

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 325

07 APRIL 2017

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)****AMENDMENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT
REGULATIONS LISTING NOTICE 2 OF 2014**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby amend the Environmental Impact Assessment Regulations Listing Notice 2 of 2014, published under Government Notice No. 984 in Gazette No. 38282 on 4 December 2014 in terms of sections 24(2), 24(5), 24D and 44, read with section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.

For ease of reading the full text of the existing list, with the amendments indicated, is published. The amendments take effect on the date that these amendments are published in the *Gazette*.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

	<p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	
<p>16.</p>	<p>The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.</p>	
<p>17.</p>	<p>Any activity including the operation of that activity which requires a mining right as contemplated in section 22 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including—</p> <p>(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource [,] ; or</p> <p>(b) [including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)] the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing;</p> <p>but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in this Notice applies.</p>	
<p>18.</p>	<p>Any activity including the operation of that activity which requires an exploration right as contemplated in section 79 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including —</p> <p>(a) associated infrastructure, structures and earthworks; or</p>	



REPUBLIC OF SOUTH AFRICA
REPUBLIKI YA AFRIKA BORWA

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THE PRESIDENCY

No. 449 2 June 2014

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

Act No. 26 of 2014: National Environmental Management: Waste Amendment Act, 2014

MOPRESIDENTE

No. 449 2 June 2014

Go itsisiwi fano gore Mopresidente o saennwe Molao o o latelang o o phasalediwang kitso ya botlhe fano:

No 26 wa 2014: Molao jwa Tikologo ya Bosetšhaba: Tlhabololo ya Molao wa Matlakala, 2014



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calendar days and members of such plan must, as of this date, comply with the waste charge provisions and procedures outlined in the Act contemplated in section 13B.

(9) On receipt of the amendments referred to in subsection (7) by the Minister or MEC, he or she must, within 60 calendar days, consider the amendments in terms of the provisions of this Act and the Act contemplated in section 13B and either accept, refer the amendments back for further revision or reject the amendments.

(10) If the amendments are referred back or rejected, the person referred to in subsection (2) may amend the plan and re-submit the plan within 30 calendar days, for further consideration by the Minister or MEC in terms of sections 28 and 29.

(11) On receipt of the re-submitted amendments, referred to in subsection (10), by the Minister or MEC, he or she must, within 30 calendar days, consider the amendments in terms of the provisions of this Act and the Act referred to in section 13B and either approve or not approve the amendments.

(12) If the Minister or MEC does not approve the amendments to the plan referred to in subsection (11) the plan shall lapse after 30 calendar days, and members of such plan must, as of this date, comply with the waste management charge provisions and procedures outlined in the Act referred to in section 13B and the plan must wind up its affairs in accordance with applicable laws.”.

Insertion of Schedule 3 in Act 59 of 2008

18. Schedule 3 is hereby inserted after Schedule 2:

“SCHEDULE 3: DEFINED WASTES

CATEGORY A: Hazardous Waste

“**hazardous waste**” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles as outlined below:

“**business waste**” means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes, which include:

1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing	(a) hazardous portion of wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing
2. Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard	(a) hazardous portion of wastes from wood processing and the production of panels and furniture
	(b) hazardous portion of wastes from wood preservation
	(c) hazardous portion of wastes from pulp, paper and cardboard production and processing
3. Wastes from the leather, fur and textile industries	(a) hazardous portion of wastes from the leather and fur industry
	(b) hazardous portion of wastes from the textile industry
4. Wastes from petroleum refining, natural gas purification and pyrolytic treatment of coal	(a) wastes from petroleum refining
	(b) wastes from the pyrolytic treatment of coal
	(c) wastes from natural gas purification and transportation

