

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1556

12 DECEMBER 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO. 59 OF 2008)****PROPOSED AMENDMENTS TO THE NATIONAL WASTE INFORMATION REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention, under section 69(1)(y), (t), (aa) and (ee) read with section 72 and 73 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), to make amendments to the national waste information regulations as set out in the schedule hereto.

Members of the public are invited to submit to the Minister, within thirty (30) days of publication of this notice in the *Gazette*, written representations on or objections to the following addresses:

- By post to:           The Director General  
                          Department of Environmental Affairs  
                          Attention: Mr Anben Pillay  
                          Private Bag X447  
                          PRETORIA  
                          0001
- By hand at:           Environment House, 473 Steve Biko Road, Arcadia, 0083
- By email:             apillay@environment.gov.za

Any inquiries in connection with the notice can be directed to Mr Anben Pillay at (012) 399 9827/9828

The draft amendments on National Waste Information Regulations can also be accessed at <http://sawic.environment.gov.za/> under "Draft documents for comment".

Comments received after the closing date may not be considered.



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

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## SCHEDULE

### GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from the existing enactments.

\_\_\_\_\_ Words underlined with solid line indicate insertions in existing enactments

### Definitions

1. In these regulations "the regulations" means the National Waste Information Regulations, 2012 published in terms of section 69(1)(y),(aa) and (ee) of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008).

### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the regulations is hereby amended

(a) by the insertion of the following definition in subregulation (1) —

"administrator" means an official assigned by the Department or provincial authority to administer the implementation of the waste information regulations;

(b) by the deletion of the definition "**these regulations**".

### Amendment of regulation 3 of the Regulations

3. Regulation 3 is hereby amended by the addition after subregulation (3) of the following subregulation:

"(4) These regulations do not apply to residue stockpiles or residue deposits."

**Amendment of regulation 4 of the Regulations**

4. Regulation 4 of the Regulations is hereby amended by the addition after subregulation (1) of the following subregulation: —

“(2) Only a registered person or an administrator shall have access to the information held in the SAWIS.”

**Amendment of regulation 5 of the regulations**

5. Regulation 5 of the Regulations is hereby amended by the substitution of subregulation (3) of the following subregulation: —

“(3) Where a person referred to in subregulation (1) [(a)] conducts more than one activity in different facilities[,] or the same facility , such activities must be registered individually.”

**Amendment of regulation 6 of the regulations**

6. Regulation 6 of the regulations is hereby amended by the substitution of item (iii) of paragraph (a) of subregulation (1) of the following item: —

“(iii) waste management method, waste transporter or hazardous waste generator; and”

**Amendment of regulation 7 of the regulations**

7. Regulation 7 of the Regulations is hereby amended by the substitution of subregulation (5) of the following subregulation: —

“(5) If a person intends to recommence with an activity for which the registration was withdrawn, the person must comply with the legal requirements as set out in [regulation 6] regulation 5 (2).”

**Amendment of regulation 8 of the regulations**

8. Regulation 8 of the Regulations is here by amended—

(a) by the substitution of subregulation (1) of the following subregulation:

“(1) The submission of information to the SAWIS commences ninety (90) days after the end of registration period in regulation [6(1)] 5 (1).”

(b) by the substitution of subregulation (2) of the following subregulation: —

“(2) A registered person conducting an activity listed in Annexure 1 must submit quarterly information as prescribed in Annexure 2, within [~~sixty (60)~~] thirty (30) days of the end of a reporting period.”

(c) by the substitution of subregulation (9) of the following subregulation: —

“(9) 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, e-mail or hand delivery within [~~sixty (60)~~] thirty (30) days of the end of a reporting period.”

**Amendment of regulation 12 of the regulations**

9. Regulation 12 of the regulations is hereby amended by the substitution in subregulation (1) of paragraph (a) of the following paragraph:

“(a) provides incorrect or misleading information to the SAWIS[, ]or Department.”

**Transitional provisions**

10. (1) Any person who transports waste for gain on the date of coming into effect of these regulations, must apply to the Department to be registered on the SAWIS in accordance with Regulations 5, within ninety (90) days of publication of these regulations.

