-product is not considered waste; and

(ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste;



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C1: Interpretation and principles (cont...)

S2: Objects: outlines specific intent of the Bill

S3: General duty of State: outlines the fundamental responsibilities of state

S4: Application of the Act: provides scope of application of the Act

- Department has agreed that it will not deal with waste that is being dealt with by other Departments' legislation e.g.

Radioactive Waste as dealt with by the DME

S5: Application of NEMA: provides scope of application and interpretation with respect to NEMA, NEMA principles apply to this Act



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C2: National waste management strategy, norms and standards

- **Part 1: Establishment of national waste management strategy:**

S6: Obliges the Minister of DEAT to establish the NWMS within two years of the section coming into effect.

- ✓ Outlines the scope of the strategy
- ✓ Purpose of the strategy is to achieve the objects of the Act

- **Part 2: Norms and standards:**

S7,8 &9: establishment and scope of national, provincial norms and standards and local waste service standards

- ✓ Provincial norms and standards must not conflict with national norms and standards
- ✓ Local Waste service standard must adhere to all national and provincial norms and standards



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C3: Institutional and planning matters

- **Waste management officers:**
 - **S10:** appointment of WMO's by Minister, MECs & Municipalities
 - ✓ Purpose of WMO's: to provide a person for the public to consult with regards to waste management issues in all spheres of government
- **Integrated waste management plans: S11 -13**
 - ✓ Purpose of IWMP's: To provide for organs of state to set out how they intend to carry out their function with regards to waste management



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C4: Waste management measures

- **Part 1: Priority wastes:**

- ✓ **Purpose:** To specifically deal with certain waste types, e.g. Asbestos

S 14 & 15 gives the Minister powers to declare priority waste and what the consequences of declaration may be.

- ✓ Declaration may be done in consultation with the Minister of DTI where there may be a significant impact on the economy S 14 sub 6

- ✓ The Bill requires consultation with affected person or category of persons S 14 sub 6



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C4: Waste management measures (cont...)

- **Part 2: General duty:**

S16 outlines the general duty for holders of waste

- **Part 3: Reduction, reuse, recycling and recovery of waste:**

✓ The purpose of **S 17** is to provide for environmentally sound and effective reduction, reuse, recycling and recovery of waste

S18 provides for extended producer responsibility measures

✓ consultation with the Minister of DTI

✓ consultation with affected producers before publishing a notice



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C4: Waste management measures (cont...)

- **Part 4: Waste management activities:**

S19 & 20 provides for the listing and conducting of waste management activities

✓ The purpose of the sections is to provide in detail which waste management activities will require a waste management licence

- **Part 5: Storage, collection and transportation of waste:**

S21 to 25 outlines the requirements for **storage**, **collection** and **transportation** of waste



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C4: Waste management measures (cont...)

- **Part 6: Treatment, processing and disposal of waste:**

S26 & 27 provides for the prohibition of **unauthorised disposal** (illegal dumping) and littering.

- **Part 7: Industry waste management plans:**

S28 to 34 provides for the preparation, contents, consultation, consideration and review of industry waste management plans.

- ✓ The purpose of industry WMP is to provide for industry and certain organs of state to set out how they deal with the waste they generate
- ✓ Industry WMP may be prepared by provincial department of environmental affairs on behalf of industry, and may recover the costs S29 sub 4 (a)



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C4: Waste management measures (cont...)

- ✓ Consultation of affected industry S 28 sub 5

Part 8: Contaminated land:

- ✓ New section in waste legislation
- ✓ The purpose of the section is to provide for the remediation of contaminated land.

S35 to 41 application, identification of investigation areas, consequences of identification, consideration of assessment reports, remediation, transfer and register of contaminated land

- **Part 9: Other measures:**

S42 recognition programmes



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C5: Licensing of waste management activities

- **Section 20 of the Environmental Conservation Act (ECA) 1989 transferred from DWAF to DEAT**
- **Section 20 of ECA deals with permitting of waste disposal facilities**
- **Chapter 5 of the Waste Bill provides the licensing of waste management activities as DEAT has taken over the function**
- **S 43 of the Bill outlines who the licensing authority is:**
 - ✓ **DEAT is the licensing authority for Hazardous Waste Facilities**
 - ✓ **Provincial Depts. are licensing authority for General Waste facilities**



C6: Waste information

- The purpose of this chapter is to provide for the gathering of waste information by government to be able to monitor the effectiveness of initiatives of policies and strategies on waste management

S60 Establishment of national waste information system:
requirements for establishment of waste information system

S61 Objectives of national waste information system:
specific objectives

S62 Provision of information: requirements for provision of information

S63 Access to information: conditions for access

S64 Establishment of provincial waste information systems:
requirements for establishment of waste information systems



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C7: Compliance and enforcement

S65 Compliance Powers of the Minister of DWAF

- ✓ The purpose of this section is to provide the Minister of DWAF compliance powers on waste related issues that may impact on water resources
- ✓ Minister of DWAF should consult the Minister of DEAT

S 66 Waste impact reports: outlines the requirements for preparation and submission of waste impact reports

S 67 Offences: outlines actions that constitute an offence

S 68 Penalties: outlines penalties for offences



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C8: General matters

- **Part 1: Regulations:**

- ✓ As the Waste Bill is framework legislation, there will be a number of regulations that will be passed to give effect to the legislation of waste effectively

S 69 to 71 outlines the regulations that may be passed by the Minister and MECs and general regulatory powers

- **Part 2: Consultative process:** **S 72 and 73** outlines the requirements for consultations and public participation

- **Part 3: Exemptions and Appeals:**

S 74 to 78 outline the processes of applications, consideration, decision, review and transfer of exemptions and appeals



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C9: Miscellaneous

- **Delegations: S 79** by the Minister and MEC's
- **Repeal and amendment of legislation: S 80**
legislation repealed or amended
(Schedule 1)
- **Transitional provisions: S 81** outlines transitional provisions for permits issued under section 20 of ECA and **S 82** outlines transitional provisions with regards to the listing of waste management activities
- **S 83** the Waste Act will be regarded as the specific environmental management Act
- **S 84 Short title and commencement**



Way Forward

- The Bill was adopted on 22 Oct 2008
- DEAT is developing an implementation plan



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THANK YOU
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