

# **The Waste Regulations, 2000**

## **Legal Notice No.31 of 2000**

Gazetted 21st April 2000

In exercise of the powers conferred by Section 18 of the Swaziland Environment Authority Act 1992, and in consultation with the Authority, the Minister for Tourism, Environment and Communications makes the following Regulations -

### **PART I: PRELIMINARY**

#### **Citation and Commencement**

1. These Regulations may be cited as the Waste Regulations, 2000 and shall come into operation on the date of publication in the Gazette.

#### **Application**

2. These Regulations regulate the management of solid waste and liquid waste disposed of on land, and are binding on the State.

#### **Interpretation**

3. (1) In these Regulations, unless the context otherwise requires -

"adverse effect" means any harmful or detrimental effect on the environment, whether actual or potential:

(a) that is, or may in future be, more than trivial or insignificant;

(b) that impairs, or may in future impair, human health; or

(c) that results in, or may in future result in, an impairment of the ability of people and communities to provide for their health, safety, and cultural and economic well-being, that is more than trivial or insignificant, and the risk of a potential adverse effect occurring shall be deemed to be significant if either it is reasonably likely that the adverse effect may occur, or if it is unlikely that the adverse effect will occur but if it did occur it would be serious and/or irreversible;

"approved waste disposal facility" means, in respect of any category of waste, a facility which has been licensed by the authority under these Regulations as a facility at which that type of waste may be permanently disposed of, and includes a landfill site and an incinerator;

"clinical waste" means any waste produced by hospitals, clinics, nursing homes, doctor's offices, medical laboratories, medical research facilities and veterinarians which is infectious or potentially infectious, and, without limitation, includes: microbial wastes such as cultures and stocks of infectious wastes; human blood and blood products; pathological wastes of human origin such as tissues, organs and body parts; contaminated animal wastes including animal carcasses, body parts and bedding which have been exposed to infectious agents; isolation wastes associated with animals or humans which have been isolated as a result of being infected with a disease; and contaminated and uncontaminated sharps including hypodermic needles, scalpels and broken glassware;

"commercial waste" means waste from premises used wholly or mainly for the purposes of a trade or business or for the purposes of sport, recreation or entertainment, but excluding: household waste; industrial waste; waste from any mine or quarry; and waste from premises used for agriculture;

"disposal" of waste includes deposit of waste into or onto land, and incineration of waste, but does not include temporary storage of waste, pending collection, in accordance with these Regulations;

"environmental compliance certificate" means an Environmental Compliance Certificate issued under and in accordance with the Environmental Audit, Assessment and Review Regulations 2000;

"hazardous waste" means any waste -

(a) which is listed in Part I of Schedule Three and to which a six digit waste code has been assigned in that Schedule, and which displays any of the properties specified in Part II of Schedule Three; or

(b) which displays any of the following hazardous properties as defined in Part II of Schedule Three: highly "flammable" (only liquid substances and preparations having a flash point below 21°C), "irritant", "harmful", "toxic", "carcinogenic" or "corrosive", unless the waste does not exceed any of the threshold criteria for certain hazardous properties set out in Part III of Schedule Three;

"household waste" means waste from any of the following premises:

(a) a home, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation, or a caravan or a mobile home;

(b) premises forming part of a university or school or other educational establishment;

(c) premises forming part of a residential home, hospital or nursing home, but does not include commercial, industrial or hazardous waste, sand, earth, effluent, or garden waste;

"industrial waste" means waste from a factory or from any premises used for the purposes of, or in connection with, the provision to the public of: transport services by land, water or air; gas, water, electricity or sewerage services; or postal or telecommunications services;

"litter" means any waste which is discarded in any public place or vacant land, other than in a waste receptacle;

"local authority" means a municipal council or a town council established under Part II of the Urban Government Act 1969, or a town board established under Part XIII of that Act, and in relation to a company town, means the company that controls the town;

"local waste disposal site" means a site designated for the disposal of waste in a waste control area in accordance with Regulation 12;

"local waste collection site" means a site designated for the collection of waste in a waste control area in accordance with Regulation 12;

"occupier" means, in relation to any land or premises, any person in actual occupation, in charge of, or responsible for managing, the land or premises, and includes a person occupying a portion of Swazi Nation Land with the permission of a

Chief, and in respect of Swazi Nation Land which has not be allocated to a particular person, the Chief of that area;

"premises" means any building or part of a building and the land used or occupied in connection with it;

