

(23 January 2015 – to date)

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

(Gazette No. 32000, Notice No. 278. Commencement date: 1 July 2009 – save for sections 28(7)(a), sections 35 to 41 and section 46 [Proc. No. 34, Gazette No. 32189])

FEE STRUCTURE FOR CONSIDERATION AND PROCESSING OF APPLICATIONS FOR WASTE MANAGEMENT LICENCES, TRANSFER AND RENEWAL THEREOF

Government Notice 142 in Government Gazette 37383 dated 28 February 2014. Commencement date: 1 April 2014.

As amended by:

Government Notice R44 in Government Gazette 38417 dated 23 January 2015. Commencement date: 23 January 2015.

I Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby prescribe the fees for the consideration and processing of applications for waste management licences and the transfer and the renewal thereof under sections 45(2), 52(4)(a), 55(3)(a) and 69(1)(dd), read with section 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in the Schedule hereto.

(Signed)

BOMO EDITH EDNA MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

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1. Definitions

Prepared by:

In partnership with:

- (1) In these regulations any word or expression to which a meaning has been assigned in the Act, 2008 (Act No, 59 of 2008) and the Environmental Impact Assessment Regulations has *[sic]* the meaning so assigned, unless *[sic]* the context indicates otherwise, and-

"**application**" means an application for -

- (a) a waste management licence applied for in terms of section 45 of the Act;
- (b) a transfer of a waste management licence applied for in terms of section 52 of the Act; or *[sic]*
- (c) a renewal of a waste management licence applied for in terms of section 55 of the Act;

"**Environmental Impact Assessment Regulations**" means the regulations made in terms of section 24(5)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and includes the amendments thereto;

"**proof of payment**" includes a receipt, a stamped deposit slip, electronic fund transfer copy or a payment advice; and

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

- (2) When a period of days must be reckoned in terms of these regulations, it will be reckoned as indicated in the Environmental Impact Assessment Regulations.

2. Application of regulations

These regulations apply to an application, but *[sic]* will exclude an application-

- (a) for a community based project funded by government grants; or
- (b) made by an organ of state.

3. Applicable Fee

The fees applicable for an application are as indicated in the Annexure hereto.

4. Payment

- (1) The proponent for an application must *[sic]* pay the applicable fees, as indicated in the Annexure, before or on the date of the submission of the application to the licensing authority.

(Regulation 4(1) amended by regulation 2(a) of Government Notice R44 in Government Gazette 38417 dated 23 January 2015)

- (2) The applicant must attach proof of payment to the application form submitted to the licensing authority.
- (3) Where an applicant is not required to pay a fee as contemplated in regulation 2, the applicant must inform the licensing authority in writing and attach proof thereof or a motivation to the application form.
- (4) In the instance where an application-
 - (a) is rejected in terms of the ECA Regulations or the previous NEMA Regulations, but the correct prescribed fee was paid;
(Regulation 4(4)(a) amended by regulation 2(b) of Government Notice R44 in Government Gazette 38417 dated 23 January 2015)
 - (b) is withdrawn; or
 - (c) has lapsed,the fee will not be refunded.
- (5) A re-submission of an application referred to in sub regulation (4)(b) or (c) will be considered as a submission of a new application and will require the payment of the relevant *[sic]* fee indicated in the Annexure.
- (6) Where an application for basic assessment is lodged, and it later transpires that the application requires S&EIR, the balance of the fee must be paid by the applicant and proof of payment must be submitted within 30 days from the date that the applicant has been informed by the licensing authority thereof, otherwise it will be deemed that the applicant has withdrawn the application.
(Regulation 4(6) amended by regulation 2(c) of Government Notice R44 in Government Gazette 38417 dated 23 January 2015)
- (7) Payment of the fees referred to in subregulations (1), (5) and (6) may be made only by electronic transfer or a deposit into the bank account of the relevant licensing authority as indicated on the application form.
- (8) The fees specified in the Annexure will be charged per application and not per waste management activity triggered.

5. Commencement

These regulations will come into operation 1 April 2014.

ANNEXURE

Application	Fee
Application for a waste management licence for which basic assessment is required in terms of the Act.	R2 000
Application for a waste management licence for which S&EIR is required in terms of the Act.	R10 000
Application for a transfer of a waste management licence in terms of section 52(2) or for the renewal of a waste management licence in terms of section 55(2) of the Act.	R2 000