



GAUTENG PROVINCE

DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT

ENVIRONMENT CONSERVATION ACT, 1989

(ACT NO. 73 OF 1989)

WASTE INFORMATION REGULATIONS, 2004

The Member of the Executive Council responsible for agriculture, conservation and environment has under section 24(c) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression that is defined in the Act has the same meaning in these regulations, and in addition –

“communal landfill” means a disposal site which receives only general waste and which receives less than 25 (twenty five) tons of general waste per day and which does not have any fatal flaw as defined in the Minimum Requirements for Waste Disposal by Landfill;

“Department” means the provincial department responsible for the environment for the Province;

“Gauteng Health Care Waste Management Regulations” means the Regulations promulgated by the Province under section 24(c) of the Act;

“general waste” means waste that because of its composition and characteristics does not pose a significant threat to public health or the environment if properly managed, including but not limited to domestic waste, commercial waste and builders rubble and non-hazardous industrial waste;

“general waste landfill” means a landfill site designed to accept only general waste;

"generator" means a person whose acts or processes produce waste;

"hazardous waste" means waste that may by circumstances of use, quantity, concentration or inherent physical, chemical or infectious characteristics, cause ill health or increase mortality in humans, fauna or flora, or adversely affect the environment when improperly treated, stored, transported or disposed of;

"hazardous waste landfill" means a landfill site designed specifically for the disposal or co-disposal of hazardous waste;

"HCRW" means health care risk waste as defined in the Gauteng Health Care Waste Management Regulations;

"HOD" means the Head of the Department;

"inspector" means a person appointed under regulation 6;

landfill site" means any site, including any industrial site, above or below ground and upon which or within which waste is deposited for more than 90 (ninety) days;

"landfill site operator" means the permit holder or the responsible person appointed by that permit holder or the person who operates a landfill site;

"MEC" means the Member of the Executive Council responsible for the environment in the Province;

"Minimum Requirements for Disposal by Landfill" means the Minimum Requirements for Waste Disposal by Landfill document which forms part of the Waste Management Series (second edition) produced by the Department of Water Affairs and Forestry in 1998;

"permit" means a permit issued to a person by the Minister of Water Affairs and Forestry in terms of section 20(1) of the Act to establish, provide or operate a disposal site and **'permitted'** has the corresponding meaning;

"person" includes a natural person, a juristic person, an unincorporated body, an association, or an organ of state;

"recycle" means the series of activities, including collection, separation, and processing, by which products or other raw materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of new products, other than fuel for producing heat or power by combustion;

"reporting cycle" means the fixed reporting period within which a person is required to report to the Department as set out in Schedule 4 to these regulations;

"the Act" means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

"these regulations" includes the Schedules to these regulations;

"transfer facility" means a place where waste is accumulated for bulk temporary storage prior to treatment;

"transport" means the movement of waste from the premises of a generator to any intermediate point and finally to the point of treatment or final disposal;

"transporter" means a person who transports waste but does not include a person who transports waste from one point within a premises or facility to another point within that premises or facility;

"treatment" means any method, technique, or process designed to change the biological character or composition of waste so as to sterilize such waste and **'treat'** and **'treated'** have a corresponding meaning;

"treatment facility" means a premises where waste is treated;

"waste information system" means the information system established in terms of these regulations;

"waste stream" means a continuous or, if not continuous, regular flow of waste from an industry, activity, process or group; and

"WIS number" means the unique number allocated by the Department to a person in terms of these regulations.

Establishment of waste information system

2.(1) The HOD must as soon as reasonably practicable establish a waste information system for the Province.

(2) The waste information system must:

- (a) comprise of at least a register of the information submitted in terms of these regulations;
- (b) comprise of such other information as deemed appropriate by the Department to further the objectives of the waste information system;
- (c) be maintained in a format which is accessible to the public; and
- (d) facilitate on-line search for information pertaining to waste in the Province.

