
GENERAL NOTICES

NOTICE 784 OF 2011

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

(ACT NO. 107 OF 1998)

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008

(ACT NO. 59 OF 2008)

FEE STRUCTURE FOR APPLICATIONS FOR ENVIRONMENTAL AUTHORISATIONS AND WASTE MANAGEMENT LICENCES

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby give notice of my intention, under sections 24(5)(c), 24M and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and sections 45(2)(a) and 69(1)(w) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), to prescribe the fee structure pertaining to the applications for environmental authorisations and waste management licences as set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 60 (sixty) days after the publication of the notice in the *Gazette*, written comments or inputs to the following addresses:

By post to: Director-General
Department of Environmental Affairs
Attention: Mr N Nkotsoe
Private Bag X 477
Pretoria
0001

By hand at: 2nd Floor (Reception), Fedsure Forum Building, 315 Pretorius Street, Pretoria, 0001

By e-mail: nkotsoe@environment.gov.za, or

By fax to: (012) 310 3688

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE**1. Definitions**

In these regulations any word or expression to which a meaning has been assigned in National Environmental Management Act, 1998 (Act No. 107 of 1998) or the National Environmental Management: Waste Act, 2008 (Act No. 59 Of 2008), has the meaning so assigned, unless the context indicates otherwise.

2. Application of regulations

- (1) The payment of the application fee is not applicable to:
- (a) An application for rectification of the unlawful commencement of an activity in terms of section 24G of the National Environmental Management Act, 1998;
 - (b) An application for an exemption from certain environmental impact assessment provisions;
 - (c) An application for the amendment of environmental authorisations or environmental management plans or programmes;
 - (d) Appeals; or
 - (e) An application where the applicant is an organ of state.

3. Fees

- (1) The following flat rate fee is charged for an application for an environmental authorization or waste management licence:
- (a) The amount to be charged for the consideration and processing of an application for an environmental authorization or waste management licence, for which a basic assessment is required, is a fee in the amount of R2 000-00 (Two Thousand Rand); and
 - (b) The amount to be charged for the consideration and processing of an application for an environmental authorization or waste management licence, for which scoping and an environmental impact assessment is required, is a fee in the amount of R10 000-00 (Ten Thousand Rand).
- (2) Where applications for an environmental authorization and a waste management licence

must be submitted for different listed activities, but for the same project, in terms of both the National Environmental Management Act, 1998 and the National Environmental Management: Waste Act, 2008, and the same competent authority is the competent authority for the applications, the following fees will apply:

- (a) For the main application: 100% of the most expensive application, namely, R10 000-00 (Ten Thousand Rand) if the Scoping and Environmental Impact Assessment Report is triggered and R2 000-00 (Two Thousand Rand) if the basic assessment is triggered;
 - (b) For the second application: 50% of the most expensive application, namely, R5 000-00 (Five Thousand Rand) if the Scoping and Environmental Impact Assessment Report is triggered or R1 000-00 (One Thousand Rand) if the basic assessment is triggered;
 - (c) For the third application: 25% of the most expensive application, namely, R2 500-00 (Two Thousand and Five Hundred Rand) if the Scoping and Environmental Impact Assessment Report is triggered or R250-00 (Two Hundred and Fifty Rand) if the basic assessment is triggered.
 - (d) For the fourth and subsequent applications: 0% for the fourth and further applications.
- (3) Where subregulation (2) applies, it is the responsibility of the applicant to inform the competent authority of all application fees paid.

4. Exemptions from paying a fee

- (1) An applicant may, in the case of an application for an environmental authorization, lodge an application for an exemption of the prescribed application fee in terms of section 24M of National Environmental Management Act, 1998 or Chapter 5 of the Environmental Impact Assessment Regulations, 2010, and in the case of an application for a waste management licence, in terms of section 74 of the National Environmental Management: Waste Act, 2008.
- (2) An application for an exemption should contain an explanation of the reasons for the

application, the supporting documentation and a motivation for the application.

5. Payment

- (1) Payment to the competent authority is required at any time between the submission of an application form and the submission of the basic assessment report or scoping report, whichever is relevant.
- (2) The applicant must provide proof of payment by e-mail or fax to the relevant environmental impact assessment component of the competent authority, is due.
- (3) Where an applicant is not required to pay the fee, the notification and proof thereof must be submitted to the competent authority by the time the basic assessment report or scoping report, whichever is relevant.
- (4) Only once proof of payment is received, will the competent authority consider the relevant report and will the applicable timeframes apply to such consideration.
- (5) In the case where an application is withdrawn or where an application has lapsed, the fee will not be refunded.
- (6) A re-submission of such applications referred to in subregulation (5) will be considered as the submission of a new application and will require the payment of an application fee.
- (6) Where an application for an environmental authorization or waste management licence for which a basic assessment is required, is lodged, and the application at any time requires scoping and environmental impact assessment, the balance of the fee is payable by the applicant, before these reports will be considered.
- (7) Payment may be made only by electronic transfer or deposit into the bank account of the relevant competent authority, and it is the applicant's responsibility to obtain the details from the relevant competent authority.
- (8) Although Government Departments are normally tax exempt, it is the responsibility of the applicant to establish the status of a specific competent authority.
- (9) The fees contained in this regulation will be charged per environmental authorisation applied for and not per listed activity triggered.
- (10) The application fee will apply regardless of whether the applicant is a natural person or juristic person.

6. Commencement date

The fee structure for the applications for environmental authorisation and waste management licences will come into operation on 1 April 2012.