

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

List Of Waste Management Activities That Have, Or Are Likely To Have A Detrimental Effect On The Environment (GNR 718 in GG 32368 of 3 July 2009)	Proposed Amendment to the List Of Waste Management Activities That Have, Or Are Likely To Have A Detrimental Effect On The Environment (GNR 1113 in GG 33880 of 14 December 2010) ¹	Clarification/Brief Explanation of the Proposed Amendment
Definitions		
<p>“animal manure” means a by-product of animal excreta which is bio-degradable in nature and could further be used for fertilisation purposes;</p>		<p>No provision has been made for this definition in GNR 1113.</p>
<p>“construction” means the building, erection, establishment, alteration or expansion of a facility, structure or infrastructure that is necessary for the undertaking of a listed activity;</p>	<p>“construction” means the building, erection, establishment or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the range of outputs for the facility or extending the area covered by a facility used to undertake an activity;</p>	<p>The definitions of “construction”, “co-processing”, “expansion”, “facility for a waste management activity”, and “lagoons” have been extended with a view to clarifying same.</p>
<p>“co-processing” means the substitution with a waste of either a (sic) energy source or raw material;</p>	<p>“co-processing” means the utilisation of alternative fuels and/or raw materials in industrial processes for the purpose of energy and/or resource recovery and resultant reduction in the use of conventional fuels and/or raw materials through substitution;</p>	
<p>“expansion” means extending the range of outputs from a facility or extending the area covered by a facility used to undertake an activity;</p>	<p>“expansion” means the upgrade or modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the</p>	

¹ It is important to note that GNR 1113 represents proposed amendments to GNR 718 only, which proposed amendments were published for public comment. Consequently, GNR 718 finds applicability until such time, and if, the proposed amendments come into force.

	facility or the footprint of the activity is increased, or the increase in volume of waste stored, used, treated, processed or disposed;	
“facility for a waste management activity” means a place, infrastructure, structure or containment of any kind, wherein, upon or at, a waste management activity takes place and includes a waste transfer station, container yard, landfill site, incinerators, lagoons, recycling and composting facilities;	“facility for a waste management activity” means a place, infrastructure, structure or containment of any kind including associated structures or infrastructure, wherein, upon or at, a waste management activity takes place and includes a waste transfer station, container yard, landfill site, incinerators, lagoons, recycling and composting facilities;	
“lagoons” means the containment of waste in excavations and includes evaporation dams, earth cells sewage treatment facilities and sludge farms;	“lagoons” means the containment of waste in excavations and includes evaporation dams, earth cells or sludge impoundments;	
	“operational area” an area where waste is handled including the storage areas"	This is a new definition included in GNR 1113.
“physico-chemical” means both physical and chemical;	“physico-chemical” means both physical and chemical;	No change.
	“remediation” means the interim or permanent elimination through mitigation or abatement of toxic or biohazard contaminants that pose human health consequences or threats to the environment from environmental media such as groundwater, surface water, and soil, through chemical, biological, physical or bulk movement methods, in conjunction with environmental monitoring for the general protection of human health, other life forms and the environment, even if the site is not intended for any future development or redevelopment;	This is a new definition included in GNR 1113.
“temporary storage” means continuous storage of waste excluding a once off storage of waste for a period not exceeding 90 days.	“temporary storage” means a once off storage of waste for a period not exceeding 90 consecutive days per annum.	The definition of “temporary storage” has been significantly altered in that while “temporary storage” was continuous and <u>excluded</u> once off storage for a period not exceeding 90 days, same is now exactly

		that (i.e. once off storage rather than continuous storage, retaining the non-exceedance of the 90 day timeframe).
	"wastewater treatment plant" means a facility for the physical, biological, and/or chemical treatment of water that emanates from an industrial or domestic source to remove any solid material or material that is suspended, dissolved or transported in water including sediment.	This is a new definition included in GNR 1113.
Category A		
Storage of Waste		
(1) The storage, including the temporary storage, of general waste at a facility that has the capacity to store in excess of 100m ³ of general waste at any one time, excluding the storage of waste in lagoons.	(1) The storage, excluding the temporary storage, of general waste at a facility that has the capacity to store in excess of 100m ³ of general waste at any one time, excluding the storage of waste in lagoons.	<ul style="list-style-type: none"> Temporary storage of general waste has been <u>excluded</u>.
(2) The storage including the temporary storage of hazardous waste at a facility that has the capacity to store in excess of 35m ³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons.	(2) The storage, excluding the temporary storage, of hazardous waste at a facility that has the capacity to store in excess of 80m ³ of hazardous waste at any one time.	<ul style="list-style-type: none"> Temporary storage of hazardous waste has been <u>excluded</u>; The capacity threshold has been raised (from 35m³ to 80m³ at any one time); Lagoons are no longer mentioned.
(3) The storage including the temporary storage of general waste in lagoons.	(3) The storage of general waste in lagoons.	<ul style="list-style-type: none"> Temporary storage of general waste in lagoons has been <u>excluded</u>.
(4) The storage of waste tyres in a storage area exceeding 500m ² .	(4) The storage of waste tyres in a storage area exceeding 500m ² .	<ul style="list-style-type: none"> No change.
Reuse, Recycling and Recovery – Now: Recycling or Recovery of Waste		
(5) The sorting, shredding, grinding or bailing of general waste at a facility that has the capacity to process in excess of one ton of general waste per day.	(5) The sorting, shredding, grinding or bailing of general waste at a facility that has an operational area in excess of 500m ² .	<ul style="list-style-type: none"> The capacity threshold has been lowered (from 1 ton- to 500m²); Provision has not been made for whether the capacity threshold is based on a “per day” quota.
(6) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m ² .	(6) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m ² .	<ul style="list-style-type: none"> No change.
(7) The recycling or re-use of general waste of	(7) The recycling of general waste at a facility that	<ul style="list-style-type: none"> No specific provision has been made for re-