"recovery" in relation to waste, means the recycling, re-use or reclamation of waste or any other process which is applied to waste with a view to extracting secondary raw materials, or generating heat or any other form of energy, from the waste;

"special waste" means hazardous waste and clinical waste;

"statutory nuisance" means any state of affairs or matter which is defined in any legislation as constituting a nuisance or a public nuisance;

"urban area" means an area within the area or jurisdiction of a local authority;

"waste" means any substance or thing that the holder discards or disposes of, or intends or is required to discard or dispose of, irrespective of its value to anyone, and any substance or thing deemed by a regulation to be waste; and for the purposes of this definition: "holder" means a person in possession of the waste, or a person whose activities produced the waste, or a person who carried out pre-processing, mixing or other operations that changed the nature or composition of the waste;

"waste control area" means an area designated as such by the Minister in accordance with Regulation 12(1);

"waste disposal facility" means a landfill site, incinerator or any other facility at which waste is permanently disposed of;

"waste regulation authority" means:

- (i) in respect of an urban area, the local authority responsible for that area;
- (ii) in respect of a waste control area, the Office of the Deputy Prime Minister; or the body to which responsibility for the management of waste in the waste control area has been delegated under regulation 12(2); and
- (iii) in any other area, the Office of the Deputy Prime Minister.

## **PART II: GENERAL PROVISIONS**

### **General Prohibition and Duty of Care**

4. (1) A person shall not collect, transport, sort, recover, treat, store, dispose of or otherwise manage waste in a manner that is likely to result in an adverse effect.

(2) Every person who imports, produces, collects, recovers, transports, keeps, treats or disposes of waste must take all reasonable measures to prevent any other person contravening sub-regulation (1) in relation to that waste.

(3) Any person who contravenes sub-Regulations (1) or (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment for a term not exceeding two years, or to both imprisonment and a fine.

## **Disposal of Waste**

5. (1) Subject to sub-Regulation (2), no person shall dispose of:

- (a) commercial or industrial waste, or household waste produced in urban areas, except at an approved waste disposal facility;
- (b) special waste except at an approved waste disposal facility;
- (c) any household waste produced in a waste control area except at a local waste disposal site or a local waste collection site designated by the Authority under regulation 12(3) or at an approved waste disposal facility.

(2) The following acts do not contravene sub-regulation (1):

- (a) the discharge directly into a water body of commercial or industrial waste, other than special waste, in the form of effluent in compliance with the [Water Pollution Control Regulations 2000] or
- (b) the emission into the atmosphere of commercial or industrial waste, other than special waste, in the form of gas or particulates, in compliance with the [Air Pollution Control Regulations 2000].

(3) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

## **Import, export and trade in waste**

6. (1) Subject to paragraph (2), no person shall import, export or trade in waste without the written permission of the Authority and subject to the terms and conditions imposed by the Authority

(2) The import of hazardous waste into Swaziland is prohibited.

(3) Any person who contravenes sub-regulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and imprisonment to a term not exceeding two years, or both.

## **PART III: ADMINISTRATION**

### **Functions of the Authority**

7. The Authority shall -

- (a) prepare a national waste strategy;
- (b) give general or specific directions to waste regulation authorities regarding their functions relating to the collection and disposal of waste in their areas, in order to promote the protection of the environment and the wise use of resources;
- (c) monitor the management of waste in waste control areas in accordance with Part V;
- (d) issue special waste carrier licences under Part VI and keep a register containing details of all persons to whom such licenses have been issued;
- (e) inspect all waste disposal and recovery facilities in respect of which a waste management licence is in force at least once every six months;
- (f) issue special waste management licences under regulation 23;
- (g) issue waste recovery licences and waste separation permits under Part X;

- (h) issue waste management licences under Part VIII;
- (i) regulate the management of waste in accordance with Part VIII;
- (j) regulate the management of special waste in accordance with Part IX;
- (k) monitor compliance with licences issued under these Regulations;
- (l) take enforcement action where necessary, including variation, revocation and suspension of licences in the case of breach of licence conditions;
- (m) review and monitor the implementation by local authorities of waste management plans; and
- (n) collect and analyse statistical data on waste produced and waste composition in Swaziland and include the findings of this research and appropriate recommendations in the annual report of the Authority.

