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## GENERAL NOTICES

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### NOTICE 77 OF 2011

#### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

#### **NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (Act No. 59 of 2008) CHANGE OF LICENSING AUTHORITIES IN TERMS OF SECTION 43(3)**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, intend to enter into agreements with Members of Executive Committee (MECs) for Gauteng, Western Cape and KwaZulu-Natal with regards to the applications for waste management licenses which may be dealt with by the MECs in accordance with section 43 (3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

Interested and affected parties are invited to submit written comments within 30 days of publication of this notice, to The Director-General, Department of Environmental Affairs, Private Bag x447, Pretoria, 0001.

Comments can be addressed to the attention of Ms Khashiwe Masinga at the following contact details: Fax: (012) 322 5515, E-mail: [kmasinga@environment.gov.za](mailto:kmasinga@environment.gov.za), Tel: (012) 310 3377 / 3735. Comments can also be delivered at 315 Pretorius street, Pretoria, Fedsure Forum building North Tower, 2<sup>nd</sup> floor (Reception).

The full document can also be accessed at [www.sawic.org.za](http://www.sawic.org.za)

Comments received after the closing date may not be considered.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

PROPOSED CHANGE OF LICENSING AUTHORITIES

1. Schedule A: Proposed change of licensing authorities

<b>CATEGORY A</b>			
<b>Activity</b>	<b>Current Licensing Authority</b>	<b>Proposed Licensing Authority</b>	<b>Motivation</b>
<b>Storage of waste</b>			
(1) The storage, excluding the temporary storage, of general waste at a facility that has the capacity to store in excess of 100m <sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(2) The storage, excluding the temporary storage, of hazardous waste at a facility that has the capacity to store in excess of 80m <sup>3</sup> of hazardous waste at any one time.	Minister	MEC/Minister	It is agreed that storage of hazardous waste in containers in excess of 80m <sup>3</sup> will be authorised by MEC. The storage of hazardous waste in excess of 80m <sup>3</sup> stored in any manner other than in containers will be authorised by Minister as per the Waste Act.
(3) The storage of general waste in lagoons.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(4) The storage of waste tyres in a storage area exceeding 500m <sup>2</sup> .	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.

<b>Recycling or recovery of waste</b>			
(5) The sorting, shredding, grinding or bailing of general waste at a facility that has an operational area in excess of 500m <sup>2</sup> .	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(6) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m <sup>2</sup> .	Minister	MEC	MEC's will authorise these activities until an industry standard for managing this activity is developed. Once a standard is in place it is agreed that this activity will not require a waste licence if undertaken in accordance with the standard. The development of an industry standard is to be developed as a priority.
(7) The recycling of general waste at a facility that has an operational area in excess of 500m <sup>2</sup> .	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(8) The recycling of hazardous waste in excess of 500kg but less than 1 ton per day.	Minister	MEC	This can be licensed by MEC, to allow for some recycling applications to be processed by Provinces.
(9) The recovery of general waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of 10 tons but less than 100 tons of general or in excess of 500kg less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.

<b>Treatment of waste</b>			
(10) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons but less than 100 tons of general waste or in excess of 500kg less and than 1 ton of hazardous waste per day.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(11) The remediation of contaminated land.	Minister/MEC	Minister/MEC	All remediation of general Waste Activities will be authorised by MEC.  All remediation of hazardous Waste Activities will be authorised by Minister.
(12) The extraction, recovery or flaring of landfill gas.	Minister	Minister	The possible energy generation activities will be licensed by the Minister
<b>Disposal of waste</b>			
(13) The disposal of inert waste to land with a cumulative total exceeding 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.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.

(14) The disposal of general waste to land covering an area of more than 50m <sup>2</sup> but less than 200m <sup>2</sup> and with a cumulative total not exceeding 25 000 tons.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(15) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed exceeds 500kg per month.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
<b>Reuse, treatment, processing or disposal of animal waste or sludge</b>			
(16) The reuse, treatment, processing or disposal of animal waste at a facility with a capacity to reuse, treat, process or dispose of animal waste in excess of 1 tons per day.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(17) The reuse, treatment, processing or disposal of sludge from a waste water treatment or water treatment facility with a capacity to reuse, treat, process or dispose of sludge in excess of 10 tons of general sludge or any quantity of hazardous sludge per day.	Minister	MEC	This can be licensed by MEC, to allow for some recycling applications to be processed by Provinces.
<b>Construction or decommissioning of facilities and associated structures and infrastructure</b>			
(18) The construction of facilities for activities listed in Category A of this Schedule	MEC/Minister depending on the activity	MEC/Minister depending on the activity	MEC/Minister depending on the activity.

(not in isolation to associated activity).			
(19) The expansion of waste management activities listed in this schedule.	MEC/Minister depending on who issued the permit in the first instance	MEC/Minister depending on the activity	MEC/Minister depending on the activity.
(20) The decommissioning of waste management activities listed in Category A or B of this Schedule.	MEC/Minister depending on the activity	MEC/Minister depending on the activity	MEC/Minister depending on the activity.
<b>CATEGORY B</b>			
<b>Activity</b>	<b>Current Licensing Authority</b>	<b>Proposed Licensing Authority</b>	<b>Motivation</b>
<b>Storage of hazardous waste</b>			
(1) The storage of hazardous waste in lagoons.	Minister	MEC	Guidelines on lining exist it is therefore possible for consistent decision making on the technical aspects of storage of hazardous waste in lagoons.
<b>Recycling, reuse or recovery of waste</b>			
(2) The reuse or recycling of hazardous waste in excess of 1 ton per day.	Minister	Minister	A criterion for the reuse of hazardous waste is to be developed and tested after which operational guidelines for

			specific recycling activities are to be developed.
(3) The recovery of hazardous waste including the refining, utilisation or co-processing of hazardous waste at a facility with a capacity to process more than 1 ton of hazardous waste per day excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	Minister	Minister	A criterion for the recovery of hazardous waste is to be developed and tested after which operational guidelines for specific recycling activities are to be developed.
(4) The recovery of general waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of 100 tons of general waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	Minister	MEC	This can be licensed by MEC, to allow for some recycling applications to be processed by Provinces.
<b>Treatment of waste</b>			
(5) The treatment of hazardous waste using any form of treatment at a facility that has the capacity to treat in excess of 1 ton of hazardous waste per day.	Minister	Minister	The impacts of the commercial treatment of hazardous waste could be significant. Appropriate operational guidelines are being developed for various treatment options.
(6) The treatment of hazardous waste in lagoons.	Minister	Minister	The impacts of the commercial treatment of hazardous waste could

			be significant. Appropriate operational guidelines must be developed for various treatment options.
(7) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 100 tons of general waste per day.	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act.
(8) The treatment of health care risk waste regardless of the size or capacity of the facility.	Minister	Minister	A directive on the onsite storage and disposal of hazardous waste will be developed.
<b>Disposal of waste on land</b>			
(9) The disposal of any quantity of hazardous waste to land.	Minister	Minister	Potential for impact is significant, commercial hazardous waste sites transport waste between MEC. On site disposal must be managed in relation to a policy which is still to be developed.
(10) The disposal of general waste to land covering an area in excess of 200m <sup>2</sup> .	MEC	MEC	All general Waste Activities will be authorised by MEC as per the Waste Act
<b>Construction of facilities and associated structures and infrastructure</b>			
(11) The construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity).	MEC/Minister depending on the activity	MEC/Minister depending on the activity	MEC/Minister depending on the activity