

NOTICE 718 OF 2010**DEPARTMENT OF ENVIRONMENTAL AFFAIRS****NATIONAL WASTE INFORMATION REGULATIONS IN TERMS OF THE
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)**

I, Buyelwa Sonjica, Minister of Water and Environmental Affairs, intend making the regulations under section 69(1)(y) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

This is a second public consultation period whereby interested and affected parties are invited to submit written comments within thirty (30) days of publication of this notice to the Director General, Department of Environmental Affairs, Private Bag X447, Pretoria, 0001

or

Fedsure Forum Building, 315 Pretorius Street, Pretoria, 0002

For attention: **Mrs Khashiwe Masinga**, email: kmasinga@environment.gov.za, or fax: (012) 322 5515.

Comments received after the closing date will not be considered.



BUYELWA SONJICA

MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

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PART 1

INTERPRETATION AND PURPOSE OF REGULATIONS

1. Definitions

- (1) In these regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these regulations, and in addition –

“Department” means the national Department responsible for management of the national waste information system, or components thereof;

“South African Waste Information System” or “SAWIS” means a web-based national waste information system established in terms of section 60 of the Act;

“Provincial waste information system” means a web-based provincial waste information system established in terms of section 62 of the Act;

“Registered person” means a person who is the holder of a registration certificate;

“Registration certificate” means a written proof issued by the Department to a registered person to submit information to the South African Waste Information System in terms of Part 3 of the regulations;

“Reporting period” means the quarterly period of a year calculated from January in respect of which information must be reported;

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

“**These regulations**” include the Annexures to these regulations;

“**Type of waste**” means the category of waste whether general or hazardous;

“**Volumetric survey**” means the collection of data which is performed for the purpose of obtaining measurements and analysis of quantities; and

“**Waste information registration number**” or “**WIR number**” means the unique number allocated by the Department to a person in terms of these regulations.

- (2) When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

2. Purpose of Regulations

- (1) The purpose of these regulations is to regulate the reporting on waste information for the protection of the environment and the management of waste.

3. Application of Regulations

- (1) These regulations apply uniformly in all provinces of the Republic of South Africa.
- (2) Notwithstanding subregulation (1), where a province has established a provincial waste information system in terms of section 62(1) of the Act, the province may promulgate regulations which may not be in conflict with these regulations.

PART 2

REGISTRATION

4. Application for registration

- (1) A person conducting an existing waste management activity listed in Annexure 1 must apply to the Department to be registered on the SAWIS within ninety (90) days of the promulgation of these regulations, and any person commencing a waste management activity after the promulgation of the regulations must apply to be registered on the SAWIS prior to commencement with the activity.
- (2) An application contemplated in sub-regulation (1) must be in a form prescribed by the Department.

5. Consideration of applications for registration

- (1) The Department must, within thirty (30) days of receiving an application for registration, either:

- (a) Register the applicant and issue a registration certificate to the applicant which contains:
 - (i) Name of waste management activity
 - (ii) A WIR number; and
 - (iii) The date of registration; or
 - (b) Advise the applicant that the application for registration is referred back for correction.
- (2) An application for registration which has been referred back for correction must be amended and resubmitted to the Department within thirty (30) days of the applicant receiving notification.
- (3) The provisions of subregulation (1)(a) shall apply to an application for registration which has been referred back, corrected and resubmitted.

6. Changes to registration certificate

- (1) A registered person must notify the Department, in the prescribed form, of any change in respect of that person's registration certificate within thirty (30) days of such change occurring.
- (2) If a registered person transfers ownership of the business or no longer undertakes the activity which caused that person to register, the registered person must notify the Department in the prescribed form, within thirty (30) days prior to the business being transferred or the activity being discontinued.
- (3) A new person to which the business is being transferred to in Subregulation (2), must if necessary and within thirty (30) days of taking ownership of the business, amend the registration status of the business.

- (4) On receipt of a notification in sub-regulations (1) and (2) and after the amendment of the registration status of a registered person in subregulation (3), The Department must withdraw the registration certificate or change the registration status of a registered person from the SAWIS and issue a new registration certificate bearing the updated status within thirty (30) days.
- (5) If a person intends to recommence with an activity for which the registration was withdrawn, the person must reapply to be registered as per regulation 4.

