



WASTE KHORO 2016

PROGRESS ON POLICY AND LEGISLATION DEVELOPMENT



COASTLANDS HOTEL AND CONVENTION CENTRE



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

KGAUTA MOKOENA
CHIEF DIRECTOR: CHEMICALS AND WASTE POLICY, M&E



PRESENTATION OUTLINE

- Background and Introduction
- 2014 Amendments
- Waste Management Strategy
- National Pricing Strategy for Waste
- Industry Waste Management Plans
- Waste Management Bureau
- Regulation of Waste from Mining
- NEMWAA Implementation Tools
- New Amendments
- Evidence Based Policy
- Conclusion



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



BACKGROUND AND INTRODUCTION

- In 1999 the first generation National Waste Management Strategy was developed.
- While this was a good initiative, without supporting legislation it was not considered binding by many.
- In 2000, there came the Integrated Pollution and Waste Management Policy.
 - This policy set the objectives for the country in relation to pollution control.
 - The policy was for all pollution and not for waste management only.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



BACKGROUND AND INTRODUCTION...2

- In 2001, a Conference on Waste was held in Polokwane in recognition that waste management should be a priority for all South Africans and that there is an urgent need to reduce, reuse and recycle waste in order to protect the environment.
- In 2015, at a Waste Summit that was held in White River, Mpumalanga Province, the participants reaffirmed their commitment to the objectives of the White Paper on Integrated Pollution and Waste Management (IP&WM), A Policy on Pollution Prevention, Waste Minimisation, Impact Management and Remediation and the National Waste Management Strategy (NWMS).
- The 2015 Waste Summit had a theme “war on waste: driving the recycling economy in South Africa”.



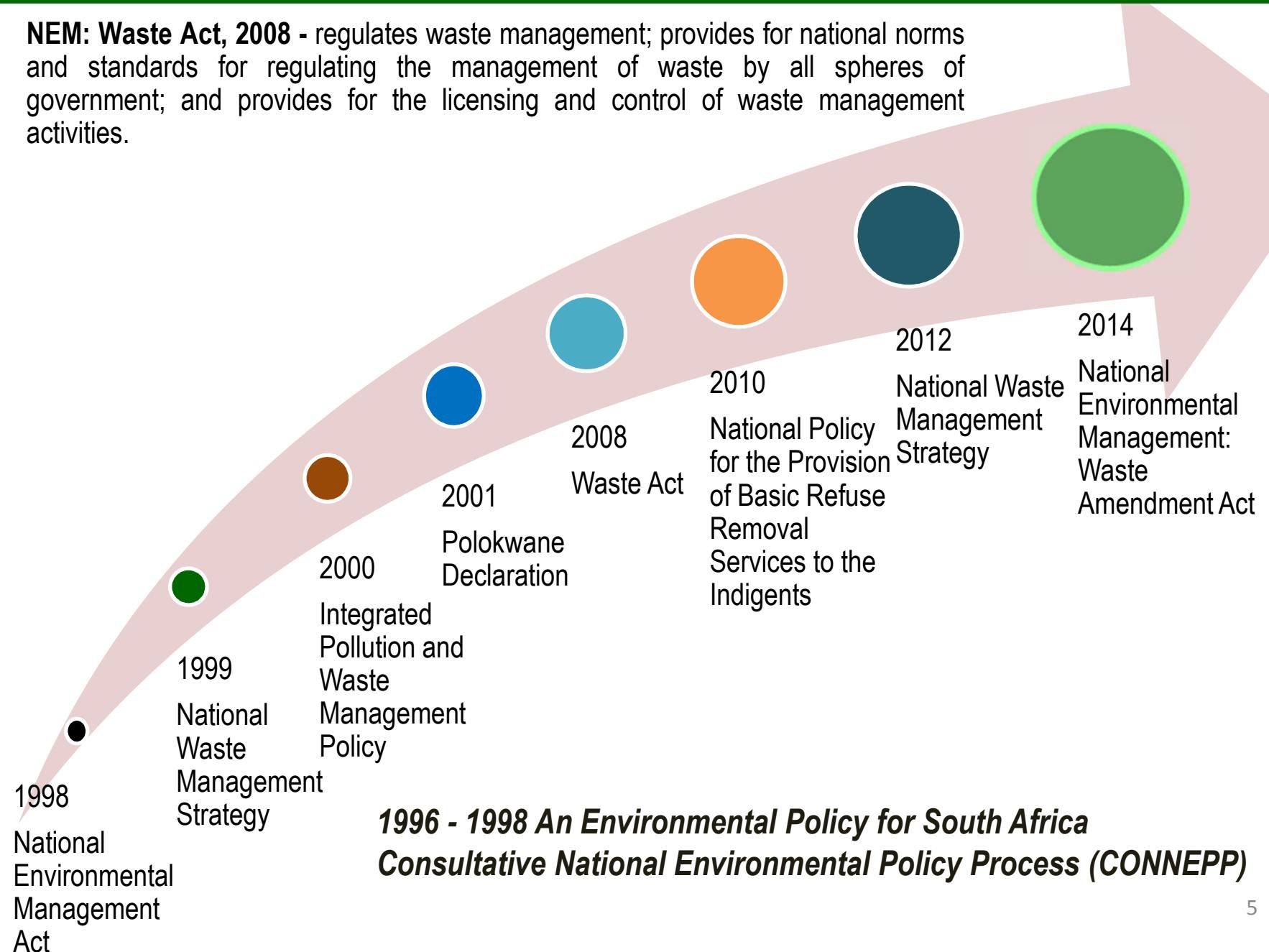
environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



