

# **NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008**

## **WASTE CLASSIFICATION AND MANAGEMENT REGULATIONS, 2013**

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**GN 5524      GG 51522      20241107**

I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby make regulations pertaining to waste classification and management under section 69(1)(a), (b), (g), (h), (m), (q), (r), (s), (dd), and (ee) read with section 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) for implementation in the Schedule hereto.

**(Signed)**

**BOMO EDITH EDNA MOLEWA**

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

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## CHAPTER 1 INTERPRETATION AND PURPOSE OF REGULATIONS

### 1. Definitions

(1) In these Regulations, any word or expression to which a meaning has been assigned in the Act has that same meaning, and unless the context indicates otherwise-

**"emergency situation"** has the meaning assigned to it in section 30A(7) of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

[Definition of "emergency" substituted by the definition of "emergency situation" by GN 5524/2024 w.e.f. 7 November 2024]

**"facility"** means a place, infrastructure, structure or containment of any kind including associated structures or infrastructure, wherein, upon, or at, a waste management activity takes place and includes a waste transfer facility, a waste storage facility, container yard, waste disposal facility, incinerators, lagoons, recycling, co-processing or composting facilities;

[Definition of "facility" inserted by GN 5524/2024 w.e.f. 7 November 2024]

**"GHS"** means the latest version of the Globally Harmonised System of Classification and Labelling of Chemicals published by the United Nations (<https://unece.org/about-ghs>), as may be updated from time to time, and commonly referred to as the UN Purple Book;

[Definition of "GHS" inserted by GN 5524/2024 w.e.f. 7 November 2024]

**"health care risk waste"** means the portion of the health care waste that is hazardous and includes -

- (a) laboratory waste;
- (b) anatomical waste;
- (c) genotoxic/cytotoxic waste;
- (d) infectious waste;
- (e) sharps waste;
- (f) sanitary waste; nappy waste;
- (g) low-level radioactive waste; and
- (h) pharmaceutical waste;

[Definition of "health care risk waste" inserted by GN 5524/2024 w.e.f. 7 November 2024]

**"incident"** has the meaning assigned to it in terms of section 30(1)(a) of the National Environmental Management Act, 1998 (Act No, 107 of 1998);

[Definition of "incident" inserted by GN 5524/2024 w.e.f. 7 November 2024]

"**landfill**" is a type of engineered waste disposal facility, whereby hazardous, non-hazardous or inert waste is disposed onto or into land;

[Definition of "incident" inserted by GN 5524/2024 w.e.f. 7 November 2024]

"**SAWIS**" has the meaning assigned to it in the National Waste Information Regulations published under Government Notice R. 625, in Government Gazette No. 35583 of 13 August 2012;

[Definition of "SAWIS" inserted by GN 5524/2024 w.e.f. 7 November 2024]

"**safety data sheet**" means a document that is aligned to the GHS, providing information on hazard classification, properties of hazardous chemicals, procedures for handling or working with hazardous chemicals in a safe manner, and the effects of hazardous chemicals on health and safety at the workplace;

[Definition of "safety data sheet" inserted by GN 5524/2024 w.e.f. 7 November 2024]

"**SANS 10234**" .....

[Definition of "SANS 10234" deleted by GN 5524/2024 w.e.f. 7 November 2024]

"**the Act**" means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

"**waste classification**" means establishing -

(a) whether a waste is hazardous or not based on the nature of its physical, health and environmental hazardous properties (hazard classes); and

(b) the degree or severity of hazard posed (hazard categories);

[Definition of "waste classification" substituted by GN 5524/2024 w.e.f. 7 November 2024]

"**waste generator**" means any person whose actions, production processes or activities, including waste management activities, results in the generation of waste;

"**waste manager**" means any person who re-uses, recycles, recovers, treats or disposes of waste;

"**waste management facility**" .....

[Definition of "waste management facility" deleted by GN 5524/2024 w.e.f. 7 November 2024]

"**waste manifest system**" means a system of control documentation, which accompanies a load of hazardous waste transported from the point of generation to the waste management facility;

"**waste transporter**" means any person who conveys or transfers waste-

(a) between the waste generator and a waste management facility; or

(b) between waste management facilities.