Objectives of waste information system

3. The objectives of the waste information system are –

- (a) 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 in order to further the protection of the environment and the continuous improvement of integrated waste management throughout the Province;
- (b) to make information available to organs of state and the public regarding waste for:
 - (i) education, research and development;
 - (ii) spatial planning and environment impact assessments;
 - (iii) public safety and disaster management;

- (iv) the development of waste streaming and assessment of the quantities of various waste streams for the monitoring of government strategies with regard to waste management; and
 - (v) state of environment reporting; and
- (c) to create a uniform reporting method which incorporates secure internet reporting formats, and monitoring intervals.

Registration

4. (1) A person belonging to a category identified in column 1 of Schedule 1 to these regulations must apply within the time period specified in column 2 of Schedule 1 to the Department for registration.

(2) The MEC may by notice in the *Provincial Gazette* amend Schedule 1.

(3) An application contemplated in sub-regulation (1) must comply with the relevant form set out in Schedule 2.

(4) Within 30 (thirty) days of receiving an application in terms of sub-regulation (1) the Department must either:

- (a) in writing notify the applicant of any defects in the application; or
- (b) register the applicant and issue a registration certificate indicating the applicant's WIS number.

(5) A person registered in terms of sub-regulation (1) must notify the Department in writing within 30 (thirty) days of any material change to the information set out in the application form.

(6) A registration certificate is valid for 2 (two) years and is not transferable.

(7) A person must apply for renewal of registration not less than 30 (thirty) days prior to the expiry date of the current registration certificate.

(8) A person must apply for renewal of registration by submitting to the Department the relevant form set out in Schedule 2.

Reporting

5. (1) A person belonging to a category listed in Column 1 of Schedule 3 must submit a report on the waste specified in Column 2 of Schedule 3 to the Department :

- (a) containing the information set out in the relevant item of Schedule 4; and
- (b) at the frequency intervals set out in Schedule 4.

(2) The MEC may by notice in the *Provincial Gazette* amend Schedule 4.

(3) A person required to report in terms of sub-regulation (1) must submit the first report on completion of the first reporting cycle after the date of issue of the registration certificate in terms of regulation 4(4).

(4) A person who submits a report must in writing and under oath or affirmation verify the accuracy of the information contained in the report.

Audit

6. (1) The Department may perform an audit of a person required to report in terms of these regulations to:

- (a) evaluate compliance with these regulations; and
- (b) determine the accuracy and veracity of information.

(2) The HOD may in general or for a specific purpose appoint a suitably qualified employee of the Department or a suitably qualified person, institution or organization as an inspector for the purposes of these regulations.

(3) The HOD must issue an inspector appointed in terms of sub-regulation (2) with a certificate stating the purpose of the appointment.

(4) An inspector subject to the provisions of appointment:

- (a) at any time during working hours and with reasonable prior notice enter any premises in or upon which:
 - (i) any process or operation as contemplated in these regulations is being carried out or performed; or
 - (ii) the records with regard to the process or operation are kept;
- (b) at any time demand from any person that he or she there and then or at a time and place fixed by the said inspector produce to him or her any book, notice, record, list or other document which is in the possession or custody or under the control of that person or any other person on his or her behalf;
- (c) examine a book, notice, record, list or other document referred to in paragraph (b) and make copies thereof or extracts therefrom or request that they be made, if it relates to information required to be reported on in terms of these regulations and require from a person referred to in paragraph (b) an explanation of any record or entry therein, and seize such a book, notice, record, list or other document if in his opinion it may afford evidence of any offence in terms of these regulations; and
- (d) with regard to any matter which he or she is investigating, question any person whom he or she finds in or upon the premises referred to in paragraph (a) or whom he or she on reasonable grounds suspects

to be or to have been employed in or upon such premises.

Access to information

7. (1) The Department must make all information contained in the waste information system available to the public, subject to any limitations imposed by law.

(2) The MEC may prescribe by notice in the *Provincial Gazette* a reasonable fee for access to such information.

(3) Within one year of the date of commencement of these regulations and thereafter once annually, the Department must publish, in the *Provincial Gazette* and on the Department's official web site:

- (a) a list of all persons registered in terms of these regulations;
- (b) the capacity in which such persons are registered; and
- (c) such additional information as the Department determines.