PART 3

REPORTING AND RECORD KEEPING

7. Reporting or submission of information

- (1) A registered person conducting an activity listed in Annexure 1 must submit a quarterly report containing the information as prescribed in Annexure 2, within thirty (30) days of the end of a reporting period.
 - (2) Subregulation (1) does not apply to the registered hazardous waste generators.
 - (3) The information must be submitted to the SAWIS.
 - (4) 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 or hand delivery within thirty (30) days of the end of a reporting period.
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8. Record keeping

- (1) A registered person must keep a record of the information submitted to the SAWIS.
- (2) The records contemplated in subregulation (1) must be:
 - (a) retained for a period of at least 5 (five) years; and
 - (b) made available for inspection by a representative of the Department

PART 4**VERIFICATION OF INFORMATION****9. Verification of information**

- (1) The Department may notify a registered person that verification of information will be conducted within a period determined by the Department.
- (2) If the Department reasonably believes that the information provided during the verification process is incorrect or misleading, the Department must instruct a registered person who the information belongs to, in writing, to:
 - (a) Submit an audit report by an independent auditor on the accuracy of the information that has been submitted to the Department; or
 - (b) Undertake a volumetric survey and submit a volumetrics report by an independent person.

- (3) An audit report or volumetrics report requested in terms of subregulation (2) must be submitted within the period determined by the Department.
- (4) A registered person is liable for all costs in connection with compliance with an instruction in terms of subregulation (2).
- (5) If a registered person fails to submit an audit report or volumetric survey report contemplated in subregulation (2) within the period determined by the Department, the Department must:
 - (a) Appoint an independent auditor/person to perform the audit or volumetric survey; and
 - (b) Recover the cost of the audit or volumetric survey from the registered person.

PART 5 IMPLEMENTATION

10. Implementation

- (1) For purposes of implementation of these regulations, in cases where a registered person is not able to provide accurate information to the SAWIS, a registered person submitting information on general waste may submit information that is based on an estimation of quantities for a period of five (5) years after promulgation of the regulations, whereafter the information must be based on actual quantities.
- (2) The five (5) year period referred to in subregulation (1) does not apply to waste disposal sites receiving less than 150 tons of general waste per day. Such sites may continue to report on estimations of the quantities for as long as the site is in operation.

- (3) The provision in sub regulation (1) regarding estimation of quantities for a period of five (5) years does not apply to waste management facilities installed with waste quantification equipments (i.e. weighbridge, scales) in place.
- (4) A person submitting information on hazardous waste must submit the information based on actual quantities from the date of effect of the regulations.

GENERAL

11. Offences and penalties

- (1) A person is guilty of an offence if that person:
 - (a) provides incorrect or misleading information to the SAWIS;
or
 - (b) Fails to comply with regulations 4, 5, 6, 7, 8, 9 and 10.
- (2) A person who commits an offence in terms of subregulation (1) is liable on conviction to:
 - (a) Imprisonment not exceeding fifteen (15) years;
 - (b) An appropriate fine; or
 - (c) Both a fine and imprisonment.

12. Short title and commencement

- (1) These regulations are called the National Waste Information Regulations, and take effect on the date of publication thereof.

ANNEXURE 1**LIST OF PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER ON THE SOUTH AFRICAN WASTE INFORMATION SYSTEM (SAWIS) IN TERMS OF REGULATION 4****1. *Generators of waste***

- (a) Generators of hazardous waste in excess of 20kg per day.

2. *Recycling of waste.*

- (a) Recycling or reuse of general waste of more than ten (10) tons per month, which include paper, plastic, glass, beverage cans, tyres and scrap metal.
- (b) Recycling or reuse of hazardous waste.
- (c) Recovery of general waste in excess of three (3) tons.
- (d) Recovery of hazardous waste.

3. *Treatment of waste*

- (a) Treatment of general waste in excess of 10 tons per day.
- (b) Treatment of hazardous waste.

4. *Disposal of waste*

- (a) Disposal of waste in excess of 150 tons of general waste per day.
- (b) Disposal of hazardous waste.

5. *Exportation of hazardous waste*

Hazardous waste exported from the Republic of South Africa.

ANNEXURE 2**REPORTING REQUIREMENTS IN TERMS OF REGULATION 7(1)**

The required information for reporting to the South African Waste Information System, read with the Annexure 1 of these regulations must include –

- (a) details of the company submitting the information;
- (b) the month and year to which the information applies;
- (c) type of waste as detailed in Annexures 3 and 4;
- (d) Source from which waste comes from;
- (e) Waste management method as detailed in Annexure 5, and
- (e) The quantity of waste reported in tons.

