Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 712 31 October Oktober 2024 No. 51484

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 51484

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
5491	National Environmental Management: Waste Act (59/2008): Consultation on the proposed regulations relating to the procedure to be followed by persons called upon by the Minister to apply for a Waster Management Licence.....	51484	3

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5491 **31 October 2024**

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008)

CONSULTATION ON THE PROPOSED REGULATIONS RELATING TO THE PROCEDURE TO BE FOLLOWED BY PERSONS CALLED UPON BY THE MINISTER TO APPLY FOR A WASTE MANAGEMENT LICENCE

I, Dr Dion Travers George, Minister of Forestry, Fisheries and the Environment hereby publish draft regulations for public comment. The draft regulations contain the procedure that must be followed by persons who have been called upon in terms of sections 80(4), 81(2) and 82 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (Waste Act) to apply for a waste management licence. The draft regulations will be adopted in terms of section 69(1)*(ee)*, read with sections 72 and 73 of the Waste Act, and are as set out in the schedule to this notice.

When the Waste Act was enacted, it was recognised that there were certain waste management activities which were taking place lawfully at the time. Accordingly, provision was made for these activities to continue until those operators were called upon by the Minister to apply for a waste management licence. The Minister has published a notice in the Gazette directing certain categories of persons that fell within the transitional provisions to apply for a waste management licence. The procedure that those persons must follow is contained in these draft regulations.

Members of the public are invited to submit written comments or input within 30 days from the date of the publication of this notice in the *Government Gazette* or the newspaper, whichever is the later date, in the following manner:

By post to: The Director-General
Department of Forestry, Fisheries and the Environment
Attention: Mr Jeremia Sibande
Acting Director: Chemicals & Waste Policy and Information Management
Private Bag X447
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083.

By email: jsibande@dffe.gov.za

Any enquiries in connection with this notice can be directed to Mr Jeremia Sibande at jsibande@dffe.gov.za, Tel. 012 399 9832.

This notice can also be accessed at http://sawic.environment.gov.za under "Draft documents for comment".

Comments received after the closing date may be disregarded.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto may be collated into a comments and response report may be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, that objection should be highlighted in bold as part of the comments submitted in response to this Government Notice.

DR DION TRAVERS GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act has the same meaning, and in addition—

"**applicant**" means a person directed by the Minister to apply for a waste management licence in terms of the transitional provisions contained in sections 80(4), 81(2) and 82 of the Act;

"**pollution impact assessment report**" means the report referred to in regulation 3(3);

"**the Act**" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and

"**these Regulations**" means regulations relating to procedure to be followed by persons directed to apply for waste management licences in terms of sections 80(4), 81(2) and 82 of the Act.

2. Application

These Regulations apply to the following persons who have been directed by the Minister to apply for a waste management licence:

(a) persons who operate a waste disposal facility that was established before the coming into effect of the Environment Conservation Act, 1989 (Act No. 73 of 1989) where that facility was operational on the date of the coming into effect of the Act;

(b) holders of a permit issued in terms of section 20 of Environment Conservation Act, 1989 (Act No. 73 of 1989) where the Minister is the licensing authority in terms of section 43 of the Act; and

(c) persons who conducted a waste management activity listed in Schedule 1 of the Act on the date of coming into effect of the Act, and who immediately before that date lawfully conducted that waste management activity in compliance with Government Notice No. 91 of 1 February 2002.

3. Procedure for application for waste management licence

(1) An applicant must submit an application for a waste management licence in the form contained in Appendix 1.

(2) The application must be accompanied by a pollution impact assessment report prepared by an independent specialist appointed by the applicant.

(3) The pollution impact assessment report must include the following:

(a) an assessment of the pollution and degradation caused by the applicant's activities; and

(b) an environmental management programme which—

(i) contains mitigation measures in respect of each identified impact with a view to remediate those impacts or where remediation is not possible, to minimise and control the impacts; and

(ii) contains the information required by Appendix 2.

4. Public participation process

(1) In addition to the public participation process set out in section 47 of the Act, the applicant must fix a notice board at a place that is visually noticeable to and accessible by the public at the boundary of the site where the activity is being undertaken.

(2) The notice board in subregulation (1) must—

(a) be of a size of at least 60cm by 42cm; and

(b) contain legible lettering.

(3) The applicant must ensure that—

(a) information containing all relevant facts relating to the application is made available to the public including the pollution impact assessment report; and

(b) participation by members of the public, interested persons and relevant organs of state is facilitated in such a manner that they are provided with a reasonable opportunity to comment on the application.

(4) Members of the public, interested persons and relevant organs of state must be given at least 30 days to comment on the application.

5. Applicant's submission of comments and responses report

The applicant must submit a report to the Minister that contains all written comments received during the public participation process and the applicant's responses to those comments.

6. Incomplete and non-compliant applications

An application which does not satisfy the requirements set out in these Regulations is invalid.

APPENDIX 1

APPLICATION FORM FOR WASTE MANAGEMENT LICENCE

Instructions for completion of application form:

1. It is the responsibility of the applicant to ensure that this application form is completed in its entirety.
2. The application must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing.
3. Where applicable **black out** the boxes that are not applicable in the form.
4. Incomplete applications may be returned to the applicant for revision.
5. The use of the phrase "not applicable" in the form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application.
6. This application must be sent to licensing@dffe.gov.za
7. The person completing the application form must indicate the following;
    a. A description of the need and desirability of the facility; and
    b. An assessment of the nature, extent, duration and significance of the consequences for, or impacts on, the environment of the facility, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the facility.