Offences and penalties

8. (1) A person who-

- (a) fails to comply with the provisions of regulations 4(1) or 4(5) or 5(1);
- (b) submits inaccurate, false or misleading information in connection with any matter required to be submitted in terms of these regulations; or
- (c) contravenes any other provision of these regulations;

commits an offence.

- (2) A person convicted of an offence contemplated in-
- (a) sub-regulation (1)(a) or (1)(b) is liable to a fine not exceeding R50 000 (fifty thousand Rand) or to a term of imprisonment not exceeding one year or to both such fine and imprisonment; and
 - (b) sub-regulation (1)(c) is liable to a fine or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Short title

9. These regulations are called the Waste Information Regulations, 2004.

SCHEDULE 1

PERSONS REQUIRED TO REGISTER IN TERMS OF REGULATION 4

COLUMN 1	COLUMN 2
<p>Generator A person who generates more than 20 (twenty) kilograms per day of HCRW calculated monthly as a daily average</p>	<p>Within 90 (ninety) days of the date of commencement of these regulations in the event that a person generated waste up to the day preceding the date of commencement of these regulations</p> <p>In all other cases before a person starts to generate waste.</p>
<p>Transporter a) A person who transports more than 10 (ten) kilograms per day of HCRW calculated monthly as a daily average</p>	<p>Within 90 (ninety) days of the date of commencement of these regulations in the event that a person transported waste up to the day preceding the date of commencement of these regulations</p> <p>In all other cases before a person starts to transport waste.</p>
<p>b) A person who transports more than 10 (ten) kilograms per day of hazardous waste calculated monthly as a daily average</p>	<p>Within 180 (one hundred and eighty) days of the date of commencement of these regulations in the event that a person transported waste up to the day preceding the date of commencement of these regulations</p> <p>In all other cases before a person starts to transport waste.</p>
<p>Landfill site operator a) A person who operates a GLB+, GLB-, GMB+ or GMB- landfill site, as contemplated by the Minimum Requirements for Disposal by Landfill</p>	<p>Within 180 (one hundred and eighty) days of the date of commencement of these regulations in the event that a person operated such landfill site up to the day preceding the date of commencement of these regulations</p> <p>In all other cases before a person starts to operate such landfill site.</p>
<p>b) A person who operates a H:H or an H:h landfill site, as contemplated by the Minimum Requirements for Disposal by Landfill</p>	<p>Within 180 (one hundred and eighty) days of the date of commencement of these regulations in the event that a person operated such landfill site up to the day preceding the date of commencement of these regulations</p> <p>In all other cases before a person starts to operate such landfill site.</p>
<p>Treatment facility A person who operates a HCRW treatment facility</p>	<p>Within 90 (ninety) days of the date of commencement of these regulations in the event that a person operated such treatment facility up to the day preceding the date of commencement of these regulations</p> <p>In all other cases before a person starts to operate such treatment facility.</p>



SCHEDULE 2

**REGISTRATION FORM FOR A GENERATOR
IN TERMS OF REGULATION 4
FORM 1**

HCRW Generator	
1 *	Name:
2 *	<input type="checkbox"/> New Registration <input type="checkbox"/> Renewal of Registration <input type="checkbox"/> Update of information <input type="checkbox"/> De-registration
3 *	<input type="checkbox"/> Public <input type="checkbox"/> Private
4 *	Major municipality within which generator resides:
5 *	Postal address:
6 *	Physical address:
7 *	Telephone: () Fax: ()
8	E-mail address:
9 *	Contact person:
10 *	Designation of contact person:
11	Latitude: - ____ . ____ S Longitude: ____ . ____ E
12	Number of beds: Percentage Occupancy: % per annum
13	Expected min waste: Expected max waste: kg/m kg/m
14 *	Date: 22 / 12 / 2011 Signature:
FOR OFFICIAL USE ONLY:	
15	WIS no: GPG- ____ - ____ Date:

Compulsory fields are indicated with a (*)

