

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1011

12 SEPTEMBER 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****PUBLICATION OF NOTICE TO THE PAPER AND PACKAGING INDUSTRY, ELECTRICAL AND
ELECTRONIC INDUSTRY AND LIGHTING INDUSTRY TO PREPARE AND SUBMIT TO THE
MINISTER INDUSTRY WASTE MANAGEMENT PLANS FOR APPROVAL**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to publish the Notice to the Paper and Packaging Industry, Electrical and Electronic Industry and Lighting Industry to prepare and submit to the Minister industry waste management plans for approval, in terms of section 28(1) read with section 28(5) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as set out in the Schedule hereto.

Members of the public are invited to submit within 30 days of the publication of this notice in the Gazette, written representations or objections to this notice to the following address:

By post to: The Director-General
Department of Environmental Affairs
Attention: Mr. Anben Pillay
Private Bag X447
Pretoria
0001

By hand at: Environmental House, 473 Steve Biko Street, Arcadia, Pretoria, 0083.

By e-mail: apillay@environment.gov.za,

Any enquiries in connection with the notice can be directed to Mr Anben Pillay on Tel: 012 399-9827

Comments received after the closing date may not be considered.



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

SCHEDULE

Definitions

1. In this Notice any word or expression to which a meaning has been assigned in the Act bears that meaning, unless the context otherwise indicates—

“electrical and electronic equipment” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurements of such currents and fields;

“lighting equipment” means electrical or electronic equipment used for producing artificial light or illumination;

“packaging” means any material, container or wrapping, used for or in connection with the containment, transport, handling, protection, promotion, marketing or sale of any product or substance, but excludes—

- shipping containers used solely for the transportation of any consumer commodity in bulk to manufacturers, packers, or processors, or to wholesale or retail distributors thereof;
- Containers or wrapping contaminated with any hazardous material; or
- packaging made of timber and textile;

Packaging may be primary, containing the actual product or secondary typically containing products already packaged in primary packaging

“paper” means any substance made from wood pulp, rags, straw, or other fibrous material used for writing, printing, or as a wrapping material;

“processing” means the reuse, recycling, recovery, treatment or disposal activities undertaken in the management of waste;

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

Registration of category of persons or industry

2. (1) A category of person or industry contemplated in section 28(1) of the Act operating on the date of commencement of this Notice must register with the Minister within 12 months after the date of commencement of this Notice.
- (2) A category of person or industry contemplated in section 28(1) of the Act commencing business after the date of commencement of this Notice must register with the Minister prior to commencing business.
- (3) The registration contemplated in subsections (1) and (2) above must contain the following information as a minimum:
 - (a) the name and where applicable, company registration number in terms of the Companies Act, 2008 (Act No. 71 of 2008) of the category of person or industry;
 - (b) the registered business address of the category of person or industry;
 - (c) the physical address where the business of the category of person or industry is conducted or is to be conducted;
 - (d) contact details; and
 - (e) details of the category of person or industry responsible for submitting the industry waste management plan as contemplated in section 3 below.
- (4) The Minister will issue the category of person or industry with a registration number after the registration in terms of subsections (1) and (2) above within 60 days from the date of receipt of the registration form or registration
- (5) A category of person or industry must display the registration number on all trading documentation.

Preparation and submission of industry waste management plans for approval

3. (1) A category of person or industry contemplated in section 28(1) of the Act must—
 - (a) prepare and submit to the Minister for approval, an industry waste management plan, within 12 months after registering in terms of section 2 above;
 - (b) ensure that the industry waste management plan submitted to the Minister for approval is representative of at least 70% of the category of person or industry registered with the Department; and
 - (c) comply with the industry waste management plan after approval by the Minister.
- (2) A category of person or industry contemplated in section 28(1) of the Act must belong to an industry waste management plan.

