



Chemicals and  
Waste Management

# EXCLUSION REGULATIONS

Directorate: Licensing



environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA



# PRESENTATION STRUCTURE

- Background
- Purpose
- Applicability
- Applications
- Challenges
- Consultation
- Decisions

# BACKGROUND

- Regulations regarding the exclusion of a waste stream or portion of a waste stream from the definition of waste came into effect on 18 July 2018
- Project Phakisa/NWMS
- Risk based approach (risks identified and mitigation measures)

# PURPOSE

- Prescribe the manner in which a person or a category of persons may apply
- Exclude permitted uses of a waste stream or a portion of a waste stream from the definition of waste
- Promote diversion of waste from landfill disposal to its beneficial use.

# APPLICABILITY

- Exclusion vs Exemption
- Does not apply to a generator of domestic waste which falls with a municipality.
- Does not exempt complying with any applicable legislations
- Applies to generator/s of waste only (Reg 4 (a)(b))
- Excluded waste stream must be used for **proven** beneficial use

# APPLICATIONS

- Decision to be made by the Minister
- Application Forms available on SAWIC  
<http://sawic.environment.gov.za/?menu=75>
- Submit to the DEFF:
  - Application form
  - Risk Assessment (RA)
  - Risk Management Plan (RMP)
  - Any supporting documentation
- Ensure ALL requirements of the regulations are complied with when applying

# CHALLENGES

- Incomplete applications
- RA and RMP does not comply with Regulatory requirements e.g. Reg 9(c)

# CONSULTATION

- Applications received, with supporting documentation, will be Gazetted for public comment (30 days)
- Comments will be taken into consideration when drafting decisions
- Final decisions will also be Gazetted



# DECISIONS

- Minister may make the following decisions:
  - Grant the application
  - Require resubmission of an amended application within a specified timeframe
  - Require the submission of additional information within a specified timeframe
  - Refuse the application with reasons for decision  
Reg 6 (2) (a) (b)(c) (d)

# DECISIONS

- Minister where on reasonable grounds believes that the exclusion **poses a threat to health, wellbeing and environment** may take the following steps:
  - Review any exclusion of a waste stream or a portion of the waste stream from the definition of waste granted in terms of these regulations
  - Amend
  - Withdraw



**Thank You**

**For Licensing related queries, please contact:**

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