more than 10 tons per month.	has an operational area in excess of 500m ² .	<ul style="list-style-type: none"> use; The capacity threshold has been lowered (from 10 tons- to 500m²); Provision has not been made for whether the capacity threshold is based on a “per month” quota.
	(8) The recycling of hazardous waste in excess of 500kg but less than 1 ton per day.	<ul style="list-style-type: none"> This is a new listed waste management activity included in GNR 1113.
(8) The recovery of waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of three tons of general waste or less than 500kg of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	(9) The recovery of general waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of 10 tons but less than 100 tons of general or in excess of 500kg less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	<ul style="list-style-type: none"> The capacity threshold has been raised (from in excess of three tons of general waste- to in excess of 10 tons but less than 100 tons of general waste per day; from less than 500kg of hazardous waste- to in excess of 500kg less than 1 ton of hazardous waste per day).
Treatment of Waste		
(9) The biological, physical or physico-chemical treatment of general waste at a facility that has the capacity to process in excess of 10 tons of general waste per day.	(10) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons but less than 100 tons of general waste or in excess of 500kg less and (sic) than 1 ton of hazardous waste per day.	<ul style="list-style-type: none"> Provision has been made for the inclusion of the treatment of hazardous waste in excess of 500kg but less than 1 ton per day; The capacity threshold in respect of general waste has been limited (from in excess of 10 tons of general waste per day (i.e. without limitation)- to in excess of 10 tons <u>but</u> less than 100 tons per day).
(10) The processing of waste at biogas installations with a capacity to process in excess of five tons per day of bio-degradable waste.		<ul style="list-style-type: none"> No provision has been made for this listed waste management activity in GNR 1113.
(11) The treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.		<ul style="list-style-type: none"> No provision has been made for this listed waste management activity in GNR 1113.
(12) The remediation of contaminated land.	(11) The remediation of contaminated land.	<ul style="list-style-type: none"> No change.

(13) The extraction, recovery or flaring of landfill gas.	(12) The extraction, recovery or flaring of landfill gas.	<ul style="list-style-type: none"> No change.
Disposal of Waste		
(14) The disposal of inert waste in excess of 25 tons and with a total capacity of 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.	(13) The disposal of inert waste to land with a cumulative total exceeding of 25 000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.	<ul style="list-style-type: none"> The words “to land” have been inserted; The capacity threshold has been raised (from in excess of 25 tons and with a total capacity of 25 000 tons- to a cumulative total exceeding of 25 000 tons).
(15) The disposal of general waste to land covering an area of more that (sic) 50m ² but less than 200m ² and with a total capacity not exceeding 25 000 tons.	(14) The disposal of general waste to land covering an area of more that (sic) 50m ² but less than 200m ² and with a cumulative total not exceeding 25 000 tons.	<ul style="list-style-type: none"> No change.
(16) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed does <u>not</u> exceed 500kg per month.	(15) The disposal of domestic waste generated on premises in areas not serviced by the municipal service where the waste disposed exceeds 500kg per month.	<ul style="list-style-type: none"> Provision has been made for the disposal of domestic waste where same <u>exceeds</u> 500kg per month in accordance with this Item (i.e. the capacity threshold has been raised from not exceeding 500kg- to being in excess of 500 kg per month).
Storage, Treatment and Processing of Animal Waste – Now: Reuse, Treatment, Processing or Disposal of Animal Waste and Sludge		
(17) The storage, treatment or processing of animal manure at a facility with a capacity to process in excess of one ton per day.	(16) The reuse, treatment, processing or disposal of animal waste at a facility with a capacity to reuse, treat, process or dispose of animal waste in excess of 1 tons per day.	<ul style="list-style-type: none"> Provision has been made for the reuse and disposal of animal waste alongside the treatment and processing thereof. However, storage of same is not directly referred to.
	(17) The reuse, treatment, processing or disposal of sludge from a waste water treatment or water treatment facility with a capacity to reuse, treat, process or dispose of sludge in excess of 10 tons of general sludge or any quantity of hazardous sludge per day.	<ul style="list-style-type: none"> This is a new listed waste management activity included in GNR 1113.
Construction, Expansion or Decommissioning of Facilities and Associated Structures and Infrastructure – Now: Construction or Decommissioning of Facilities and Associated Structures and Infrastructure		
(18) The construction of facilities for activities listed in Category A of this Schedule (not in isolation to associated activity).	(18) The construction of facilities for activities listed in Category A of this Schedule (not in isolation to associated activity).	<ul style="list-style-type: none"> No change.