ANNEXURE 3

GENERAL WASTE CATEGORIZATION FOR REPORTING TO THE SOUTH AFRICAN WASTE INFORMATION SYSTEM

LEVEL 1	LEVEL 2		LEVEL 3	
	No	Name	No	Name
GENERAL WASTE	GW01	Municipal Waste	01	
	GW10	Commercial and Industrial waste	01	
	GW14	Brine	01	
	GW15	Fly ash and dust from miscellaneous filter sources	01	
	GW16	Bottom ash	01	
	GW17	Slag	01	Ferrous metal Slag
			02	Non-ferrous metal slag
			03	Others
	GW18	Mineral Waste	01	Foundry sand
			02	Refractory waste
			03	Others
	GW19	Waste of Electric and Electronic Equipment (WEEE)	01	
	GW20	Organic waste	01	Garden Waste
			02	Food waste
	GW23	Sewage sludge	01	
	GW30	Construction and demolition waste	01	
	GW50	Paper	01	Newsprint and magazines
			02	Brown grades
			03	White grades
			04	Mixed grades
GW51	Plastic	01	PETE	
		02	Others	
GW52	Glass	01		
GW53	Metals	01	Ferrous	
		02	Non - ferrous	
GW54	Tyres	01		
GW99	Other	01		

ANNEXURE 4

HAZARDOUS WASTE CATEGORIZATION FOR REPORTING TO THE SOUTH AFRICAN WASTE INFORMATION SYSTEM

LEVEL 1	LEVEL 2		LEVEL 3	
			No	Name
HAZARDOUS WASTE	HW01	Gaseous waste	01	Gases (excluding Greenhouse gases)
			02	Obsolete ozone depleting gases
	HW02	Mercury containing waste	01	Liquid waste containing mercury
			02	Solid waste containing mercury
	HW03	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
	HW04	POP Waste	01	PCB containing waste (>50 mg/kg)
			02	Other POP-containing waste
	HW05	Pesticide containing waste	01	Liquid pesticide waste
			02	Solid pesticide waste
			03	Empty pesticide containers
	HW06	Inorganic chemical waste	01	Liquid and sludge inorganic waste
			02	Solid inorganic waste
			03	Spent pot lining (inorganic)
	HW07	Asbestos containing waste	01	Asbestos containing waste
	HW08	Waste Oils	01	Waste oil
			02	Oil contaminated waste
	HW09	Organic halogenated and/or sulphur containing solvents	01	Solvents containing halogens and/or sulphur
	HW10	Organic halogenated solids and compounds with sulphur	01	Solids containing halogens and/or sulphur
	HW11	Organic solvents without halogens and sulphur	01	Solvents without halogens and sulphur
	HW12	Other organic waste without halogen or sulphur	01	Liquid and sludge organic chemical waste
			02	Solid organic chemical waste
			03	Spent pot lining (organic)
	HW13	Tarry and Bituminous waste	01	Tarry waste
			02	Bituminous waste
	HW14	Brine	01	Brine
	HW15	Fly ash and dust from miscellaneous filter sources	01	Fly ash
	HW16	Bottom ash	01	Bottom ash
HW17	Slag	01	Ferrous metal slag	
		02	Non-ferrous metal slag	
		03	Other	
HW18	Mineral waste	01	Foundry sand	
		02	Refractory waste	
		03	Others	
HW19	Waste of Electric and Electronic Equipment (WEEE)	01	Large Household Appliances	
		02	Small Household Appliances	
		03	Office, Information & Communication Equipment	
		04	Entertainment & Consumer Electronics,	

LEVEL 1	LEVEL 2		LEVEL 3	
			No	Name
				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
	HW20	Metal scrap	01	Contaminated scrap metal waste
	HW21	Health Care Risk Waste	01	Pathological waste
			02	Infectious waste and sharps
			03	Chemical waste
	HW22	Sewage Sludge	01	Sewage treatment sludge
	HW99	Miscellaneous	01	Miscellaneous

ANNEXURE 5

WASTE MANAGEMENT METHODS: LIST OF REUSE, RECYCLING, RECOVERY, TREATMENT AND DISPOSAL (R, R, R, T & D) CODES FOR CATEGORIZATION

Code	Description
RE-USE, RECYCLING AND RECOVERY	
R1	Recovery of energy from waste
R2	Recovery of raw material from waste
R3	Solvent reclamation/rejuvenation (solvents, carbons acids & alkalis)
R4	Recycling or re-use of organic substances
R5	Recycling or re-use of metals and metal compounds
R6	Recycling or re-use of other inorganic materials
TREATMENT	
T1	Biological waste treatment (e.g. biodegradation, composting, biogas generation)
T2	Physical waste treatment
T3	Chemical waste treatment
T4	Thermal waste treatment (incineration, pyrolysis etc.)
DISPOSAL	
D1	Disposal of waste to land (e.g. specially engineered landfill)
D2	Disposal of waste to land (e.g. non-engineered landfill)
D3	Storage / disposal of waste in surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds, lagoons, etc.)
D4	Release of waste into a water body (except seas / oceans)
D5	Permanent storage (stabilization, micro-encapsulation, macro-encapsulation)