	(e) wastes from discarded batteries and accumulators	
	(f) wastes from transport tank, storage tank and barrel cleaning	5
	(g) spent catalysts wastes	
	(h) oxidising substances wastes	
	(i) aqueous liquid wastes destined for off-site treatment	10
	(j) waste linings and refractories	
15. Construction wastes	(a) wastes from bituminous mixtures, coal tar and tarred products	
	(b) discarded metals (including their alloys)	15
	(c) waste soil (including excavated soil from contaminated sites), stones and dredging spoil	
	(d) wastes from insulation materials and asbestos-containing construction materials	20
	(e) wastes from gypsum-based construction material	
	(f) wastes from other construction and demolition [wastes]	
16. Wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)	(a) wastes from natal care, diagnosis, treatment or prevention of disease in humans	25
	(b) wastes from research, diagnosis, treatment or prevention of disease involving animals	30
17. Wastes from waste management facilities	(a) hazardous portion of wastes from incineration or pyrolysis of waste	
	(b) hazardous portion of wastes from physico/chemical treatments of waste	35
	(c) hazardous portion of stabilised/solidified wastes	
	(d) hazardous portion of wastes from aerobic treatment of solid wastes	40
	(e) hazardous portion of wastes from anaerobic treatment of waste	
	(f) landfill leachate wastes	
	(g) wastes from shredding of metal-containing wastes	45
	(h) wastes from oil regeneration	
	(i) wastes from soil remediation	

“residue deposits” means any residue stockpile remaining at the termination, cancellation or expiry of a prospecting right, mining right, mining permit, exploration right or production right; 50

“residue stockpile” means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, mineral processing plant waste, ash or any other product derived from or incidental to a mining operation and which is stockpiled, stored or accumulated within the mining area for potential re-use, or which is disposed of, by the holder of a mining right, mining permit or production right or an old order right, including historic mines and dumps created before the implementation of this Act. [and] 55

Residue deposits and residue stockpiles include:

1) Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals	(a) wastes from mineral excavation	
	(b) wastes from physical and chemical processing of metalliferous minerals	5
	(c) wastes from physical and chemical processing of non-metalliferous minerals	
	(d) wastes from drilling muds and other drilling operations [wastes]	10

CATEGORY B: General Waste

<p>“general waste” means waste that does not pose an immediate hazard or threat to health or to the environment, and includes—</p> <p>(a) domestic waste;</p> <p>(b) building and demolition waste;</p> <p>(c) business waste;</p> <p>(d) inert waste; or</p> <p>(e) any waste classified as non-hazardous waste in terms of the regulations made under section 69,</p> <p>and includes non-hazardous substances, materials or objects within business, domestic, inert, building and demolition wastes as outlined below:</p>	15
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	25

“business waste” means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes, which include:

1. Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing	(a) wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing not otherwise specified in Category A	
	(b) wastes from the preparation and processing of meat, fish and other foods of animal origin	35
	(c) wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation	40
	(d) wastes from sugar processing	
	(e) wastes from the dairy products industry	
	(f) wastes from the baking and confectionery industry	45
	(g) wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)	
2. Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard	(a) wastes from wood processing and the production of panels and furniture not otherwise specified in Category A	50
	(b) wastes from wood preservation not otherwise specified in Category A	
	(c) wastes from pulp, paper and cardboard production and processing not otherwise specified in Category A	55

	(d) wastes from shredding of metal-containing wastes not otherwise specified in Category A	5
	(e) wastes from the mechanical treatment of waste not otherwise specified in Category A (for example sorting, crushing, compacting, pelletising) not otherwise specified	

“building and demolition waste” means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition, which include: 10

11. Building and demolition wastes	(a) discarded concrete, bricks, tiles and ceramics	15
	(b) discarded wood, glass and plastic	
	(c) discarded metals	
	(d) discarded soil, stones and dredging spoil	
	(e) Other discarded building and demolition wastes	

“domestic waste” means waste, excluding hazardous waste, that emanates from premises that are used wholly or mainly for residential, educational, health care, sport or recreation purposes, which include: 20

12. Domestic wastes	(a) garden and park wastes	25
	(b) municipal waste	
	(c) food waste	

“inert waste” means waste that—

- (a) does not undergo any significant physical, chemical or biological transformation after disposal; 30
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant; and which include: 35

13. Inert waste	(a) discarded concrete, bricks, tiles and ceramics	40
	(b) discarded glass	
	(c) discarded soil, stones and dredging spoil	

Short title and commencement

19. (1) This Act is called the National Environmental Management: Waste Amendment Act, 2014, and comes into operation on the date of publication of this Act by the President in the *Gazette* in terms of section 81 of the Constitution of the Republic of South Africa, 1996. 45