BACKGROUND AND INTRODUCTION ...3

- **NEM: Waste Act, 2008** - regulates waste management; provides for national norms and standards for regulating the management of waste by all spheres of government; and provides for the licensing and control of waste management activities.



BACKGROUND AND INTRODUCTION ...4

- Prior to the promulgation of the National Environmental Management: Waste Act in 2008 (The Waste Act), there was no common vision for waste management in South Africa.
- In 2010 a National Policy for the Provision of Basic Refuse Removal Services to the Indigents was developed as a strong Government's commitment to offering waste services
- A second version of the National Waste Management Strategy came in in 2012
- The 2014, National Environmental Management: Waste Amendment Act brought about the new developments such as the National Pricing Strategy for Waste, the new approach to Industry Waste Management Plans (IndWMP)s, and the Waste Bureau to contribute to waste economy through recycling



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



BACKGROUND AND INTRODUCTION ...5

- The following tools have also been used to contribute to waste and recycling economy:
 - Waste tyre regulations
 - Norms and standards for waste collection
 - Norms and standards for waste disposal
 - Waste classification regulations
 - Waste information regulations
 - Plastic bag regulations
 - Solid Waste Tariff Setting Guidelines for Local Authorities
 - Organic waste composting standards
 - And various other guidelines



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



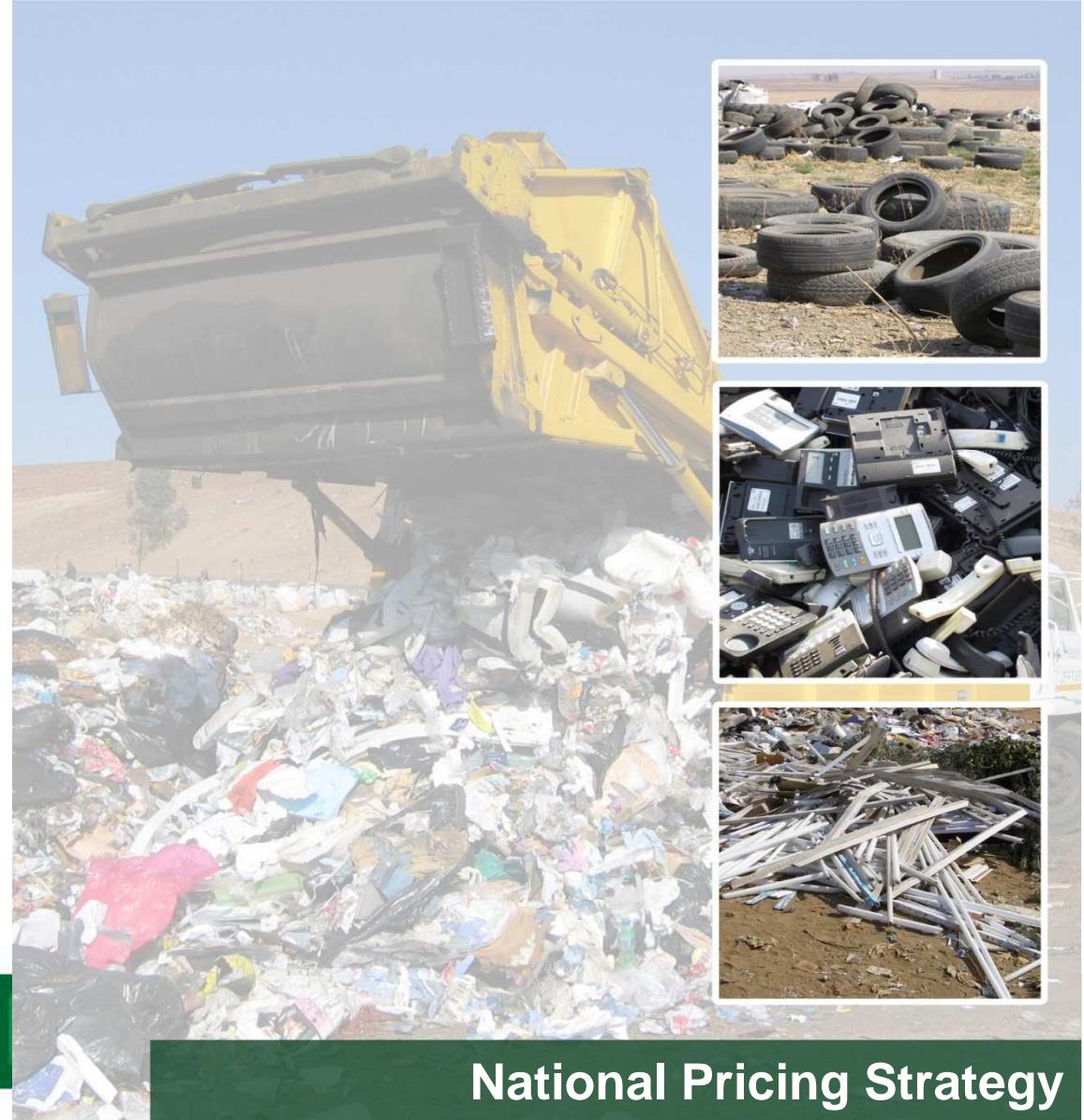
NATIONAL WASTE MANAGEMENT STRATEGY





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



National Pricing Strategy for Waste Management



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

August 2015

PRICING STRATEGY FOR WASTE MANAGEMENT

- The Draft Strategy has been developed
- A stakeholder consultation process was conducted
- National Government Departments, Provinces, SARS and industry were consulted
- The Draft Strategy was published in 2015 in the Gazette for a 60 day commenting period
- The Department has finalised the comments and responses database for the comments that were received as part of finalising the strategy for implementation.
- The strategy might be published anytime from now for implementation.