### **Functions of Local Authorities**

8. (1) Each local authority shall, within the local authority's area of jurisdiction -
- (a) collect, or arrange for the collection of, all household waste at least once per week and ensure that it is disposed of at an approved waste disposal facility;
  - (b) ensure that all waste is collected, transported and disposed of in accordance with these Regulations;
  - (c) take all practical measures to promote and support the recovery of waste, particularly at the point at which it is produced;
  - (d) provide litter receptacles in public places in accordance with regulation 29; and
  - (e) prepare waste management plans in accordance with regulation 31.

(2) Each local authority shall report annually to the Authority on the quantity of household, commercial, industrial, hazardous and clinical waste generated and disposed of within its area of jurisdiction and on the implementation of its waste management plan.

## **PART IV: STORAGE, COLLECTION AND DISPOSAL OF WASTE IN URBAN AREAS**

### **Storage of Waste**

9. (1) Every occupier of premises in an urban area shall provide suitable waste receptacles in accordance with sub-regulation (2), for the reception and storage of waste produced upon the premises, and shall ensure that such waste is deposited in these waste receptacles.

(2) If the occupier fails to provide suitable waste receptacles the local authority may provide the necessary receptacles and recover the cost from the occupier or owner of the premises.

(3) Every occupier of premises in an urban area shall:

- (a) provide and use separate receptacles for the reception and storage of each of the following categories of waste which it produces:
  - (i) household waste;
  - (ii) industrial and commercial waste;
  - (iii) waste which is to be recycled; and
  - (iv) special waste;
- (b) maintain all receptacles in good condition; and
- (c) ensure that the receptacles are covered at all times (except when waste is being

deposited in or removed from a receptacle) and are located so as not to cause a statutory nuisance or be unnecessarily offensive to the occupiers of adjacent plots.

(4) Every owner of a plot in an urban area containing four or more residential or commercial units shall provide an enclosure for the storage of individual waste receptacles or common waste receptacles for all occupiers of that plot producing the same type of waste.

(5) Any person who contravenes sub-Regulations (1), (3) or (4) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Collection and Disposal of Household Waste**

10. (1) Every local authority shall ensure that skips or common receptacles are placed along access routes to and from any premises within its area or jurisdiction that are inaccessible to waste collection vehicles, for the collection of household waste.

(2) Every occupier of premises located in areas which are inaccessible to waste collection vehicles shall ensure that all household waste produced on their premises is transported to, and disposed of in, the skips or common receptacles provided by the local authority in accordance with sub-regulation (1).

(3) Every local authority shall ensure that all household waste produced within its area of jurisdiction is collected from the waste receptacles provided in accordance with regulation 9 and the skips and common receptacles provided in accordance with this regulation, at least once per week and is disposed of at an approved waste disposal facility or treated in accordance with these Regulations.

(4) The owner or occupier of any premises situated in an urban area in which a mechanised waste collection service is operated by the local authority or an operator licensed by the local authority, shall, on the days and at the times stipulated by the local authority, place the waste receptacles containing the household waste generated on the premises in front of their premises in a place accessible to the waste collection vehicles and shall remove all empty receptacles within twelve hours of the collection of the waste.

(5) Any person who contravenes sub-Regulations (1), (2), (3) or (4) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Collection of Commercial and Industrial Waste**

11. (1) The owner or occupier of any premises upon which commercial or industrial waste is produced shall arrange for the waste to be collected and transported to an approved waste disposal facility and disposed of at that facility or treated in accordance with these Regulations.

(2) Any owner or occupier of premises upon which commercial or industrial waste is produced may make a written request to the local authority to arrange for the collection of all or any of such waste.

(3) Upon receipt of a written request under sub-regulation (2), the local authority shall notify the applicant in writing with ten days whether or not it is able to collect the waste in question and where it is able to do so, the local authority shall enter into a written agreement with the owner or occupier of the premises or the producer of the waste, under which the local authority undertakes, for a fee, to collect the waste and to transport it to an approved waste disposal facility for disposal in accordance with these Regulations.

(4) Unless otherwise provided under a written agreement referred to in sub-regulation (3), the local authority shall act as the agent of the producer of the waste in handling, transporting and disposing of the waste.

## **PART V: STORAGE, COLLECTION AND DISPOSAL OF WASTE IN WASTE CONTROL AREAS**

### **Designation of Waste Control Areas**

12. (1) Where the Minister for the Environment, acting on the advice of the Authority, and after consultation with the competent authority or organ of Government responsible for rural development considers that the disposal of waste in any non-urban area is resulting in an adverse effect, or there is a significant risk that it will result in an adverse effect, the Minister for the Environment may, by notice in the Gazette, designate the area as a waste control area.