(19) The expansion of facilities of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new permit or license in terms of legislation governing the release of pollution, effluent or waste.	(19) The expansion of waste management activities listed in this schedule.	<ul style="list-style-type: none"> Provision has been made for the expansion of waste management activities rather than the facilities therefore.
(20) The decommissioning of activities listed in this Schedule.	(20) The decommissioning of waste management activities listed in Category A or B of this Schedule.	<ul style="list-style-type: none"> No change.
Category B		
Storage of Hazardous Waste		
(1) The storage including the temporary storage of hazardous waste in lagoons.	(1) The storage of hazardous waste in lagoons.	<ul style="list-style-type: none"> Temporary storage of hazardous waste in lagoons is not provided for.
Reuse, Recycling or Recovery of Waste		
(2) The reuse and recycling of hazardous waste.	(2) The reuse or recycling of hazardous waste in excess of 1 ton per day.	<ul style="list-style-type: none"> A capacity threshold of 1 ton per day has been added to this activity.
(3) The recovery of hazardous waste including the refining, utilisation or co-processing of waste at a facility with a capacity to process more than 500kg of hazardous waste per day excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises or unless the Minister has approved re-use guidelines for the specific waste stream.	(3) The recovery of hazardous waste including the refining, utilisation or co-processing of hazardous waste at a facility with a capacity to process more than 1 ton of hazardous waste per day excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	<ul style="list-style-type: none"> The capacity threshold has been raised (from 500kg of hazardous waste per day- to 1 ton of hazardous waste per day); No provision has been made for the Minister's having approved re-use guidelines for the specific waste stream.
	(4) The recovery of general waste including the refining, utilisation, or co-processing of the waste at a facility that has the capacity to process in excess of 100 tons of general waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.	<ul style="list-style-type: none"> This is a new listed waste management activity included in GNR 1113.
Treatment of Waste		
(4) The biological, physical or physico-chemical	(5) The treatment of hazardous waste using any	<ul style="list-style-type: none"> The capacity threshold has been raised (from

treatment of hazardous waste at a facility that has the capacity to receive in excess of 500kg of hazardous waste per day.	form of treatment at a facility that has the capacity to treat in excess of 1 ton of hazardous waste per day.	in excess of 500kg of hazardous waste per day- to in excess of 1 ton of hazardous waste per day); <ul style="list-style-type: none"> The word “treat” has replaced the word “receive”.
(5) The treatment of hazardous waste using any form of treatment regardless of the size or capacity of such a facility to treat such waste.		<ul style="list-style-type: none"> No provision has been made for this listed waste management activity in GNR 1113.
(6) The treatment of hazardous waste in lagoons.	(6) The treatment of hazardous waste in lagoons.	<ul style="list-style-type: none"> No change.
(7) The treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more.		<ul style="list-style-type: none"> No provision has been made for this listed waste management activity in GNR 1113.
(8) The incineration of waste regardless of the capacity of such a facility.		<ul style="list-style-type: none"> No provision has been made for this listed waste management activity in GNR 1113.
	(7) The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 100 tons of general waste per day.	<ul style="list-style-type: none"> This is a new listed waste management activity included in GNR 1113.
	(8) The treatment of health care risk waste regardless of the size or capacity of the facility.	<ul style="list-style-type: none"> This is a new listed waste management activity included in GNR 1113.
Disposal of Waste on Land		
(9) The disposal of any quantity of hazardous waste to land.	(9) The disposal of any quantity of hazardous waste to land.	<ul style="list-style-type: none"> No change.
(10) The disposal of general waste to land covering an area in excess of 200m ² .	(10) The disposal of general waste to land covering an area in excess of 200m ² .	<ul style="list-style-type: none"> No change.
Construction of Facilities and Associated Structures and Infrastructures		
(11) The construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity).	(11) The construction of facilities for activities listed in Category B of this Schedule (not in isolation to associated activity).	<ul style="list-style-type: none"> No change.