17/8/14
DATE

[Signature]
SIGNATURE



**REGISTRATION FORM FOR TRANSPORTERS
IN TERMS OF REGULATION 4
FORM 2**

Waste Transporter	
1 *	Name:
2 *	<input type="checkbox"/> New Registration <input type="checkbox"/> Renewal of Registration <input type="checkbox"/> Update of information <input type="checkbox"/> De-registration
3 *	Waste type being transported: <input type="checkbox"/> Hazardous <input type="checkbox"/> Health Care Waste
4 *	Postal address:
5 *	Physical address:
6 *	Telephone: () Fax: ()
7	E-mail address:
8 *	Contact person:
9 *	Designation of contact persons:
10 *	Date: 23 / 08 / 2014 Signature:
FOR OFFICIAL USE ONLY:	
11	WIS no: GPT- ____ - ____ Date:

Compulsory fields are indicated with a (*)



**REGISTRATION FORM FOR TREATMENT FACILITIES
IN TERMS OF REGULATION 4
FORM 3**

Health Care Risk Waste Treatment Facility	
1 *	Name:
2 *	<input type="checkbox"/> New Registration <input type="checkbox"/> Renewal of Registration <input type="checkbox"/> Update of information <input type="checkbox"/> De-registration
3 *	Waste type being treated: <input type="checkbox"/> Health Care Waste
4 *	Treatment type:
5 *	Major municipality within which facility resides:
6 *	Postal address:
7 *	Physical address:
8 *	Telephone: () Fax: ()
9	E-mail address:
10 *	Contact person:
11 *	Designation of contact persons;
12 *	Permit number (ROD): Capacity (kg/hr):
13	Latitude: - _____ S Longitude: _____ E
14 *	Date: <i>DD / MM / YYYY</i> Signature:
FOR OFFICIAL USE ONLY:	
15	WIS no: GPF- _____ - _____ Date:

Compulsory fields are indicated with a (*)

SCHEDULE 3
PERSONS REQUIRED TO REPORT IN TERMS OF REGULATION 5

Person	Reporting required
HCRW transporter	Total weight per month of HCRW removed from Gauteng for treatment or disposal in another province.
Hazardous waste transporter	Total weight per month of hazardous waste removed from Gauteng for treatment or disposal in another province.
H:H and H:h landfill	Total weight of waste per month received for disposal whether generated in Gauteng or in another province.
GLB+; GLB -; GMB+; and GMB landfill	Total weight of waste per month received for disposal whether generated in Gauteng or in another province.
HCRW treatment facility	Total weight per month of HCRW received for treatment whether generated in Gauteng or in another province.

SCHEDULE 4 REPORTING REQUIREMENTS IN TERMS OF REGULATION 5(1)

1. HCRW transporter

A report submitted by a HCRW transporter in terms of Regulation 5(1) must be in the form and contain the information set out below:

1.1 Reporting frequency, deadline and other requirements:

- (a) A HCRW transporter must prepare a report every 3 (three) months, coinciding with the quarter ending March, June, September and December respectively of every year.
- (b) A HCRW transporter must submit a report to the Department no more than 2 (two) weeks after the end of each quarter.

1.2 Information reporting:

- (a) A report must contain at least the following information :
 - (i) the date (month and year) on which the report is submitted and the period to which it applies;
 - (ii) the total amount (expressed in kilograms) of HCRW collected and transported for the quarter and monthly totals (for each of these) for each month within the quarter;
 - (iii) the waste type collected and transported within the quarter and monthly totals of the amount of each type of waste collected and transported; and
 - (iv) the WIS number issued to the HCRW transporter.

1.3 Waste classification terminology to be used:

HCRW

1.4 Code lists for description of waste:

- (a) Weights must be reported in kilograms (kg).
- (b) Data must be submitted in a compatible format to the system used by the Department

2 Hazardous waste transporters

A report submitted by a hazardous waste transporter in terms of Regulation 5(1) must be in the form and contain the information set out below:

2.1 Reporting frequency and deadline:

- (a) A hazardous waste transporter must prepare a report every 3 (three) months, coinciding with the quarter ending March, June, September and December respectively of every year.
- (b) A hazardous waste transporter must submit a report to the Department no more than 2 (two) weeks after the end of each quarter.

