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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 3968

17 October 2023

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****DETERMINATION OF THE LICENSING AUTHORITY FOR THE DIFFERENT CLASSES OF LANDFILLS**

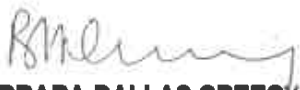
I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby determine the licensing authority for the different classes of landfills in terms of sections 43(1)(a), read with section 43(3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as set out in the Schedule hereto.

Section 43(1)(a) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM: WA) stipulates that the national Minister responsible for the environment is the licensing authority in the instances where the waste management activity involves the establishment, operation, cessation or decommissioning of a facility at which hazardous waste has been or is to be stored, treated or disposed of, unless otherwise indicated by the Minister by notice in the *Government Gazette*.

Section 43(3) of NEM: WA makes provision that the Minister and Members of the Executive Council (MECs) of the provincial Departments responsible for the environment (Waste Management) in the provinces may agree that an application or applications for waste management licenses regarding any waste management activity of which the Minister has been identified as the licensing authority, may be dealt with by the MEC, and similarly any waste management activity of which the MEC has been identified as the licensing authority may be dealt with by the Minister.

The intention of this Notice therefore is to inform the public of the agreements reached between the Minister and the affected MECs, and to clearly indicate who the licensing authority is in a specific instance.

Any enquiries in connection with the notice can be directed to Ms Mishelle Govender on 082 652 8410, or by email to: migovender@dfre.gov.za.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In this Schedule, any word or expression to which a meaning has been assigned in the Act, will have that meaning so assigned and, unless the context indicates otherwise —
 - "class A landfill"** means a landfill designed in accordance with section 3(1)(a) and (2) of the Norms and Standards for Disposal of Waste to Landfill;
 - "class B landfill"** means a landfill designed in accordance with section 3(1)(b) and (2) of the Norms and Standards for Disposal of Waste to Landfill;
 - "class C landfill"** means a landfill designed in accordance with section 3(1)(c) and (2) of the Norms and Standards for Disposal of Waste to Landfill;
 - "class D landfill"** means a landfill designed in accordance with section 3(1)(d) and (2) of the Norms and Standards for Disposal of Waste to Landfill;
 - "Norms and Standards for Assessment of Waste for Landfill Disposal"** means the National Norms and Standards for the assessment of waste for landfill disposal, published in Government Notice R.635 of Government Gazette 36784 on 23 August 2014;
 - "Norms and Standards for Disposal of Waste to Landfill"** means the National Norms and Standards for disposal of waste to landfill, published in Government Notice R.636 of Government Gazette 36784 on 23 August 2013;
 - "type 1 wastes"** means wastes assessed in accordance with section 7(2)(b) of the Norms and Standards for Assessment of Waste for Landfill Disposal;
 - "type 2 wastes"** means wastes assessed in accordance with section 7(2)(c) of the Norms and Standards for Assessment of Waste for Landfill Disposal;
 - "type 3 wastes"** means wastes assessed in accordance with section 7(2)(d) of the Norms and Standards for Assessment of Waste for Landfill Disposal; and
 - "type 4 wastes"** means wastes assessed in accordance with section 7(2)(e) of the Norms and Standards for Assessment of Waste for Landfill Disposal.

Determination of Licensing Authority

2. The licensing authority for the disposal of type 1 wastes (hazardous waste) to a class A landfill is the Minister.
3. The licensing authority for the disposal of type 2 wastes (hazardous waste) to a class B landfill is the Member of the Executive Council responsible for the environment (waste management) in the province.
4. The licensing authority for the disposal of type 3 wastes or type 4 wastes (general waste) to a class B landfill, class C landfill or class D landfill, is the Member of the Executive Council responsible for the environment (waste management) in the province.

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