(2) The term waste in these Regulations has the meaning as assigned by the Act, and is deemed to include both general waste and hazardous waste.

(3) General waste and hazardous waste have the meanings as assigned by the Act, and are referred to as such in these Regulations, where specific provisions are only applicable to either general or hazardous waste.

(4) For any action contemplated in terms of these Regulations for which a timeframe is prescribed, the specified numbers of days are ordinary days.

## 2. Purpose of Regulations

- (1) The purpose of these Regulations is to-
  - (a) regulate the classification and management of waste in a manner which supports and implements the provisions of the Act;
  - (b) prescribe requirements for the disposal of waste to landfill;
  - (c) prescribe requirements and timeframes for the management of certain wastes; and
  - (d) prescribe general duties of waste generators, waste transporters, and waste managers.

[Subr. (1) substituted by GN 5524/2024 w.e.f. 7 November 2024]

### **3. Application of Regulations**

- (1) These Regulations apply uniformly in all Provinces of the Republic of South Africa.
- (2) These Regulations do not apply to generators of domestic waste that is collected by a municipality.
- (3) Subject to subregulation (2), these regulations apply to all waste generators, waste transporters and waste managers.

## **CHAPTER 2 WASTE CLASSIFICATION**

### **4. Waste Classification**

- (1) Waste listed in Annexure 1 of these Regulations do not require classification.

[Subr. (1) substituted by GN 5524/2024 w.e.f. 7 November 2024]

- (2) Subject to subregulation (1), all waste generators must ensure that the waste they generate is classified in accordance with GHS within one hundred and eighty (180) days of generation.

[Subr. (2) substituted by GN 5524/2024 w.e.f. 7 November 2024]

- (3) Waste must be kept separate for the purposes of classification in terms of subregulation (2), and must not be mixed prior to classification.
- (4) Waste must be reclassified in terms of subregulation (2)-
  - (a) every five (5) years; and
  - (b) within 60 days of modification to the process or activity that generated the waste or of change in the raw materials or other inputs.

[Subr. (4) substituted by GN 5524/2024 w.e.f. 7 November 2024]

- (5) Waste that has been subjected to any form of treatment must be classified in terms of subregulation (2), including any waste from the treatment process.

[Subr. (5) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(6) If the Minister reasonably believes that a waste has not been classified correctly in terms of subregulation (2), he or she may require the waste generator to have the classification peer reviewed to confirm the classification.

## **5. Safety Data Sheets**

(1) Subject to subregulations (2) and (3), once waste has been classified in accordance with regulation 4(2); generators of hazardous waste must ensure that a safety data sheet for the hazardous waste is prepared in accordance with GHS.

[Subr. (1) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(2) Subregulation (1) does not apply to generators of waste listed in item (2)(b) of Annexure 1 to these Regulations provided that the safety data sheets for these wastes are prepared as follows:

- (a) Safety data sheets for waste listed in item (2)(b)(i) of Annexure 1 to these Regulations must be prepared in accordance with GHS for the product the waste originates from; and
- (b) safety data sheets for waste listed in item (2)(b)(ii) of Annexure 1 to these Regulations must be prepared in accordance with GHS reflecting the details of the specific hazardous waste/s or hazardous chemical/s in the waste.

[Subr. (2) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(3) Generators of waste listed in item (2)(b)(iii) of Annexure 1 to these Regulations do not have to prepare a safety data sheet for the waste.

(4) Every holder of hazardous waste, except waste listed in item (2)(b)(iii) of Annexure 1 to these Regulations, must be in possession of the safety data sheet/s for the waste referred to in subregulations (1) and (2).

## **CHAPTER 3 WASTE MANAGEMENT**

### **6. General**

(1) Waste transporters and waste managers must not accept waste that has not been classified in terms of Regulation 4 unless such waste is listed in Annexure 1 of these Regulations.

(2) Waste must not be diluted solely to reduce the concentration of its constituents for the purposes of classification in terms of Regulation 4(2), or assessment of the waste in accordance with the Norms and Standards for Assessment of Waste for Landfill Disposal set in terms of section 7(1) of the Act.

