

## **NEMA: CONSULTATION ON THE PROPOSED AMENDMENTS TO THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS LISTING NOTICES, 2014**

Hi there

The Minister of Forestry, Fisheries and the Environment, under sections 24(2), 24(5) and 44, read with section 47 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), published the proposed amendments to the Environmental Impact Assessment Regulations, 2014, as amended, and the associated Environmental Impact Assessment Regulations Listing Notices 1, 2 and 3 of 2014

### **More information:**

The purpose of the proposed amendments is to give effect to sections 11, 62, 72, 76 and 86 of the National Environmental Management Laws Amendment Act, 2022 (Act No. 2 of 2022) which provides for the management and reclamation of residue deposits and residue stockpiles to be removed from the ambit of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (Waste Act) and included in the National Environmental Management Act.

In order to achieve this objective, in addition to the proposed amendments in the Schedule, proposed amendments to the list of waste management activities that have, or are likely to have, a detrimental effect on the environment are also required and were already published for public comment in Government Notice No. 4361 in Government Gazette No. 50107 on 9 February 2024. The transfer of the management of residue deposits and residue stockpiles from the Waste Act to the National Environmental Management Act as provided for in the National Environmental Management Laws Amendment Act will be brought into effect by Proclamation in the Government Gazette on the date of the commencement of the amendments to the Environmental Impact Assessment Regulations Listing Notices 1, 2 and 3 and the list of waste management activities.

The proposed amendments to the list of waste management activities and the Environmental Impact Assessment Regulations Listing Notices will have the effect of re-characterising residue stockpiles and residue deposits as a resource rather than a waste and removing them from the requirements of the National Standards for the Disposal of Waste to Landfill.

Since the reclamation and expansion of residue deposits and residue stockpiles will fall within the scope of existing mining activities in the Listing Notices, it is not proposed as new activities. Activities are however proposed for the reclamation and expansion of historical mine dumps, which fall outside the scope of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

In addition to the proposed change of the management regime for residue stockpiles and residue deposits, the proposed amendments also intend to clarify the competency with respect to mining activities and to better align activities for which permissions, consents, permits or rights are required in terms of the Mineral and Petroleum Resources Development Act with the Environmental Impact Assessment Regulations Listing Notices 1, 2 and 3.

Members of the public are invited to submit written comments or inputs, within 60 days from the date of publication of this Notice in the Gazette, or the notification in a newspaper, whichever occurs last

### **Publication details:**

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### **Where do I access this information?**

<https://implex.co.za/category/library/>

We trust that this information will serve to be of some assistance to you, and look forward to your positive feedback!

Implex regards,  
Marlize