(2) The organ of Government or public body that has primary responsibility for waste management in a waste control area -

- (a) shall prepare and submit to the Authority for approval, a plan for the management of waste in the waste control area that conforms to the requirements of the Authority including any national waste strategy published by the Authority;
- (b) shall designate one or more local waste disposal sites or local waste collection sites within each waste control area;
- (c) shall inform the public within the waste control area of the location of these designated waste disposal and waste collection sites; and
- (d) may request the Minister for the Environment to prescribe guidelines for the disposal of waste within the waste control area, either by regulation or in the form of a code of practice issued in accordance with section 87; and
- (e) shall report at least once annually to the Authority on the implementation of its waste management plan.

(3) An organ of Government or public body with primary responsibility for waste management in a waste control area may, with the consent of the Minister responsible for environmental affairs, delegate some or all of its functions under this section to another organ of Government, public body, chief or traditional authority, or to an organisation which is representative of the people in the waste control area.

### **Duties of producers of waste in Waste Control Areas**

13. (1) Every person in a waste control area shall dispose of any household waste which the person generates -

- (i) in a local waste disposal site or at a local waste collection site designated by the Authority; or
- (ii) within the boundaries of the site which they occupy, by burying the waste in a pit in the ground which is located at a safe distance from human living areas and drinking water sources.

(2) Every person in a waste control area shall comply with directions by the Authority regarding the proper management and safe disposal of waste, of which they are notified or which are widely publicized in the waste disposal area.

(3) Any person who contravenes sub-Regulations (1) or (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeneni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeneni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

## **PART VI: CARRIAGE OF WASTE**

### **Special Waste Carrier Licences**

14. (1) No person shall transport special waste except under and in accordance with a special waste carrier licence issued by the Authority under this regulation.

(2) A person wishing to obtain a special waste carrier licence shall submit a written application to the Authority together with the fee prescribed in Schedule Four and the application shall include -

- (a) a description of the types of special wastes which the applicant wishes to transport;
- (b) the anticipated volume of special waste to be transported annually;
- (c) a description of the containers and vehicles which will be used to transport the special waste;
- (d) a description of the measures which will be taken to minimise any potential danger to the environment or to human health (including the safety of workers) arising from the handling and transportation of the special waste;
- (e) a description of the emergency contingency plans which the carrier has or will establish to deal with any accidental escape of special waste or any other unexpected threat to human health or the environment arising from the transportation of special waste; and
- (f) any other information which the Authority may reasonably require in order to determine the application.

(3) The Authority shall consider the application and if necessary request additional information from the applicant and within thirty days of receiving the application, or any additional information requested, shall decide whether or not to issue a special waste carrier licence and notify the applicant in writing of its decision.

(4) If the Authority is satisfied, firstly that the carriage of the special waste will not cause an adverse effect, and secondly that the carrier will take all reasonable precautions to minimise the risk of causing an adverse effect, the Authority shall issue a special waste carrier licence subject to whatever terms and conditions the Authority considers appropriate, but if it is not satisfied on both these counts, it shall refuse the application giving reasons for the refusal.

(5) A special waste carrier licence shall be valid for a period of three years, unless revoked in accordance with regulation 33(4).

(6) This Part shall not apply to waste oil from motor vehicles.

(7) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

## **Consignment notes for Special Waste**

15. (1) For the purposes of this regulation, in relation to a consignment of special waste -

"carrier" means the person who collects that waste from the premises at which it is being held and transports it to another place;

"consignee" means the person to whom that waste is transported;

"consignment note" means a note in a form corresponding to the form set out in Schedule 2, and includes any additional material accompanying the note; and  
"consignor" means the person who causes that waste to be removed from the premises at which it is being held.

(2) Five copies of a consignment note shall be prepared for each consignment of special waste, and in accordance with this regulation, one copy shall be retained by the consignor, one copy by the carrier, one copy by the consignee, and the consignee shall send two copies to the consignee's waste regulation authority.

(3) The consignee's waste regulation authority shall retain one copy of the consignment note and, if applicable, shall send the other to the consignor's waste management authority.