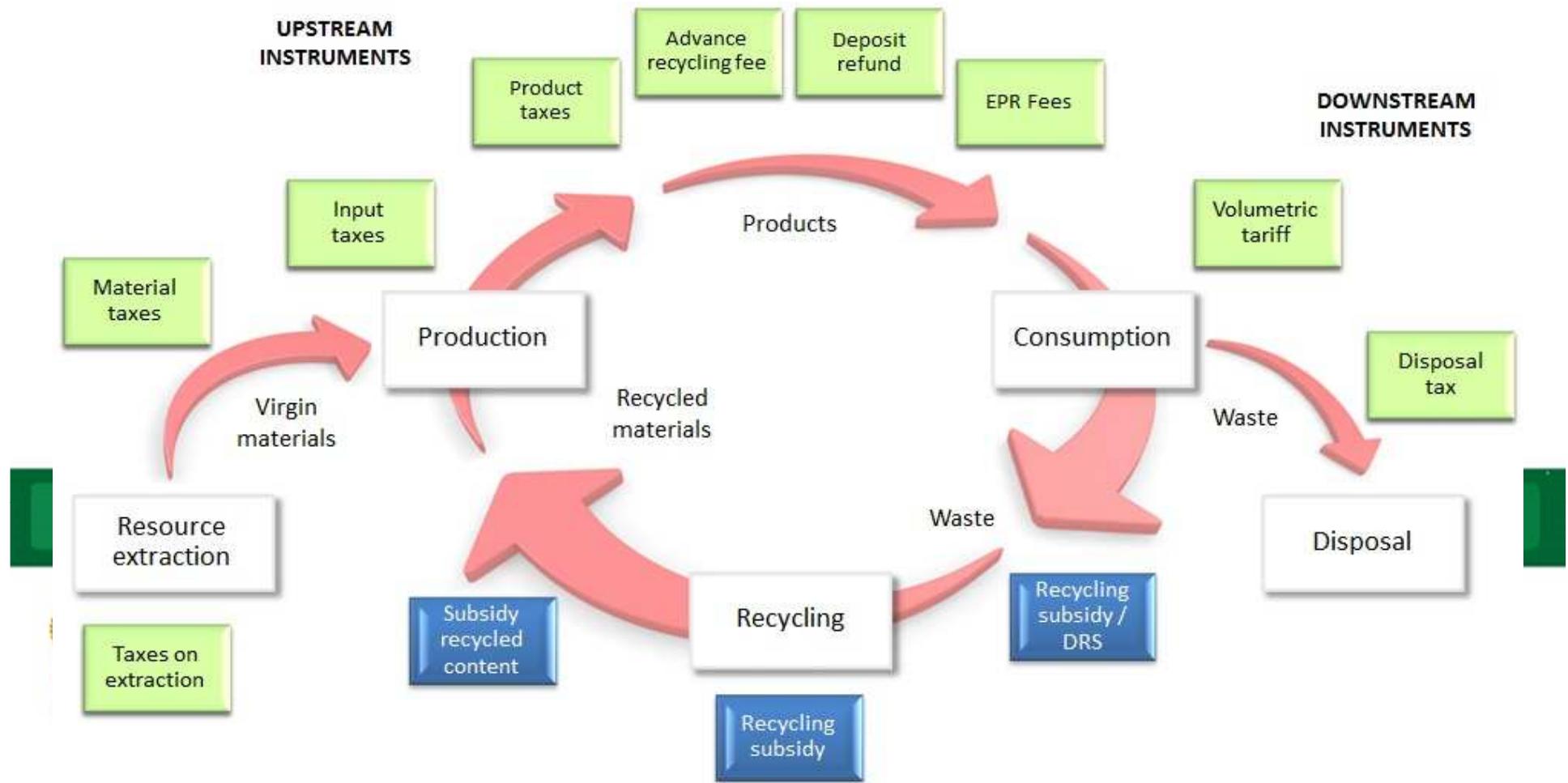


environmental affairs