(3) Any container or storage impoundment holding waste must be labelled, or where labelling is not possible, records must be kept, reflecting the following-

- (a) the date on which waste was first placed in the container;
- (b) the date on which waste was placed in the container for the last time when the container was filled, closed, sealed or covered;

(c) the dates when, and quantities of, waste added and waste removed from containers or storage impoundments, if relevant;

(d) the specific category or categories of waste in the container or storage impoundment as identified in terms of the National Waste Information Regulations, 2012; and

(e) the classification of the waste in terms of Regulation 4 once it has been completed.

(4) Waste generated must be re-used, recycled, recovered, treated or disposed of by the waste generator or waste manager within 18 months of generation.

[Subr. (4) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(5) .....

[Subr. (5) deleted by GN 5524/2024 w.e.f. 7 November 2024]

(6) The re-use, recycling, recovery, treatment or disposal of waste stored in an existing facility prior to promulgation of these Regulations must be commenced with within five (5) years from the date of commencement of these Regulations.

## **7. Waste Treatment**

(1) Waste must not be mixed or treated where this would-

(a) reduce the potential for re-use, recycling or recovery; or

(b) result in treatment that is not controlled and not permanent.

(2) Notwithstanding Regulations 6(2) and 7(1), waste may be blended or treated to-

[Words preceding para. (a) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(a) enable potential for re-use, recycling, recovery or treatment; or

(b) reduce the potential risk or negative impact associated with the management of the waste.

[Para. (b) substituted by GN 5524/2024 w.e.f. 7 November 2024]

## **8. Waste Disposal to Landfill**

(1) Unless otherwise directed by the Minister to ensure a better environmental outcome, or in response to an emergency situation so as to protect human health, property or the environment-

(a) waste generators must ensure that their waste is assessed in accordance with the Norms and Standards for Assessment of Waste for Landfill Disposal set in terms of section 7(1) of the Act prior to the disposal of the waste to landfill;

(b) waste generators must ensure that the disposal of their waste to landfill is done in accordance with the Norms and Standards for Disposal of Waste to Landfill set in terms of section 7(1) of the Act; and

(c) waste managers disposing of waste to landfill must only do so in accordance with the Norms and Standards for Disposal of Waste to Landfill set in terms of section 7 (1) of the Act.

[Subr. (1) amended by the substitution of the word "emergency" for "emergency situation" by GN 5524/2024 w.e.f. 7 November 2024]

(2) Subregulation (1)(a) applies to all waste generators, excluding-

(a) generators of waste listed in items (2)(a) and (b) of Annexure 1 to these Regulations; and

(b) generators of business waste that is collected by a municipality.

(3) Subregulation (1)(b) applies to all waste generators, excluding-

(a) generators of waste listed in item (2)(a) of Annexure 1 to these Regulations; and

(b) generators of business waste that is collected by a municipality.

#### **CHAPTER 4**

##### **9. ....**

[S. 9 deleted by GN 5524/2024 w.e.f. 7 November 2024]

[Chapter 4 deleted by GN 5524/2024 w.e.f. 7 November 2024]

#### **CHAPTER 5**

##### **RECORD KEEPING AND WASTE MANIFEST SYSTEM**

##### **10. Records of waste generation and management**

(1) Waste generators must keep accurate and up to date records of the management of the waste they generate, which records must reflect-

(a) the classification of the wastes;

(b) the quantity of each waste generated, expressed in tons or cubic metres per month;

(c) the quantities of each waste that has either been re-used, recycled, recovered, treated or disposed of; and

(d) by whom the waste was managed.

(2) Subregulation (1) does not apply to generators of waste listed in item (2)(a) of Annexure 1 to these Regulations.

(3) The records contemplated in subregulation (1) must be-

(a) retained for a period of at least five (5) years; and

(b) made available to the Department upon request.

## **11. Waste Manifest System**

(1) Every holder of waste that has been classified as hazardous in terms of Regulation 4(2) or a waste that is listed in item (2)(b) of Annexure 1 to these Regulations, must be in possession of a waste manifest document containing the relevant information specified in Annexure 2 to these Regulations.

(2) Generators of waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations, must complete a waste manifest document containing the information specified in item (2)(a) of Annexure 2 to these Regulations for each consignment of waste transported to a waste manager.

(3) Subregulations (1) and (2) do not apply to waste generators who are also the waste manager and manage the waste at the same premises where it was generated.

