

# LICENCING IN GAUTENG

IWMSA EVENT - PLASTICS SA, MIDRAND

18 September 2013

Presenter: Zingisa Smale



**GAUTENG PROVINCE**  
AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

Kuyasheshwa - "Gauteng working better"



## OUTLINE

- **About GDARD**
- **NEMA Waste Act, 2008 Waste Management Licenses**  
  
**Where to apply : Clarifying Roles Gauteng (GDARD) or National (DEA)**
- **Health Care Waste Regulations, 2004**
- **Gauteng Waste Information System, 2004 and its Regulations update**



- **GDARD is acronym for the Gauteng Department of Agriculture and Rural Development**
- **Is the environmental department for Gauteng and formerly known as GDACE**
- **Situated at 68 Eloff Street, Cnr Market Street, Johannesburg CBD**
- **Responsible for Agriculture, Environmental Regulation , Veterinary Services, and Rural Development in Gauteng Province**
- **Is Competent Authority (CA) for licensing general waste activities as per NEMA : Waste Act and NEMA 2010 EIA Regulations**
- **Has a Member of the Executive Council (MEC) at its helm.**



- **DEA is acronym for the Department of Environmental Affairs**
- **It is the *National* Department responsible for Environmental Management in South Africa**
- **Is situated at 315 Pretorius Street, Pretoria**
- **Is the Competent Authority (CA) for licensing hazardous waste activities as per NEMA : Waste Act and NEMA 2010 EIA Regulations and currently for Waste to Energy applications as per Minister – MEC delegation**
- **Has a *Minister* at its helm.**



## WHERE TO APPLY

**DEA is the licensing authority for –**

- **Hazardous waste management activities;**
- **A waste management activity (WMA) involving international obligations - including the importation and exportation of hazardous waste;**
- **A WMA to be undertaken by a -**
  - **national department;**
  - **provincial department responsible for environmental affairs; or**
  - **statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government e.g. Eskom**
- **A WMA that will affect more than one province or traverse international boundaries.**



## WHERE TO APPLY (Cont)

### DEA is the licensing authority where – Cont...

- **Two or more WMAs are to be undertaken at the same facility and the Minister is the licensing authority for any of those activities.**
- **The MEC of the province in which the WMA is to be carried out is the licensing authority.**
- **Waste to energy applications.**



## HOW TO OBTAIN A LICENSE

- **Determine if activity is “listed “in WMA is published in Government Notice No. 718 under Government Gazette No. 32368 dated 3 July 2009.**  
  
**(“listed” - i.e. activities likely to have a detrimental effect on the Environment)**
- **No person may commence, undertake or conduct a listed WMA unless a waste management licence is issued in respect of the WMA**
- **Before conducting BA or S&EIR, applicant must appoint an EAP at own cost to manage the application as per the NEMA - EIA Regulations of 2010**



## APPOINTMENT OF EAP

- **The Applicant must ensure that –**
  - **the EAP is independent**
  - **has expertise required (incl. EIA regulations and applicable guidelines)**
  - **EAP is provided access to all information available regarding the application, whether or not such information is favourable to the applicant.**
- **The EAP to be appointed must :**
  - **Comply and have a good knowledge of the NEMA and its regulations**
  - **Prepare BA Report**





## APPOINTMENT OF EAP CONT...

### The EAP to be appointed must (cont ...)

- Apply for a Waste Licence application forms available at departmental website [www.gdard.gpg.gov.za](http://www.gdard.gpg.gov.za)
- Give Interested and Affected Parties APs opportunity to comment on the BA report
- Submit BA Report to GDARD

### Subject to the proposed activity assess:

- the potential impacts of the activity on environment;
- whether and to what extent those impacts can be mitigated; and
- whether there are any significant impacts requiring further investigation



## OVERVIEW : EIA REVIEW

Upon receipt of an application, CA checks whether the application —

- is properly completed and that it contains the information required in the application form;
- is accompanied by any reports, other documents
- has taken into account any guideline applicable to the submission of applications.



## TIME FRAMES

- Within 14 days of receipt of the application, and in writing, CA —
  - acknowledge receipt of and **accept** the application, if the application is in order; or
  - acknowledge receipt and **reject**, in writing, the application, if it is not in order.



## TIME FRAMES

- CA make a decision within 30 days of acceptability of BA Report

Review and either accept or reject a Scoping report within 30 days.

Review accept or reject an Environmental Impact Report within 60 days.

Make decision within 45 days of receipt of the EIA Report.

- Where the applicable timeframes contemplated in regulations or as the case may be, are not met, the timeframes are automatically extended by 60 days
- Upon the lapsing of an extension contemplated timeframes as indicated above the CA must base his or her decision on the available information.