Content of an industry waste management plan

4. An industry waste management plan, contemplated in section 3 must—
- (a) include all information set out in section 30(2) of the Act;
 - (b) identify and list the category of person or industry contemplated in section 28(1) of the Act responsible for drafting the industry waste management plan;
 - (c) list all other stakeholders that have registered with the industry waste management plan;
 - (d) provide the annual projections over a five year period of the—
 - (i) quantities and types of waste generated or quantities of products to be imported that will become waste and will be managed through the industry waste management plan;
 - (ii) quantities of waste that will be reused, recycled or recovered;
 - (iii) quantities of waste that will be disposed of;
 - (e) indicate how the waste hierarchy is going to be given effect to in the implementation of the industry waste management plan prioritizing reduce, re-use and recycling, then recovery;
 - (f) provide measures to be implemented to give effect to best environmental management practice in respect of the waste management;
 - (g) identify regulatory requirements that are applicable to waste transporters, storage facilities and processors;
 - (h) identify the manner in which the waste transporters, storage facilities and processors who will receive the waste through the industry waste management plan will be identified and registered;
 - (i) identify any incentives that will be applied in order to encourage the end user to practice good waste management;
 - (j) identify measures that will be applied to ensure compliance with the industry waste management plan;
 - (k) set out the process to be followed in the procurement of the waste management companies to perform collection, transport, storage or processing;
 - (l) identify the potential number of storage facilities that will be required and the manner of registration;
 - (m) indicate the manner in which the waste collected and processed will be recorded;
 - (n) indicate how legacy waste stockpiles, where applicable, will be managed;
 - (o) provide estimations of the costs of implementing the industry waste management plan for the first five years and the manner in which the activities of the industry waste management plan will be financed;

- (p) indicate how the industry waste management plan will raise national awareness regarding the management of the particular waste stream;
- (q) provide details on how the industry waste management plan will address issues of social responsibility in the industry;
- (r) provide details of the manner in which the previously disadvantaged individuals and transformation will be integrated in the implementation of the industry waste management plan;
- (s) provide details of the manner in which the informal sector will be integrated in the implementation of the industry waste management plan;
- (t) indicate how job creation, training and development will be integrated in the implementation of the industry waste management plan;
- (u) provide estimates of the number of jobs and businesses to be created along the value chain;
- (v) indicate the mechanisms that will be used to identify non-compliance by a category of person or industry to the industry waste management plan;
- (w) indicate the extent of auditing and reporting on the industry waste management plan envisaged;
- (y) identify key stakeholders and determine their roles and responsibilities in the implementation of the industry waste management plan; and
- (z) provide an implementation plan for the implementation of the industry waste management plan for the first five years and outer years thereafter.

Consultation process

5. (1) A category of person or industry contemplated in section 28(1) of the Act must bring the contents of the proposed industry waste management plan to the attention of relevant organ of state, interested and affected persons and public by—
- (a) publishing a notice in at least two newspapers distributed nationally stating the following:
 - (i) details of the category of person or industry who drafted the industry waste management plan;
 - (ii) details where copies of the industry waste management plan can be obtained;
 - (ii) invitation to stakeholders to submit written representations or objections within 30 days after publication of the newspaper advert;
 - (iv) details where written representations or objections must be sent to;
 - (b) distributing the draft industry waste management plan to all known stakeholders and invite the stakeholders to submit written representations on or objections to the category of person or industry responsible for preparing the industry waste management plan; and

- (c) using any other reasonable means to enable the persons (especially the existing informal sector) to submit written representations on or objections on the industry waste management plan.
- (2) The category of person or industry contemplated in section 28(1) of the Act responsible for preparing the industry waste management plan must give due consideration to all written representations on or objections received, and a copy of all comments and responses must be submitted to the Minister, together with the final draft of the industry waste management plan for approval.

Consideration of industry waste management plan

- 6. The Minister must comply with sections 32 and 33 of the Act when considering an industry waste management plan submitted to the Minister for approval in terms of section 3 above.

Review of industry waste management plan

- 7. The provisions of section 34 of the Act are applicable to the review of an industry waste management plan approved by the Minister in terms of this Notice.

Offences

- 8. A category of person or industry contemplated in section 28(1) of the Act commits an offence if that category of person or industry—
 - (a) fails to register with the Minister in terms of section 2;
 - (b) fails to prepare and submit an industry waste management plan in terms of section 3;
 - (c) contravenes or fails to comply with an industry waste plan approved by the Minister;
 - (d) fails to belong to an industry waste management plan approved by the Minister.

Penalties

- 9. A category of person or industry convicted of an offence in terms of section 8 above is liable to—
 - (a) imprisonment for a period not exceeding 15 years; or
 - (b) an appropriate fine; or
 - (c) to both a fine and imprisonment.