2.2 Information reporting:

A report must contain at least the following information:

- (i) the date (month and year) on which the report is submitted and the period to which it applies;
- (ii) the total amount (expressed in kilograms) of hazardous waste transported for the quarter and monthly totals (for each of these) for each month within the quarter;
- (iii) the waste type collected and transported within the quarter and monthly totals of the amount of each type of waste transported; and
- (iv) the WIS number issued to the hazardous waste transporter.

2.3 Waste classification terminology to be used:

Subdivision of hazardous waste into the 9 SABS classes is required for reporting waste to the waste information system.

3. Landfill operators (H:H; H:h; GLB+; GLB-; GMB+; and GMB)

A report submitted by a landfill operator in terms of Regulation 5(1) must be in the form and contain the information set out below:

3.1 Reporting frequency and deadline:

- (a) A landfill operator must prepare a report every 3 (three) months, coinciding with the quarter ending March, June, September and December respectively of every year.
- (b) A landfill operator must submit a report to the Department no more than 2 (two) weeks after the end of each quarter.

3.2 Information reporting:

A report must contain at least the following information :

- (i) the date (month and year) on which the report is submitted and the period to which it applies;
- (ii) the total amount (expressed in kilograms) of waste disposed of at the landfill site for the quarter and monthly totals (for each of these) for each month within the quarter;
- (iii) the waste type disposed of at the landfill site within the quarter and monthly totals of the amount of each type of waste disposed of; and
- (iv) the WIS number issued to the landfill operator.

3.3 Waste classification terminology to be used:

For waste disposed to landfills the following waste classification types must be used:

- (i) General waste,
- (ii) Hazardous waste.

3.4 Weighbridges:

- (a) A hazardous waste landfill site must use a weighbridge to generate the data required for reporting
- (b) An existing general landfill site may for a period of 3 (three) years after the date of commencement of these regulations, report using an estimated mass based on densities as specified in Table 1 below.
- (c) After the expiry of the 3 (three) year period permitted in terms of sub-item (b), a general landfill site must use a weighbridge to generate the data required for reporting.
- (d) A general landfill site may apply to the Department in writing for a temporary exemption from the requirement of a weighbridge set out in sub-item (c), not less than 6 (six) months prior to the expiry of the 3 (three) year exemption period.
- (e) The Department may at its discretion grant a temporary exemption contemplated in sub-item (c) for a period not exceeding three years

Table 1: Densities used in calculating the mass based on volume

Waste Type	Typical contents/ Containerisation	Typical Density kilogram/m³
Domestic waste, non-compacted	Mixed domestic waste	200
Domestic waste, compacted	Mixed domestic waste in compactor vehicles	500
Mixed domestic waste	Contents of closed wheelie bins (e.g. 190-660 litres)	108
	Contents of bags (e.g. 160-240 litres)	95
	Contents of skips (e.g. 6-10 m ³)	70
Organic waste (garden waste and food waste)	In closed plastic containers (190 litres)	250
	In ventilated containers/bags	205
	Contents of compactor vehicles	450
	Organic waste from kitchens for animal fodder	840
Mixed bio-degradable domestic waste	Contents of closed wheelie bins (e.g. 190-660 litres)	60
	Contents of compactor vehicles	400
	Bulky waste in skips	90
Paper and cardboard	Corrugated cardboard	88
	Newspapers and magazines	200
	Office paper (compacted)	475
Other waste	Glass from glass containers	325
	Electronics waste	235
	Batteries	1375
Inert waste	Sand, concrete, bricks and fibre glass	1500
Mixed non-compacted industrial waste	Paper & plastic	150
	Cardboard, gypsum boards, sawdust, textiles, leather	400
	Timber, demolition waste	600
	Casting sand, slag, ashes	1500
Commercial waste - non-compacted	Mixed waste from shops, officers, hospitals, restaurants, parks and garden waste	200
Other waste	Non-specified	1000

4. HCRW treatment facility

The provisions of Item 1 of this Schedule apply *mutatis mutandis* to a HCRW treatment facility.