(4) Waste transporters must not accept waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations for transport, unless the waste manifest document accompanies the waste.

(5) All transporters of waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations must-

(a) complete a waste manifest document containing the information specified in item (2)(b) of Annexure 2 to these Regulations for each consignment of waste transported;

(b) provide the information to the generator before the waste is transported from the premises of the generator; and

(c) provide the information to the waste manager at the time of delivery of the waste to the facility for a waste management activity.

(6) Waste managers must not accept waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations, unless the waste manifest document accompanies the waste.

(7) All managers of waste classified as hazardous in terms of Regulation 4(2) or waste that is listed in item (2)(b) of Annexure 1 to these Regulations, must complete the waste manifest document with the information specified in item (2)(c) of Annexure 2 to these Regulations, confirming that the waste load has been accepted and that the waste has been managed.

(8) All waste generators, transporters and managers subjected to the requirements of subregulations (1), (2), (4), (5), (6) and (7) must-

(a) retain copies, or be able to access copies/records, of the waste manifest documentation for a period of at least five (5) years; and

(b) make the waste manifest documentation available to the Department upon request.



**CHAPTER 6**  
**GENERAL MATTERS**

**12. Implementation and Transitional Provisions**

(1) All wastes that were classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry), or waste for which an alternative classification was approved by the Department of Water Affairs or Department of Environmental Affairs, prior to these Regulations taking effect, must be-

- (a) re-classified in terms of Regulation 4(2); and
- (b) assessed in terms of Regulation 8(1)(a) if the waste is to be disposed to landfill, within three (3) years from the date of commencement of these Regulations.

(2) Waste that has been produced prior to these Regulations taking effect, but that has not been classified at the date of commencement of these Regulations must be-

- (a) classified in terms of Regulation 4(2); and
- (b) assessed in terms of Regulation 8(1)(a) if the waste is to be disposed to landfill, within eighteen (18) months from the date of commencement of these Regulations.

(3) Regulations 4(2) and 6(1) do not apply for a period of three (3) years from the date of commencement of these Regulations, provided that the waste has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) or an alternative classification of the waste was approved by the Department of Water Affairs or Department of Environmental Affairs prior to these Regulations taking effect.

(4) Regulation 4(2) does not apply for a period of eighteen (18) months from the date of commencement of these Regulations, provided that the waste has been generated but not classified prior to the date of commencement of these Regulations.

(5) Subject to subregulation (6), Regulation 6(3) must be complied with within one (1) year from the date of commencement of these Regulations.

(6) Regulation 6(3)(e) does not apply for a period of-

(a) three (3) years from the date of commencement of these Regulations, provided that the waste has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) prior to these Regulations taking effect, and this classification is reflected in the labelling or records required in terms of Regulation 6(3); or

(b) three (3) years from the date of commencement of these Regulations, provided that an alternative classification of the waste was approved by the Department of Water Affairs or Department of Environmental Affairs prior to these Regulations taking effect, and this classification is reflected in the labelling or records required in terms of Regulation 6(3).

(7) Regulation 6(6) does not apply to waste that has been or is being treated through macro-encapsulation approved by the Department of Water Affairs or the Department of Environmental Affairs.

(8) Regulation 8(1)(a) does not apply for a period of-

(a) three (3) years from the date of commencement of these Regulations, provided that the waste has been classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) prior to the date of commencement of these Regulations; or

(b) three (3) years from the date of commencement of these Regulations, provided that an alternative classification of the waste was approved by the Department of Water Affairs or the Department of Environmental Affairs prior to the date of commencement of these Regulations.

(9) Regulations 10 and 11 take effect one (1) year after the date of commencement of these Regulations.

(10) The requirements of Regulations 10 and 11 apply to waste that was classified in terms of the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (2nd Edition, 1998; Department of Water Affairs and Forestry) prior to the date of commencement of these Regulations.

### **13. Offences and Penalties**

(1) A person commits an offence if that person-

[Chapeau substituted by GN 5524/2024 w.e.f. 7 November 2024]

(a) fails to comply with Regulations 4(2), (3), (4), (5), (6), 5, 6, 7(1), 8(1), 10(1), 10(3), 11(1), (2), (4), (5), (6), (7), (8) or 12; or

(b) provides incorrect or misleading information in any record or document required or submitted in terms of these Regulations.

