



# WASTE EXCLUSION REGULATIONS

**LAND REMEDIATION AND WASTE MANAGEMENT  
STAKEHOLDER WORKSHOP**

**DATE: 08 MARCH 2023**

**PRESENTER: Ms. BONGANI MABUNDA**



**forestry, fisheries  
& the environment**

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA



# PRESENTATION OUTLINE

- 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)



# APPLICABILITY

- Does not apply to a generator of domestic waste which falls with a municipality.
- Does not exempt from 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

- Application Forms available on SAWIC  
<http://sawic.environment.gov.za/?menu=75>
- Submit to the DFFE:
  - 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

- The following decisions may be made:
  - 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 (CONT.....)

- The Competent Authority 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!

**Licensing**

**Ms. Bongani Mabunda**

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Thank You



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