

Amending landfill licenses to permit waste picking

In the past, waste pickers were not allowed to work on landfills in South Africa. The National Environmental Management: Waste Act 2008 (Republic of South Africa, 2009) creates the opportunity to change this because the Waste Act encourages and emphasises the consideration of other waste management options such as recycling, reduction, reuse and recovery of waste other than landfill disposal as long as it's done in an environmentally sound manner.

Section 51(1) of the Waste Act deals with contents of waste management licenses. Specifically, it allows waste pickers to undertake their activities on existing landfill sites as long as the waste management license specifies the “conditions in terms of which salvaging of waste may be undertaken” (Republic of South Africa, 2009, 61-2).

Municipalities and private landfill owners can amend their landfill licenses to permit salvaging by following these steps:

1. Seek an application for Transfer, Variation or Renewal of a Waste Management License. Chapter 5 of the Waste Act (Republic of South Africa, 2009) provides for the transfer, variation, and renewal of a waste management license (WML); the process requirements are contained in the Environmental Impact Assessment Regulations, 2014 (Republic of South Africa, 2014b).
2. An exemption from certain provisions of the WML application process can be applied for and must follow the exemption application process described in the National Exemption Regulations of 4 December 2014 (Republic of South Africa, 2014a).
3. An applicant who might have unlawfully commenced with a listed waste management activity (for example, having already begun a recycling project), may submit an application to rectify such unlawful commencement in terms of section 24G of the National Environmental Management Act (Republic of South Africa, 2014b).
4. The NEM: WA Waste classification and management regulations (Gazette no. 36784) specifies that some waste management activities do not require a WML. Section 9(1) states that any person may to the Minister to list a specific waste activity as an activity which does not require a license.

The Waste Act also requires all spheres of government to develop integrated waste management plans (IWMPs). These plans will include the strategy to achieve goals and set targets, and describe how they will be achieved, including methods to monitor and measure progress against targets.

References

Republic of South Africa. 1998. National Environmental Act 107 of 1998. Pretoria: Government Printer. Available online:

https://cer.org.za/wp-content/uploads/2010/03/107-of-1998-National-Environmental-Management-Act_18-Dec-2014-to-date.pdf

(accessed September 26, 2019).

Republic of South Africa. 2009. National Environmental Management: Waste Act 59 of 2008. Government Gazette No.32000, Notice No. 278. Available online:

https://www.environment.gov.za/sites/default/files/legislations/nema_amendment_act59.pdf (accessed on 18 April 2019).



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**Building Capacity for
Waste Picker Integration**

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