

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**NATIONAL ENVIRONMENTAL
MANAGEMENT: WASTE BILL**

[B 39—2007]

*(Amendments agreed to by the Portfolio Committee on
Environmental Affairs and Tourism) (National Assembly)*

[B 39A—2007]

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AMENDMENTS AGREED TO

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE BILL [B 39—2007]

CLAUSE 1

1. On page 6, from line 25 to omit the definition of “best practicable environmental option” and to substitute:

‘ **“best practicable environmental option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;’.
2. On page 6, in line 28, after the second “waste” to insert “, excluding hazardous waste,”.
3. On page 7, in line 39, to omit “of” and to substitute “or”.
4. On page 7, after line 46, to insert the following definition:

‘ **“incineration”** means any method, technique or process to convert waste to flue gases and residues by means of oxidation;’.
5. On page 7, in line 55, after “matter” to insert “or environment”.
6. On page 8, in line 32, to omit “and includes” and to substitute “which process involves”.
7. On page 8, from line 62, to omit paragraph *(b)* and to substitute:

“(b) which the generator has no further use of for the purposes of production;”.
8. On page 9, in line 2, after “Minister” to insert “by notice in the *Gazette*”.

CLAUSE 4

1. On page 10, in line 15, after “2003);” to insert “or”.
2. On page 10, in line 17, to omit “or”.
3. On page 10, in line 18, to omit paragraph *(e)*.

CLAUSE 7

1. On page 11, in line 32, after “waste” to insert “, including the separation of waste at the point of generation”.

CLAUSE 11

1. On page 13, from line 33, to omit subsection (4) and to substitute:

“(4) *(a)* Each municipality must—

- (i) submit its integrated waste management plan to the MEC for approval; and
 - (ii) include the approved integrated waste management plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act.
- (b) The MEC may within 30 days of receiving an integrated waste management plan or an amendment to an integrated waste management plan—
- (i) request a municipality to adjust the plan or the amendment in accordance with the MEC’s proposal if the plan or amendment—
 - (aa) does not comply with a requirement of this Act; or
 - (bb) is in conflict with, or is not aligned with, or negates any relevant integrated waste management plan or the national waste management strategy; or
 - (ii) request a municipality to comply with a specific provision of this Act relating to the process of drafting or amending integrated waste management plans if the municipality has failed to comply with the process or provision; or
 - (iii) approve the plan or amendment.”.

CLAUSE 12

1. On page 14, in line 16, after “recovery” to insert “targets and”.
2. On page 14, after line 28, to insert the following paragraph:

“(e) establish targets for the collection, minimisation, re-use and recycling of waste;”.

CLAUSE 18

1. On page 17, in line 2, after “may,” to insert “in order to give effect to the objects of this Act,”.

CLAUSE 35

1. On page 23, after line 23, to insert the following subsection, the current section becoming subsection (1):

“(2) This part does not apply to banks which held land before the commencement of this Act and which land is sold for the purposes of foreclosure, provided that the land is sold without delay.”.

CLAUSE 37

1. On page 24, in line 21, to omit “has” and to substitute “in that environment have”.

CLAUSE 45

1. On page 27, after line 28, to add the following subsection:

“(3) A person who requires a waste management licence for a waste management activity which involves the treatment of waste by incineration must submit, together with any documentation or information contemplated in subsection (2), information on—

- (a) the types of waste that will be incinerated;
- (b) the existence of any incinerators in the jurisdiction of the licensing authority which are authorised to incinerate waste which is substantially similar to that waste; and
- (c) alternative environmentally sound methods, if any, that could be used to treat that waste.”.

CLAUSE 46

1. On page 27, from line 30, to omit subsection (1) and to substitute:

“(1) The licensing authority may by written notice to an applicant require that applicant, or by notice in the *Gazette* require applicants, at own cost, to appoint an independent and suitably qualified person to manage an application.

CLAUSE 48

1. On page 28, after line 25, to insert the following paragraph:

“(d) any increased health and environmental risks that may arise as a result of the location where the waste management activity will be undertaken;”.

CLAUSE 51

1. On page 29, after line 39, to insert the following paragraph:

“(i) if applicable, the conditions in terms of which salvaging of waste may be undertaken;”.

CLAUSE 68

1. On page 36, from line 20, to omit subsection (6).

CLAUSE 69

1. On page 36, in line 39, after “the” to insert “separation of waste at the point of generation and”.
2. On page 37, after line 34, to add the following subsection:

“(6) Any regulation which pertains to the treatment of waste by means of incineration must be submitted to the National Assembly 30 days prior to publication.”.

CLAUSE 84

1. On page 41, in line 45, to omit “President” and to substitute “Minister”.