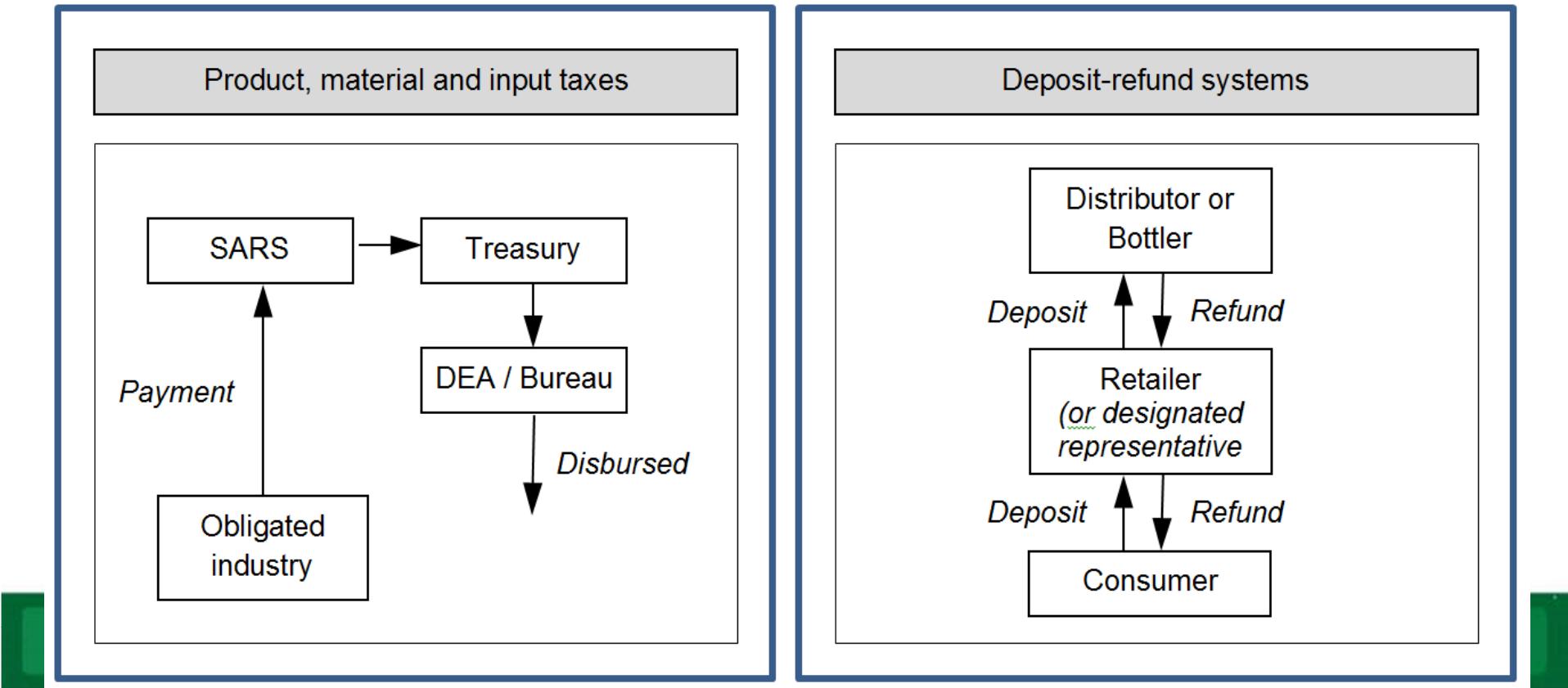
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



