

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 1440

25 NOVEMBER 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****PROPOSED AMENDMENTS TO THE REGULATIONS REGARDING THE PLANNING AND
MANAGEMENT OF RESIDUE STOCKPILES AND RESIDUE DEPOSITS, 2015**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish my intention to make amendments to the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits, 2015 in terms of section 69(1)(iA) read with sections 71(2)(a), 72 and 73 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) as set out in the Schedule hereto.

The main aim of the amendments is to allow for the pollution control barrier system, required for residue stockpiles and residue deposits, to be determined on a case by case basis, based on a risk analysis conducted by a competent person. "Competent person" is defined in the existing regulations. The amendments also provide for textual amendments to provide clarity, consequential amendments and transitional arrangements.

Members of the public are invited to submit to the Minister, within 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, Pretoria, 0001.

By email to: apillay@environment.gov.za, or Tel (012) 399 9827.

The Amendments to the Regulations can also be accessed at <http://sawic.environment.gov.za/> under "Documents for comment" or obtained in the department's offices.

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold and typed in square brackets indicate omissions from existing regulations

_____ Words underlined with a solid line indicate insertions in existing regulations

Definition

1. In these regulations "the Regulations" means the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits, 2015, published under Government Notice No. R. 632 of 24 July 2015.

Amendment of regulation 3 of the Regulations

2. Regulation 3 of the Regulations is hereby amended—

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

"(1) The identification and assessment of environmental impacts arising from the establishment or the reclamation of residue stockpiles and residue deposits must be done as part of the environmental impact assessment conducted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), if **[required]** an environmental impact assessment is required for an inter-related activity listed under section 24(2) of the National Environmental Management Act, 1998 or if the activity is listed as a waste management activity under section 19 of the Act."

(b) by the deletion of subregulations (2) and (4); and

(c) by the addition of the following subregulation:

"(5) A competent person must recommend a pollution control barrier system suitable for a specific residue stockpile or residue deposit on the basis of a risk analysis as contemplated in regulations 4 and 5 of these Regulations."

Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is hereby amended—

(a) by the insertion after subregulation (2) of the following subregulation:

"(2A) The risk analysis contemplated in subregulation (2) must be undertaken by a competent person."

(b) by the substitution for paragraph (e) of subregulation (3) of the following paragraph:

"(e) pollution control barrier system **[compliant with the commensurate norms and standards for disposal of waste to landfill]** determined as a result of the risk analysis as contemplated in regulations 4 and 5 of these Regulations."

Transitional provision

4. Any application for a waste management licence relating to the establishment or reclamation of a residue stockpile or residue deposit, which was lodged with the licensing authority before the commencement of these Regulations, must be dealt with in terms of the Regulations as amended by these regulations.

Short title and commencement

5. These Regulations are called the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits Amendment Regulations, 2016.