(4) Before a consignment of special waste is removed from the premises at which it is being held -

(a) five copies of the consignment note shall be prepared and the consignor shall ensure that Part A (consignment details) and Part C (consignor's collection certificate) is completed on each of the copies;

(b) the carrier shall ensure that -

(i) Part B (carrier's collection certificate) is completed on those five copies;

(ii) one copy of the consignment note on which parts A, B and C have been completed is given to the consignor before the consignment is removed; and

(iii) he or she receives four of the copies on which Parts A, B and C have been completed and gives them to the consignee before or at the time the consignee receives the consignment.

(5) Subject to sub-regulation (7), the consignee shall on receiving a consignment -

(a) ensure that Part D (consignee's acceptance certificate) is completed on the four copies of the consignment note which the consignee receives;

(b) retain one completed copy;

(c) ensure that one completed copy is immediately given to the carrier; and

(d) ensure that the remaining two copies are given, within 7 days of receipt of the

consignment, to the waste regulation authority for the area to which the consignment has been transported.

(6) A waste regulation authority that receives copies of a consignment note for waste that has been transported from an area under the control of another waste regulation authority, shall immediately send a copy of that consignment note to the waste regulation authority for the area from which the consignment was transported.

(7) If a consignee refuses to accept delivery of a consignment of special waste, the requirements of sub-regulation (5) shall not apply to the consignee, and if the consignee has been given copies of the consignment note, the consignee shall, without completing Part D -

- (a) retain one copy;
- (b) ensure that two copies, accompanied by a written explanation of the reasons for not accepting delivery are given immediately to the waste regulation authority for the area to which the special waste has been transported; and
- (c) ensure that the other copy is returned to the carrier.

(8) Where a consignee refuses to accept delivery of a consignment of special waste, as described in paragraph (7), the carrier shall ensure that the consignment of waste is -

- (i) returned to the consignor; or
- (ii) delivered to another consignee designated by the consignor.

(9) Where a consignment of special waste is delivered to a consignee other than the consignee originally named in Part A of the consignment note, as described in paragraph (8) (ii) above, the carrier shall amend Part A of the consignment note accordingly and the consignor shall sign the amended Part of the consignment note before the new consignee may accept the consignment of waste.

(10) The consignor and the carrier shall retain their copies of the consignment note for a minimum period of five years and the consignee and the consignee's waste regulation authority shall retain their copies of the consignment note for a minimum period of ten years.

(11) The Authority may at any reasonable time inspect the consignment notes and records relating to the movement of special waste held by a consignor, carrier, consignee, or waste regulation authority.

## **PART VII: WASTE DISPOSAL FACILITIES**

### **Construction and operation of a Waste Disposal Facility**

16. (1) A person shall not construct or operate a waste disposal facility, other than a local waste disposal site or a local waste collection site, except under and in accordance with the terms and conditions of an environmental compliance certificate.

(2) An applicant for an environmental compliance certificate for a waste disposal facility, shall submit to the Authority the following information -

- (a) a description of the site;
- (b) the anticipated volume and categories of waste to be disposed of at the site annually;
- (c) in the case of a landfill site, evidence that the site -
  - (i) meets the minimum requirements set out in Schedule One;

(ii) is not located in an area referred to in sub-regulation (3)(b); and  
(iii) is located and designed and is capable of being operated in such a way as to ensure that any leachate or gaseous emission, will not cause any adverse effect.

(3) The Authority shall not issue an environmental compliance certificate for a new landfill site or the upgrading of an existing site unless the Authority is satisfied that -  
(a) subject to sub-regulation (4), the site meets the minimum requirements set out in Schedule One;

(b) the site is not located within -

(i) a national park, game reserve or any other protected area or area having national historical or archaeological significance;

(ii) an area which is flooded on average at least once every 25 years; or

(iii) an area in which geological faults occur; and

(c) the site is located and designed and is capable of being operated in such a way as to ensure that any leachate or gaseous emission, will not cause any adverse effect.

(4) The Authority may grant exemptions from the minimum requirements in Schedule One in respect of a specific site where it is satisfied, based on the results of the environmental impact assessment and accompanying comprehensive mitigation plan, that there are good reasons for doing so and that the granting of the exemption will not result in any adverse effect.

(5) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

## **PART VIII: WASTE MANAGEMENT LICENCES**

### **Prohibition on unlicensed operation of a Waste Disposal Facility**

17. (1) A person shall not operate a waste disposal facility except under and in accordance with a waste management licence issued by the Authority under regulation 18.

(2) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years or to both imprisonment and a fine.