PRICING STRATEGY ECONOMIC INSTRUMENTS FOR EPR ...2



PRICING STRATEGY UPSTREAM ECONOMIC INSTRUMENTS FOR EPR ...3

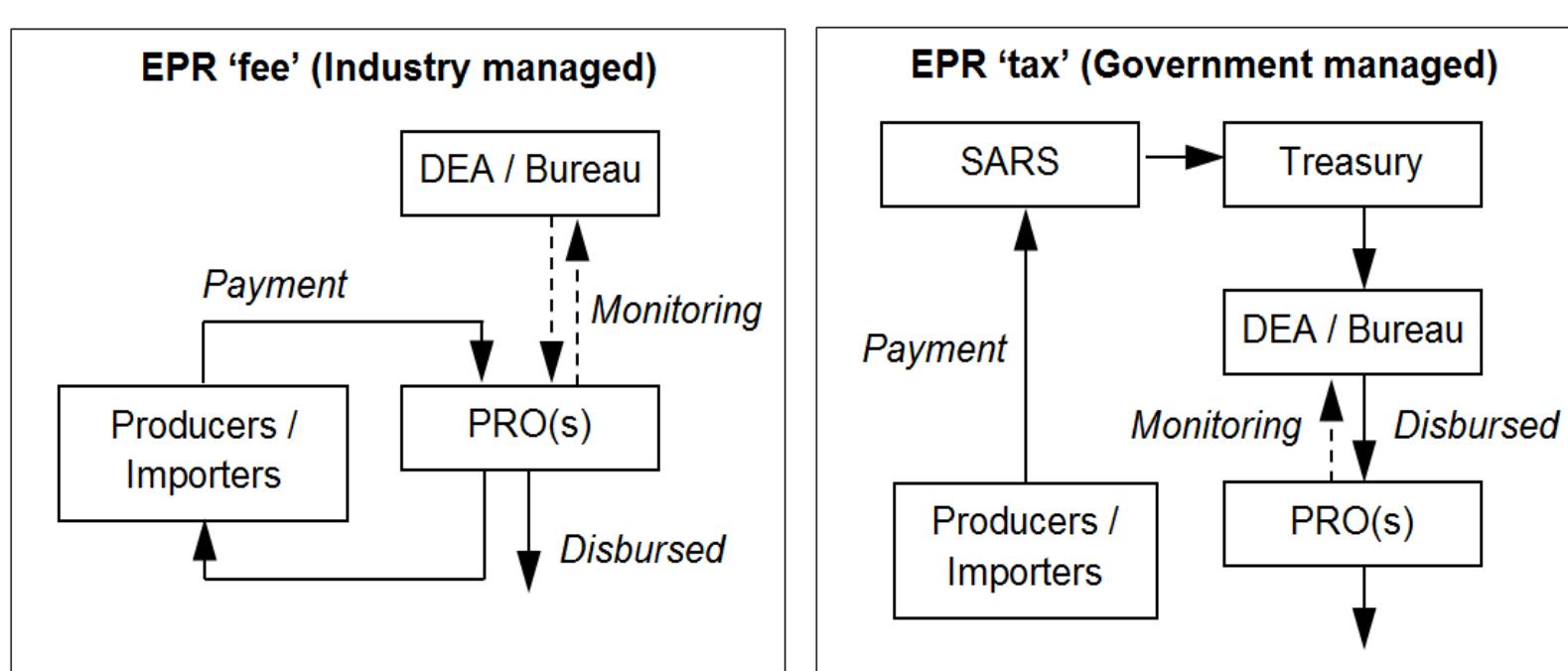


environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



PRICING STRATEGY UPSTREAM ECONOMIC INSTRUMENTS FOR EPR ...4



[environmental affairs](#)