(2) A person convicted of an offence in terms of subregulation (1)(a) is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or in both instances to both a fine and such imprisonment.

[Subr. (2) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(3) A person convicted of an offence in terms of subregulation (1)(b) is liable to a fine not exceeding R1 million or to imprisonment for a period not exceeding 1 year, or to both such fine and such imprisonment.

[Subr. (3) substituted by GN 5524/2024 w.e.f. 7 November 2024]

### **14. Short Title and Commencement**

These Regulations are called the Waste Classification and Management Regulations, 2013.

## **CHAPTER 7 ANNEXURES TO REGULATIONS**

### **Annexure 1: Wastes that do not require Classification or Assessment**

(1) The wastes specified in item 2 of this Annexure do not require classification in terms of Regulation 4(1), nor assessment in terms of Regulation 8(1)(a).

(2)

(a) General waste-

(i) Domestic waste;

(ii) Business waste not containing hazardous waste or hazardous chemicals;

(iii) Non-infectious animal carcasses;

(iv) Garden waste;

(v) Waste packaging not containing hazardous waste or hazardous chemicals;

[Subp. (v) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(vi) Waste tyres;

(vii) Building and demolition waste not containing hazardous waste or hazardous chemicals; and

(viii) Excavated earth material not containing hazardous waste or hazardous chemicals;

(ix) Expired, spoilt, or unusable consumer products.

[Subp. (ix) inserted by GN 5524/2024 w.e.f. 7 November 2024]

(2)

(b) Hazardous waste-

(i) Waste Products:

-Waste oil;

-Mercury-containing waste;

-Asbestos waste;

-PCB waste or PCB containing waste (> 50 mg/kg or 50 ppm); and

-Expired, spoilt or unusable hazardous products.

[Subp. (i) substituted by GN 5524/2024 w.e.f. 7 November 2024]

(ii) Mixed Waste:

- General waste, excluding domestic waste, which contains hazardous waste or hazardous chemicals;  
and

- Mixed, hazardous chemical wastes from analytical laboratories and laboratories from academic institutions in containers less than 100 litres.

(iii) Other:

- Health Care Risk Waste (HCRW).

## **Annexure 2: Waste Manifest System Information Requirements**

(1) The information specified in item 2 of this Annexure must be reflected in the waste manifest document required in terms of Regulation 11.

(2)

(a) Information to be supplied by the Waste Generator (Consignor)-

(i) Unique consignment identification number;

(ii) If applicable, the SAWIS Registration number in terms of the National Waste Information Regulations, 2012;

(iii) Generator's contact details (contact person, physical & postal address, phone, fax, email);

(iv) Physical address of the site where the waste was generated (if different from (iii));

(v) Contact number in case of an incident or after hours;

(vi) Origin / source of the waste (process or activity);

(vii) Classification of the waste and Safety Data Sheet;

(viii) Quantity of waste by volume (m<sup>3</sup>) or weight (tons);

(ix) Date of collection / dispatch;

(x) Intended receiver (waste manager); and

(xi) Declaration (content of the consignment is fully and accurately described, classified, packed, marked and labelled, and in all respects in proper condition for transportation in accordance with the applicable laws and regulations).

(b) Information to be supplied by the Waste Transporter-

(i) Name of transporter;

(ii) Address and telephone number of transporter; and

(iii) Declaration acknowledging receipt of the waste.

- (c) Information to be supplied by the Waste Manager (Consignee)-
- (i) Name, address and contact details;
  - (ii) Receiving waste management facility name, address and contact details (where different);
  - (iii) Waste management facility licence number;
  - (iv) Date of receipt;
  - (v) Quantity of waste received by weight (tons), and volume (m<sup>3</sup>) if applicable;
  - (vi) Type of waste management applied (re-use, recycling, recovery, treatment, disposal);
  - (vii) Any discrepancies in information between the different holders of the waste (related to waste quantity, type, classification, physical and chemical properties);
  - (viii) Waste management reporting description and code in terms of the National Waste Information Regulations, 2012;
  - (ix) Details on any waste diverted to another waste management facility, and details of the facility;  
and
  - (x) Certification and declaration of receipt and final management of the waste.