(2) Any person who conducts an activity listed in Annexure 1 is required to register and report in the SAWIS in accordance with these amended regulations, must apply to the Department to be registered in the SAWIS in accordance with Regulation 5, within ninety (90) days of publication of these regulations.

#### **Amendment of Annexure 1 of the regulations**

11. Annexure 1 of the Regulations is hereby amended by substitution of Annexure 1 of the following annexure:—

#### **ANNEXURE 1**

#### **[LIST OF] PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER IN THE SAWIS IN TERMS OF REGULATION 5**

##### **Generators of waste**

(a) Generators of hazardous waste in excess of 20kg per day calculated monthly as a daily average.

##### **Recovery or recycling of waste**

(b) Recovery of energy from general waste in excess of three (3) tons per day calculated monthly as a daily average.

(c) Recovery of waste at a facility that has the capacity to process in excess of 10 tons of general waste or in excess of 100[500]kg of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

(d) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m<sup>2</sup>.

(e) Recycling of general waste at a facility that has an operational area in excess of 500m<sup>2</sup>.

- (f) Recycling of hazardous waste in excess of 100[500]kg per day calculated as a monthly average.

#### **Treatment of waste**

- (g) Treatment of waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons of general waste or 100[500]kg of hazardous waste per day excluding the treatment of effluent, wastewater or sewerage.
- (h) Treatment of health care risk waste regardless of size or capacity of the facility.

#### **Disposal of waste**

- (i) Disposal of general waste to land covering an area in excess of 200m<sup>2</sup>.
- (j) Disposal of any quantity of hazardous waste to land.

#### **Exportation of hazardous waste**

- (k) Hazardous waste exported from the Republic of South Africa.

#### **Transportation of waste**

- (l) Transportation of waste for gain excluding Municipalities.

#### **Amendment of Annexure 2 of the regulations**

3. Annexure 2 of the Regulations is hereby amended by substitution of annexure 2 of the following annexure:

### **ANNEXURE 2**

#### **REPORTING REQUIREMENTS IN TERMS OF REGULATION 8[1]**

The required quarterly information for reporting to the SAWIS, read with the Annexure 1 of these Regulations must include—

- (a) the month and year to which the information applies;
- (b) Categories of waste as detailed in Annexures 3 and 4;
- (c) Source from which waste comes
- (d) The quantity of waste reported in tons.

#### Amendment of Annexure 3 of the regulations

4. Annexure 3 of the Regulations is hereby amended by substitution of annexure 3 of the following annexure

#### ANNEXURE 3

#### GENERAL WASTE TYPES FOR REPORTING TO THE SAWIS

LEVEL 1	LEVEL 2 - Major Waste Type		LEVEL 3 - Specific Waste Type	
	No	Name	No	Name
GENERAL WASTE	GW 01	Municipal waste	01	
	GW10	Commercial and industrial waste	01	
	GW13	Brine	01	
	GW14	Fly ash and dust from miscellaneous filter sources	01	
	GW15	Bottom ash	01	
	GW16	Slag	01	Ferrous metal slag

		02	Non-ferrous metal slag
		03	Other
GW 17	Mineral waste	01	Foundry sand
		02	Refractory waste
		03	Other
GW 18	Waste of Electric and Electronic Equipment (WEEE) from which hazardous components/substances have been removed	01	Large Household Appliances
		02	Small Household Appliances
		03	Office, information & Communication Equipment
		04	Entertainment & Consumer Electronics 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
GW 20	Organic waste	01	Garden waste
		02	Food waste
		03	Wood waste
[GW 21]	[Sewage sludge]	[01]	[Sewage sludge]
GW30	Construction and demolition waste	01	
GW50	Paper	01	Newsprint and magazines
		02	Brown grades
		03	White grades
		04	Mixed grades
GW51	Plastic	01	Polyethylene Terephthalate (PET)
		02	Polyvinyl Chloride (PVC)
		03	Low-density polyethylene (LPDE)
		04	Polypropylene (PP)
		05	Polystyrene (PS)
		06	Other
GW52	Glass	01	
GW53	Metals	01	Ferrous metal
		02	Non-ferrous metal
GW54	Tyres	01	
GW99	Other	01	