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



INDUSTRY WASTE MANAGEMENT PLANS

- An Industry Waste Management Plan (IndWMP) for any particular waste stream should ensure the holistic management of that waste stream from the points of generation, collection and transportation, storage as well as processing. All supporting programmes such as awareness, capacity building and research should also be included.
- The work done through the IndWMPs will promote the recycling sector. The prioritisation of waste streams to be managed through the application of an IndWMP is dependent on several factors:
 - the severity of potential impacts of a specific activity or waste stream,
 - available resources for regulation,
 - the level of maturity of a specific sector,
 - the level of organisation existing or possible,
 - the level of cooperation and a good track record of compliance by the sector,
 - Existing management measures – existing recycling rates



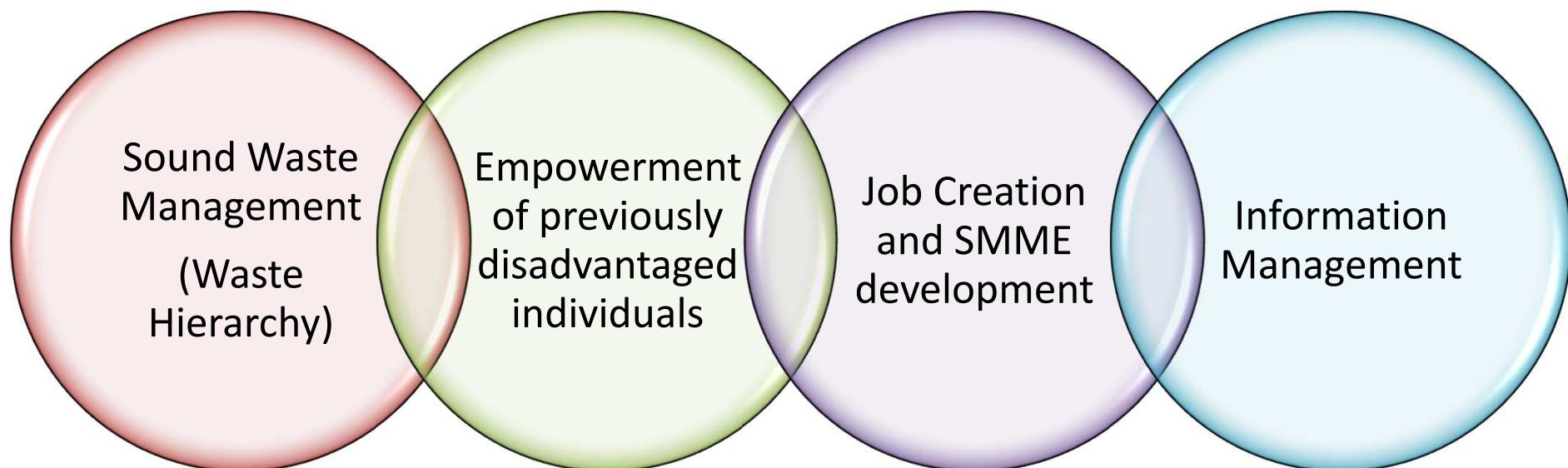
environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



INDUSTRY WASTE MANAGEMENT PLANS ...2

- Industry Waste Management Plans (IndWMPs) are the primary tools used in the waste sector to facilitate cradle to cradle (holistic) management of waste streams in a manner that promotes job creation and SMME/Cooperative development.
- Part 7 of the Waste Act
- Based on the Extended Producer Responsibility
- Attempts to respond to most of the goals of the NWMS



INDUSTRY WASTE MANAGEMENT PLANS ...3

- IndWMP for waste tyres approved in Nov 2012.
- Additional IndWMPS to be considered:
 - Paper and Packaging
 - E-Waste
 - Lighting



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

WASTE MANAGEMENT BUREAU

- The NEM: Waste Amendment Act established the Waste Management Bureau.
- ‘**The Bureau**’ means the Waste Management Bureau established in terms of section 34A.
- Sub-section 1 of the NEMWAA calls for an implementation Bureau dealing with waste management to be known as the “Waste Management Bureau”, established within the Department.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



FUNCTIONS OF THE BUREAU

The functions of the Bureau in terms of Section 34E. SS1 of the Act, are as follows;