## Submission to the Department

- **By Post**

Gauteng Department of Agriculture and Rural Development

Attention:

Ms. Boniswa Belot

Administrative Unit of the Sustainable Utilisation of the Environment  
(SUE) Branch

P.O. Box 8769

Johannesburg

2000



## Contact details

Applications forms available at [www.gdard.gpg.gov.za](http://www.gdard.gpg.gov.za)

- **Submit By Hand to**

Administrative Unit - SUE Branch  
Ms. Boniswa Belot  
2nd floor Diamond Corner Building  
68 Eloff Street, (cnr Eloff and Market Streets)  
Johannesburg  
2000

- **For enquiries Waste Licence Enquiries contact :**

**Ms. Nkhumeleni Rammbasa**

[Nkhumeleni.Rammbasa@gauteng.gov.za](mailto:Nkhumeleni.Rammbasa@gauteng.gov.za)

Ms. Lerato Sibiya at

[Lerato.Sibiya@gauteng.gov.za](mailto:Lerato.Sibiya@gauteng.gov.za)



**GAUTENG PROVINCE**

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

Kuyasheshwa - "Gauteng working better"

## CONTACT NUMBERS

### DEA Contact numbers

Director: Licensing  
Bonginkosi (B.R) Dlamini  
[brdlamini@environment.gov.za](mailto:brdlamini@environment.gov.za)  
Tel : 012 310 3897

### By hand

Office No. 820  
Fedsure Building, South Tower  
315 Pretorius Street,  
Pretoria

### By Post

Private Bag X 447  
Pretoria  
0001



## HEALTH CARE WASTE REGULATIONS, 2004

- Gauteng Health Care Waste (HCW) Regulations were promulgated in 2004 by Gauteng Legislature`;
- Aimed at address proper handling of HCW by generators, transporters, transfer and treatment facilities;
- The Health Care sector generates growing amounts of Health Care Waste, both Infectious and Non infectious;
- HCW poses environmental and health risks to the staff of health care facilities, transporters, treatment facilities, public and workers dealing with its management and therefore require special efforts by those involved to ensure responsible management.





## REQUIREMENTS APPLICABLE TO HCRW MANAGERS

### A. Major Generator: Requirements - Health Care Waste Management Plans.

- A **major generator (generating more than 20kg of HCRW per day)** must take all reasonable measures to ensure that Health Care Risk Waste generated at its facility is stored, transported, treated and disposed of in strict compliance with these the regulations.
- All major generators must submit **Health Care Waste Management Plan (HCWMP)** for approval to the Department.
- Item 3 of Schedule 7 of the HCW regulations set out the contents of the HCWMP.
- The Department can reject the HCWMP if not complying with item 3 of schedule 7
- If the Department rejects the HCWPMP the relevant major generator must amend the plan and resubmit it within 30 days from the date of receipt of the notice.



## Requirements applicable to Health Care Risk Waste Managers

### AUDIT REPORTS

- A **major generator** must submit an audit report two years after the approval of the HCWMP to the Department for approval.
- An audit report must be submitted prior to the end of every 2 (two) years thereafter by either an internal or external auditor.
- An audit report must include as a minimum the matters set out in item 4 of schedule 7 in the Regulations.
- If the Department rejects the audit report, it must be must amended and resubmit it within 30 (thirty) days from the date of signature of the notice.



## Requirements applicable to Health Care Risk Waste

### **B) AUTHORISATIONS: TRANSPORTERS, TRANSFER AND TREATMENT FACILITIES**

- Any person(s) who **transport** or **store** or **treat** HCRW must get an authorisation in terms on the Gauteng Health Care Waste management Regulations, 2004 before commencing with the operation.
- Chapters 4, 5, and 6 gives provisions for the application of authorisations for the above mentioned activities.
- Authorisations for activities indicated above are subjected to audit reports for Department for approval to measure the status of compliance.
- A HCRW managers indicated above must submit an audit report to the Department at least 180 but not more than 240 days prior to the renewal of the authorisation in terms of these Regulations,



## Administration during Authorisation process.

- Authorisations for transfer and treatment of HCRW facilities in terms of this Regulations are carried out in concurrence with the Departments / authorities that administer relevant laws applicable to such activities.
- For example: Authorisation for treatment facility also requires a Waste Management Licence (WML) in terms of NEM: WA, 2008.
- Therefore, authorisation for treatment facility in terms of these Regs. is processed together with WML process by DEA.
- The same process is applied during the authorisation process for transfer facility.



## Validity of the authorisations

- Currently, all the Authorisations issued in terms of the Regs are valid for 2 (two) years and not transferrable.
- Therefore, prior to the expiry date of the approved plans or authorisations an application for renewal must be submitted to the Department.
- The status of compliance on the audit reports submitted will determine the decision of the renewal application.