## Amendment of Annexure 4 of the regulations



5. Annexure 4 of the Regulations is hereby amended by substitution of annexure 4 of the following annexure

#### ANNEXURE 4

#### HAZARDOUS WASTE TYPES FOR REPORTING TO THE SAWIS

LEV EL 1	LEVEL 2 - Major Waste Type		LEVEL 3 - Specific Waste Type	
	No	Name	No	Name
HAZARDOUS WASTE	HW 01	Gaseous waste	01	Gases (excluding Greenhouse gases)
			02	Obsolete ozone depleting gases
	HW 02	Mercury containing waste	01	Liquid waste containing mercury
			02	Solid waste containing mercury
	HW 03	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
	HW 04	POP Waste	01	PCB containing waste (>50mg/kg)
			02	Other POP-containing waste
	HW 05	Inorganic waste	01	Liquid and sludge inorganic waste
			02	Solid inorganic waste
			03	Spent pot lining (inorganic)
HW 06	Asbestos containing waste	01	Asbestos containing waste	
HW 07	Waste Oils	01	Waste oil	
HW 08	Organic halogenated and /or sulphur containing solvents	01	Solvents containing halogens and/or sulphur	

HW 09	Organic halogenated and/or sulphur containing waste	01	Liquids and sludge[s] containing halogens and/or sulphur
		02	Solids containing halogens and/or sulphur
HW 10	Organic solvents without halogens and sulphur	01	Solvents without halogens and sulphur
HW 11	Other organic waste without halogen or sulphur	01	Liquid and sludge organic waste
		02	Solid organic waste
		03	Spent pot lining (organic)
HW 12	Tarry and Bituminous waste	01	Tarry waste
		02	Bituminous waste
HW 13	Brine	01	Brine
HW 14	Fly ash and dust from miscellaneous filter sources	01	Fly ash
HW 15	Bottom ash	01	Bottom ash
HW 16	Slag	01	Ferrous metal slag
		02	Non-ferrous metal slag
		03	Other
HW 17	Mineral waste	01	Foundry sand
		02	Refractory waste
		03	Other
HW 18	Waste of Electric and Electronic Equipment (WEEE)	01	Large Household Appliances
		02	Small Household Appliances
		03	Office, information & Communication Equipment
		04	Entertainment & Consumer Electronics 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
	HW 19	Health Care Risk Waste	01	Pathological waste
			02	Infectious waste and sharps
			03	Chemical waste
			04	Mixed HCRW
	[HW 20]	[Sewage sludge]	[01]	[Sewage sludge]
	HW 99	Miscellaneous	01	Miscellaneous

For mixtures, report under the waste type which represents the largest fraction of the waste under consideration. Report under a specific waste type e.g. mercury battery would be reported under mercury battery and not mercury containing waste.

#### Amendment of Annexure 5 of the regulations

6. Annexure 5 of the Regulations is hereby amended by substitution of annexure 5 of the following annexure

#### ANNEXURE 5

#### WASTE MANAGEMENT METHODS:

#### LIST OF RECYCLING, RECOVERY, TREATMENT AND DISPOSAL (R, R, T & D) CODES FOR CATEGORIZATION

Code	Description
<b>RECYCLING AND RECOVERY</b>	
R1	Direct recovery of energy from waste
R2	Direct recovery of raw material from waste
R3	Regeneration or rejuvenation of waste (solvents, carbons, acids & alkalis)
R4	Recycling of organic substances
R5	Recycling of metals and metal compounds
R6	Recycling of other inorganic materials
<b>Treatment (treatment not for the purposes of disposal)</b>	
T1	Biological treatment (e.g. biodegradation, composting, biogas generation)
T2	Physical treatment
T3	Chemical treatment
T4	Thermal treatment (incineration, pyrolysis, etc.)
<b>Disposal</b>	

D1	Disposal of waste to land (e.g. specially engineered landfill)
D2	Disposal of waste to landfill (e.g. non-engineered landfill)
D3	Storage/disposal of waste in surface impoundments (e.g. placement of liquid or sludge discards into pits, ponds, lagoons etc.)
<b>[D4]</b>	<b>[Release of waste into water bodies (except seas/oceans)]</b>
D5	Permanent storage (stabilization, micro-encapsulation, macro-encapsulation)