- (a) To implement the disbursement of incentives and funds derived from waste Management charges contemplated in sections 13B and 34D;
- (b) To identify and promote best practices in the minimisation, re-use, recycling or recovery of waste;
- (c) To progressively build capacity of the Bureau to support municipalities in the Development and implementation of integrated waste management plans and capacity building programmes;



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



FUNCTIONS OF THE BUREAU ...2

- (d) To support and advise on the development of industry waste management plans, Integrated waste management plans and other tools, instruments, processes and systems, including specialist support for the development of norms or standards for the minimisation, re-use, recycling or recovery of waste and the building of municipal waste management capacity;
- (e) To monitor the implementation of industry waste management plans;
- (f) To monitor and evaluate the impact of incentives and disincentives; and
- (g) To perform any other task or function that the Minister may assign or delegate to the Bureau in relation to the implementation of this Act.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



PROGRESS ON THE WASTE BUREAU

- The National Treasury was consulted on the alignment of the Bureau with the National Treasury Guideline for entities, development of the Business Case and the operationalisation of the Bureau.
- South African Revenue Services is another role-player in the process, as they will be collecting the revenue on behalf of the Bureau.
- The process of developing the business case include alignment with the Department of Public Service and Administration Guideline on Public entities is currently underway.
- From the discussions with National Treasury, there is a strong indication that the Bureau will be a Government Component of the Department.
- The South African Revenue Services (SARS) Guide on the Development of Taxes, Rates, Duties and Levies has been consulted for alignment of the revenue collection system with SARS requirements.
- Waste Tyre Levy has been introduced.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



PROGRESS ON WASTE BUREAU ...2

- A policy for waste management bureau has been developed.
- The relevant National Pricing Strategy for the Waste Management in South Africa has been developed and published in April 2015, after which the Pricing Strategy is currently being finalised for publishing for implementation.
- The Department has provided data on the prioritised waste streams to National Treasury for the Minister of Finance to determine a policy statement for collection of a levy related to the prioritised waste stream.
- Subsequent to the data submitted to the National Treasury, a Policy Statement was made by the Minister of Finance in his budget speech where he announced the tyre levy from the waste streams for which data was submitted to National Treasury.
- It is anticipated that the announcement similar announcements will be made on the other waste streams.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



REGULATION OF WASTE FROM MINING

Mines & Works Act (No. 27 of 1956)	Mining Rights Act (No. 20 of 1967)	Minerals Act (No. 50 of 1991)	MPRDA (No. 28 of 2002)	NEMA 2008 and MPRDAA 2008	NEMLA 3 & NEMWAA 2014 and MPRDA Bill 2013
Formal closure fencing of sites MWPs	No env. man. regulations	Beginning env. man, EMPs	Strict reg. of env. EMP & MWP	Env. provided for in NEMA & moved from MPRDA in 2013	One Env. System in NEMA, DMR Competent Authority, DEA Appeal Authority and Mine env legislation, DWA WULAs in NWA



No detailed env. provision	On surface rights	Brought about change	NEMA Principles Sustainable dev.	One Environment System introduced 18 months trans periods	Water, biodiversity issues considered in the One Env. System, Protected areas Streamlining of applications for mining, EAs, Water Use License Applications
-------------------------------	-------------------	-------------------------	-------------------------------------	---	---



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



OTHER NEMWAA IMPLEMENTATION TOOLS

- The following regulatory tools have been developed;
 - Implementation Guideline
 - National Pricing Strategy for Waste Management
 - Policy for the Waste Bureau
 - Regulations for exclusion of waste from schedule 3 of the Act
 - Regulations for residue deposits and stockpiles, published for implementation this year
 - Waste Act, Activity List amendment, published in 2015
 - S 28 Notice on 3 Industry Waste Management Plans, published for comments in 2015 and is about to be published for implementation
 - Amendments to regulations such as Waste Tyre Regulations and Waste Information Regulations
- Waste Licence applications processing is not affected, but the new wastes can be processed through an integrated environmental authorisation.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



NEW AMENDMENTS

- **Purpose**

The purpose of NEMLA 4 is to amend among others, the following Acts to correct errors, to clarify interpretation and to fix omissions:

- ✓ National Environmental Management Act, 1998 (Act No 107 of 1998) (NEMA);
- ✓ National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEMWA);
- ✓ National Environmental Management Amendment Act, 2008 (Act No. 62 of 2008) (NEMAA);
- ✓ National Environmental Management Laws Amendment Act, 2014 (Act No. 25 of 2014) (NEMLA).