COMMENCEMENT: Date which the activity(ies) commenced:

(provide the Year, Month and Date):

PROJECT TITLE

PROJECT DESCRIPTION

1. ENQUIRIES MUST BE ADDRESSED TO THE CONTACT HEREUNDER

Application related queries should be directed to the Directorate: Licensing as follows:
Tel :012 399 9790: Email: licensing@dffe.gov.za

2. SITE IDENTIFICATION AND LINKAGE

Please indicate all the Surveyor-General 21 digits site (erf/farm/portion) reference numbers for all sites (including portions of sites) that are part of the application. These numbers will be used to link various different applications, authorisations, permits etc. that may be connected to a specific site.

(if there are more than 6, please attach a list with the rest of the numbers)

2.1. SITE CO-ORDINATES

Please provide the geographic co-ordinates of all corners of the site; in degrees, minutes, and seconds for all corners of the facility (ies): e.g.

A 20°30'55"S, 20°45'11"E,
B: 20°30'55"S, 20°45'11"E,
C: 20°30'55"S, 20°45'11"E,
D: 20°30'55"S, 20°45'11"E,

2.2. SITE AND LOCALITY PLAN DIRECTIONS (Attach as annexure)

3. BACKGROUND INFORMATION

Project applicant:			
Trading name (if any):			
Contact person:			
Physical address:			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			
Provincial Authority:			
Reference No. (if any)			
Contact person:			
Postal address:			

Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

Landowner:			
Contact person:			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

In instances where there is more than one landowner, please attach a list of landowners with their contact details to this application

In instances where there is more than one local authority involved, please attach a list of local authorities with their contact details to this application.

4. ACTIVITIES CONDUCTED

For facilities operating legally before the coming into effect of the Environment Conservation Act, 1989 (Act No. 73 of 1989) / Schedule 1 of the Waste Act

Indicate the number and date of the relevant notice:	**Activity No (s) (in terms of the relevant notice) :**	**Describe each listed activity as per project description[1]:**

Please provide a list of all activities that the facility is currently conducting that triggers activities listed in terms of GN 921 of 2013.		
e.g. GN 921 of 2013	*A(1)*	*Storage of general waste in lagoons*

For facilities with a Section 20 permit issued in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989)

Indicate the number and date of the relevant notice:	**Activity No (s) (in terms of the relevant notice):**	**Describe each listed activity as per project description[2]:**

Please provide a list of all activities that the facility is currently conducting that triggers activities listed in terms of GN 921 of 2013.

e.g. GN 921 of 2013	A(1)	Storage of general waste in lagoons

5. OTHER AUTHORISATIONS RECEIVED/ IN POSSESSION

(Attach copy)

6. ENVIRONMENTAL MANAGEMENT PROGRAMME

Kindly attach a copy of your environmental management programme that complies with the requirement contained in Appendix 2 to this application form.

7. DECLARATION BY APPLICANT

The applicant

I, _____ declare —

- that I am the applicant / authorised to make this application on behalf of the applicant; and
- that all the particulars furnished in this application are true and correct.

_____

Signature of the applicant[3]/ Signature on behalf of the applicant:

_____

Name of company (if applicable):
Date:

_____

Signature of the Commissioner of Oaths:
Date:

_____

Designation:

Official Stamp

[3]If the applicant is a juristic person, a signature on behalf of the applicant is required as well as proof that the person signing the application has the authority to submit the application on behalf of the applicant.

8. DECLARATION BY LANDOWNER (If the landowner is different from the Applicant)

I, _____ declare under oath that -

- I am, aware of the waste management activity(ies) to take place or taking place on my property;
- I consented to this/ these activity (ies) taking / to take place in my property hereby indemnify, the government of the Republic, the licensing authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which the applicant is responsible in terms of this Notice; and
- I will not hold the licensing authority responsible for any costs that may be incurred by the applicant proceeding with an activity prior to an appeal being decided in terms of this Notice.

_____

Signature of Land owner
Date:

_____

Name of company:

_____

Signature of the Commissioner of Oaths:
Date:

_____

Designation:

Official stamp (Above)

APPENDIX 2
ENVIRONMENTAL MANAGEMENT PROGRAMME

(1) An environmental management programme must as a minimum contain the following information:

(a) details of person completing the application form and details of the specialist that undertook the pollution impact assessment;

(b) a detailed description of the aspects of the activity that are covered by the environmental management programme as identified by the project description;

(c) a map at an appropriate scale which superimposes the facility, its associated structures, and infrastructure on the environmental sensitivities of the site at which the activity is taking place, indicating any areas that should be avoided, including buffers;

(d) a description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated including rehabilitation of the environment during operation and after closure of the facility;

(e) a description of impact management actions, identifying the manner in which the impact management outcomes contemplated in paragraph (d) will be achieved, and must, where applicable, include actions to-

(i) avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation; and

(ii) comply with any prescribed environmental management standards or practices;

(f) the method of monitoring the implementation of the impact management actions contemplated in paragraph (e);

(g) the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (e);

(h) an indication of the persons who will be responsible for the implementation of the impact management actions;

(i) the time periods within which the impact management actions contemplated in paragraph (e) must be implemented;

(j) the mechanism for monitoring compliance with the impact management actions contemplated in paragraph (e); and

(k) an environmental awareness plan describing the manner in which-

(i) the applicant/holder of a waste management license informs his or her employees of any environmental risk which may result from their work; and

(ii) risks must be dealt with in order to avoid pollution or the degradation of the environment.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**