

Presentation to the Portfolio Committee

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE AMENDMENT BILL, 2013



environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



BACKGROUND

- The National Environmental Management: Waste Act, 2008 regulates waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development.
- Since 2009, certain implementation challenges with respect to some provisions of the NEMWA were identified.



environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



BACKGROUND

- These challenges can be summarised as follows:
 - interpretation of the definitions of “by-product”, “recovery”, “re-use” and “waste”;
 - the processing and approval of the integrated waste management plans and industry waste management plans; and
 - regulatory gap regarding the amendment of the record of decisions issued under the Environment Conservation Act, 1989.
- The Bill seeks to address these challenges.

OBJECTIVES OF NEMWA BILL

- The National Environmental Management: Waste Amendment Bill, 2013 is to address the processing and approval processes regarding the integrated waste management plans and the industry waste management plans. The Bill further seeks to provides for a legal mechanism to deal with the amendment or variation of certain Record of Decisions issued under the Environment Conservation Act, 1989.

Definition of Waste

- Delete the definitions for “by-product” and amend the definitions of “waste” in order to provide legal clarity on what can be regarded as a waste, as well as to clarify the “recovery” and “re-use” of waste.
- **'recovery'** means the controlled extraction **[of a material]** or retrieval of **[energy] any substance, [or] material or object** from waste to produce a product;
- **'re-use'** means to utilise articles from the waste stream **[again]** for a similar or different purpose without changing the form or properties of the articles;

Definition of Waste

'waste' means any substance, material or object, which the holder of waste or generator thereof discards, stores, stockpiles or is required to discard or that [whether or not that substance can be reduced, re-used, recycled and recovered]—

[(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;

(b) which the generator or holder of has no further use of for the purposes of production or further processing;]

(c) [that] must be treated or disposed of; or

(d) [that] is defined as a waste by the Minister by notice in the *Gazette*, and includes waste generated by the mining, medical or other sector.

Other Amendments

- Revision of the definition of “Department” and “Minister” necessitated by configuration of certain Departments and Ministries in government.
- Clarify the spheres of government required to compile an integrated waste management plan, i.e. Provincial departments and municipalities.

Other Amendments

- Provide for MECs to act in concurrence with the Minister when requesting certain persons to compile industry waste management plans dealing with those activities resulting in the generation waste.
- Furthermore, provincial departments are only required to compile an integrated waste management plan, and not an industry waste management plan.

Waste Management Agency

- Amended the tabled Bill to create and Wastemanagement Agency without a Board
- Followed the example set in the South African Social Security Act, 2004 (Act No, 9 of 2004)
- Employees employed under the same conditions as public servants, except for certain specialists referred to in the Bill, where the Minister in concurrence with the Minister of Finance can determine the remuneration.

Objectives of the Agency

The objects of the Agency are to:

- facilitate minimisation, re-use and recycling of waste;
- facilitate the preparation of industry waste management plans for those activities that generate waste;
- monitor implementation of industry waste plans and the impact of incentives provided;
- develop norms or standards for the minimisation, re-use and recycling of waste; and
- function as the implementing agent for the Department in respect of matters delegated to the Agency in terms this Act.

Functions of the Agency

- facilitate the development and assist with the evaluation of industry waste management plans for the various waste streams;
- determine and promote best practices in the minimisation re-use or recycling of waste;
- advise on norms or standards, if requested by the Minister for the minimisation, re-use or recycling of waste;
- monitor the implementation of industry waste management plans;
- manage the disbursements of incentives provided for the minimisation, re-use or recycling of waste;
- monitor the impact of incentives provided;
- perform any other functions that the Minister may assign or delegate to the Agency in relation to the implementation of this Act.

THANK YOU