## Enforcement Offences and Penalties.

- There are GDARD officials delegated to inspect both the authorised and illegal operation of HCRW.
- The HCRW Inspectors have the powers to enter the HCRW facility or stop the HCRW transporter at any time without making an appointment.
- The Department has powers to withdraw the authorisation at any time the Department recognizes that the activity in question is posing threat to the health of people and environment.
- Penalties (refer to regulation 46) include fines and/or imprisonment are imposed in terms of non-compliances with this Regs including illegal operation.



## Gauteng Waste Information Regulations (GWIR)

- Gauteng Waste Information System (GWIS) Regulations were initially promulgated in 2004.
- GWIS is a system used by government and industry to capture routine data on the volumes of waste generated, recycled, transported and disposed of in South Africa on a monthly and annual basis.
- Provincial waste information systems enabled by section 62 of the National Environmental Management: Waste Act 59 of 2008.
- GDARD upgraded the system the GWIS during 2009/2010 in line with of NEMWA and drafted the GWIR.
- During 2010 the process of drafting GWIR was commenced.
- In 11 August 2011 the stakeholder engagement workshop was conducted.
- GWIR draft was sent for comments after the stakeholder engagement workshop.



## Objectives of the Waste Information System

- To enable the Department to compile and make available to the public and other organs of state, data and information regarding waste in the Province.
- To make information available to organs of the state and the public regarding waste for: education, research, and development, public health and disaster management.





## Persons required to Register on GWIS

### Generators of waste

Generators of hazardous waste in excess of 20kg per day.

### Recovery or recycling of waste

- Recovery of energy from general waste (more than 3 tons per day).
- Recovery of waste at facility that has a capacity to process more than 5 tons of general waste per day.
- Recovery of hazardous waste regardless of size or capacity of the facility.
- The scrapping or recovery of motor vehicles at a facility that has an operational area of more than 500m<sup>2</sup>.
- Recycling of waste that has the capacity to process more than of 5 tons of general waste per day.
- Recycling of hazardous waste regardless of size or capacity of the facility



## Persons required to Register on GWIS Cont.

### Treatment of waste

- Treatment of general waste at a facility that has the capacity to process more than 10 tons of general waste per day excluding the treatment of effluent, waste water or sewage.
- Treatment of hazardous waste regardless of size or capacity of the facility.

### Disposal of waste

- Disposal of general waste to land at a facility covering an area in excess of 200m<sup>2</sup>.
- Disposal of any quantity of hazardous waste to land.



## Persons required to Register on GWIS Cont.

### **Transportation of hazardous waste**

A person who transports more than 10kg/d of hazardous waste.

### **Transfer station of waste**

- A person who operate a waste transfer facility that has capacity to store in excess of 100m<sup>3</sup> of general waste
- A person who operate a waste transfer facility that has capacity to store in excess of 35m<sup>3</sup> of hazardous waste



## Persons required to submit data to GWIS

- A transporter removing hazardous waste from Gauteng Province for treatment or disposal to another province or country
- A person who operates a:
  - general waste landfill site facility covering an area in excess of 200m<sup>2</sup>.
  - hazardous waste landfill site facility.
  - general waste treatment facility that has the capacity to process more than 10 tons of general waste per day.
  - hazardous waste treatment facility.
  - recycling facility that has the capacity to process more than of 5 tons of general waste per day.
  - hazardous waste recycling facility.
  - facility for scrapping or recovery of motor vehicles that has an operational area of more than 500m<sup>2</sup>.
  - facility that recover energy from general waste (more than 3 tons per day) facility that recover waste at the facility that has a capacity to process more than 5 tons of general waste per day



**GAUTENG PROVINCE**

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

Kuyasheshwa - "Gauteng working better"

## How do I register/re-register

- **On-line registration**

-Go to <http://www.gwis.gpg.gov.za>



## WIS Audit

- The Department may perform an audit of a person required to report to evaluate compliance, to determine accuracy and variety of information. **R.6(1)**
- An inspector subject to the provision of appointment; may require an explanation of any record, list or other document and copies of the abovementioned. **R.6(4)**
- A person who submits inaccurate, false or misleading information in connection with matter required to be submitted in term of WIS regulation commit an offence. **R.8(1b)**



## GWIS v/s SAWIS

- In 2011/2012 GWIS was completely aligned with SAWIS and GDARD exported the Gauteng registered waste data to SAWIS.
- A person in Gauteng who conducts an activity identified in Annexure 1 of the National Waste Information Regulations, 2012, must submit the waste information to GWIS in terms of National Waste Information Regulations, 2012 regulation 3(2).



**GAUTENG PROVINCE**

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

Kuyasheshwa - "Gauteng working better"

## Contacts Details

- Mr. Jonathan Malivha
- E-mail: [Jonathan.Malivha@gauteng.gov.za](mailto:Jonathan.Malivha@gauteng.gov.za)
- Cell: 073 458 3868

or

- Ms. Cynthia Chabalala
- E-mail: [Cynthia.Chabalala@gauteng.gov.za](mailto:Cynthia.Chabalala@gauteng.gov.za)



THANK YOU !