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



NEW AMENDMENTS ...2

- **Clause 23: Amendment of section 1**

The clause amends the definition of “waste” and Schedule 3 in order to clearly indicate what is waste and when waste ceases to be waste, and all definitions now contained in section 1 of the Act;

- **Clauses 24, 25, 26, 27 and 28: Amendments of sections 34F, 34G, 34H, 34J, 34K**

The amendments clarifies that the Chief Executive Officer of the Waste Management Bureau is the accounting authority and that the Minister has overall supervisory powers over the Bureau;

- **Clauses 29 and 30: Amendments of sections 37 and 38**

The clause clarifies that a site assessment report and a remediation plan relating to contaminated land must be submitted together to the Minister;



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



NEW AMENDMENTS ...3

- **Clause 31: Amendment of section 43**

The clause clarifies that the Minister responsible for mineral resources is responsible for the implementation of the waste management licensing system and exemption provisions in so far as such provision relates to a waste management activity in a mining area. The amendment provides for exceptional circumstances where the MEC unreasonably fails to take a decision within the prescribed timeframes. The applicant may request the Minister to take decision;

- **Clause 32: Amendment of section 47**

This clause provides for the deletion of section 47 in order to prevent duplication of processes with similar legal requirements set out in the EIA Regulations;

- **Clause 33: Amendment of section 52**

This clause provides for the consequential textual amendment in section 52(5) to ensure consistent use of the words “licensing authority” where appropriate throughout the Act;



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



NEW AMENDMENTS ...4

- **Clause 34: Amendment of section 53**

The clause provides for a holder of licence to notify the licensing authority regarding review of the licence;

- **Clause 35: Amendment of section 54**

The clause provides for textual amendment by replacing the word “variation” with the word “amendment” throughout the section.

- **Clauses 36, 37, 38 and 39: Amendments of sections 74, 75, 76 and 77**

These clauses provide for textual amendments by empowering the Minister of Mineral Resources to issue exemptions in so far as such exemptions relate to provisions administered by the Minister of Mineral Resources.

- **Clause 40: Substitution of Schedule 3**

This clause replaces Schedule 3 with a new Schedule on sources of waste.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



NEW AMENDMENTS ...5

Relating to NEMWAA and NEMLA

- **Clause 41: Amendment of section 12**

The clause clarifies that an environmental management plan or programme issued and approved under the MPRDA, before 3 September 2014, is deemed an environmental authorisation issued under NEMA. The clause also clarifies that an appeal against environmental management plan or programme lodged under the MPRDA will be finalised under the MPRDA;

- **Clause 42: Amendment of section 14**

The clause clarifies that the National Environmental Management Amendment Act, 2008 came into operation on 2 September 2014.

- **Clause 43: Insertion of section 29A**

The clause clarifies that an environmental management plan or programme issued and approved under MPRDA is deemed a waste management licence under NEMWA. The clause further clarifies that an appeal against environmental management plan or programme on residue deposit or residue stockpile lodged under the MPRDA will be finalised under the MPRDA.

The amendment further provides for the continuation of environmental regulations developed under the MPRDA until the publication of such regulations under NEMA or relevant specific environmental management Act.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



EVIDENCE-BASED POLICY

- Evidence-Based Policy-Making and Implementation is based on the premise that better policies and better decision-making result when these are based on sound empirical evidence and solid rational analysis.
- It is also critical to use evidence to improve implementation.
- Evidence-Based Policy-Making and Implementation (EBPM&I) therefore focuses on establishing rigorously objective evidence as a key informant of policy, but also for improving implementation of public services.
- There is increasing pressure on policy makers to develop more effective policies and to direct and manage resources in more focused and efficient ways that result in improved implementation and outcomes.
- Evidence-based policy-making is an approach that has become increasingly prevalent in recent years.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



CONCLUSION

- Cooperation of all stakeholders in the finalization of policies and regulations that are currently underway
- Sharing of information and data for better evidence for our policy positions
- Working together in addressing the challenges faced by our country, whether of policy nature or implementation
- Finding solutions for our challenges, this includes innovation and proactive planning for our initiatives
- Strengthening of compliance and enforcement mechanisms. This can be in the form of capacity to implement.
- Win-win situation on policy development, implementation, monitoring, and evaluation.
- Consideration of the use of evidence based policy approach in developing our policies.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

<http://sawic.environment.gov.za>

www.environment.gov.za

