

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 990

21 SEPTEMBER 2018

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008  
(ACT NO. 59 OF 2008)****AMENDMENTS TO THE REGULATIONS REGARDING THE PLANNING AND MANAGEMENT OF  
RESIDUE STOCKPILES AND RESIDUE DEPOSITS, 2015**

I, Derek Andre Hanekom, Minister of Environmental Affairs (Acting), hereby publish the amendments to the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits, 2015 in terms of section 69(1)(iA) read with sections 71(2)(a), 72 and 73 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) as set out in the Schedule hereto.

The main aim of the amendments is to allow for the pollution control measure, required for residue stockpiles and residue deposits, to be determined on a case by case basis, based on a risk analysis conducted by a competent person. "Competent person" is defined in the existing regulations. The amendments also provide for textual amendments to provide clarity, consequential amendments and transitional arrangements.



**DEREK ANDRE HANEKOM  
MINISTER OF ENVIRONMENTAL AFFAIRS (ACTING)**

**SCHEDULE****GENERAL EXPLANATORY NOTE:**

[ ] Words in bold and typed in square brackets indicate omissions from existing regulations

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing regulations

**Definition**

1. In these regulations "the Regulations" means the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits, 2015, published under Government Notice No. R. 632 of 24 July 2015.
2. "mining operation" has the meaning assigned to it in section 1 of the MPRDA

**Amendment of regulation 3 of the Regulations**

3. Regulation 3 of the Regulations is hereby amended—

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) The identification and assessment of environmental impacts arising from the establishment of residue stockpiles and residue deposits must be done as part of the environmental impact assessment conducted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998)

(b) by the deletion of subregulations (2) and (4); and

(c) by the addition of the following subregulation:

"(5) A competent person must recommend the pollution control measures suitable for a specific residue stockpile or residue deposit on the basis of a risk analysis as contemplated in regulations 4 and 5 of these Regulations."

**Amendment of regulation 5 of the Regulations**

4. Regulation 5 of the Regulations is hereby amended—

(a) by the insertion in subregulation (2) after the word "deposit" of the words "to be established"

(b) by the insertion after subregulation (2) of the following subregulation:

"(2A) The risk analysis contemplated in subregulation (2) must be undertaken by a competent person."

(c) by the substitution for paragraph (e) of subregulation (3) of the following paragraph:

- (e) "pollution control measures determined as a result of the risk analysis as contemplated in regulations 4 and 5 of these Regulations."
5. Regulation 7(1) of the Regulations is hereby amended by the insertion of the word "engineer" after the word "mining".
6. Regulation 8 is amended by the deletion of the words "The owner of the mine" and the inclusion of the words "The holder of the mining right"

#### **Transitional provision**

7. Any application for a waste management licence relating to the establishment of a residue stockpile or residue deposit, which was lodged with the licensing authority before the commencement of these Regulations, must be dealt with in terms of the Regulations as amended by these regulations.

#### **Short title and commencement**

8. These Regulations are called the Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits Amendment Regulations, 2018.