### **Applications for Waste Management Licences**

18. (1) Every person wishing to be granted a waste management licence shall submit an application to the Authority setting out details of -

(a) the applicant (including name and contact details);

(b) the site, including relevant land use in the surrounding area;

(c) the proposed management and operating methods;

(d) the technical expertise and experience of the applicant and its staff in undertaking the waste management activities for which the licence is required;

(e) the actual and/or anticipated environmental impacts of the operation of the facility unless such information has already been submitted to the Authority in compliance with the requirements of the Environmental Audit, Assessment and

Review Regulations 2000;

(f) the fee prescribed in Schedule Four;

(g) the anticipated categories and quantities of waste to be handled and disposed of at the facility; and

(h) any other information which the Authority may reasonably require.

(2) Where the applicant intends to operate a waste disposal facility, the applicant shall include, with the application, a facility operating plan for the waste disposal facility that shall as a minimum include:

(a) a set of facility rules and standards relating to the operation of the facility;

(b) a list of the types and volumes of waste which may be accepted at the facility;

(c) the technical standards of the facility

(d) the staffing of the facility including security and monitoring measures; and

(e) the overall management of the facility.

(3) Upon receipt of an application for a waste management licence the Authority shall inspect the site and may require the applicant to provide further information to enable the Authority to properly evaluate the application.

(4) The Authority shall evaluate each application for a waste management licence and any other relevant information submitted to it in connection with the issuing of an environmental compliance certificate, and shall within sixty days of receipt of the application and all other information required by the Authority, either -

(a) grant a licence if the Authority is satisfied that the applicant has sufficient expertise to operate the waste disposal facility in accordance with guidelines prescribed by the Authority and in a manner which will not cause any adverse effect; or

(b) reject the application giving its reasons in writing to the applicant.

(5) The Authority shall issue a waste management licence subject to whatever terms and conditions the Authority considers appropriate to ensure that the site is properly managed and the waste is disposed of without causing any adverse effect. These terms and conditions may be incorporated in the waste management licence by reference to the facility operating plan which shall form part of the waste management licence.

(6) The Authority may by written notice to the holder of a waste management licence, amend the terms and conditions of the licence (including the provisions of the facility operating plan) if the Authority considers that the amendments are necessary to avoid or mitigate any adverse effect.

(7) A waste management licence may not be surrendered by the holder except in accordance with regulation 19.

(8) A waste management licence is not transferable by the holder but the Authority may transfer it to another person under regulation 20.

(9) A waste management licence shall remain in force until it is revoked by the Authority under regulation 33(4) or its surrender is accepted by the Authority under regulation 19.

(10) The operator of a waste disposal facility shall -

(a) take all reasonable steps to ensure that the disposal of waste at the site is carried out in such a manner as to avoid any adverse effect;

- (b) refuse to accept special waste at the facility unless it is delivered by the holder of a valid special waste management licence and special waste carrier licence and is accompanied by four copies of a consignment note in accordance with regulation 15;
- (c) ensure that special waste is disposed of separately in accordance with the requirements of the Authority;
- (d) monitor the site to ensure that the waste is being disposed of in accordance with the licence and without causing any adverse effect;
- (e) keep records on any monitoring for the duration of the waste management licence; and
- (f) submit any proposed amendment to the facility operating plan to the Authority for approval.

(11) No amendment to the facility operating plan shall be effective unless approved by the Authority in writing and incorporated into the waste management licence.

### **Surrender of a Waste Management Licence**

19. (1) The holder of a waste management licence may not surrender the licence unless the Authority accepts the surrender in accordance with this regulation.

(2) The holder of a waste management licence may apply to the Authority for permission to surrender the licence and shall provide any information that the Authority may reasonably require to determine the application.

(3) Upon receipt of an application for the surrender of a waste management licence in respect of a waste disposal facility, the Authority shall inspect the facility, and the site, and where the Authority is -

- (a) satisfied that there is no significant risk of any adverse effects being caused directly or indirectly by the waste disposed of at the site, it shall accept the surrender of the licence;
- (b) not satisfied under paragraph (a), it shall refuse to accept the surrender of the licence, and shall notify the applicant of the measures that the Authority requires the applicant to take to remove the risk of any adverse effects, in order for the Authority to accept the surrender of the licence.

(4) If the holder of the licence fails to take the measures referred to in sub-regulation (3)(b), the Authority may take the measures and recover the costs incurred in doing so from the licence holder.

(5) Where the surrender of a licence is accepted under sub-regulation (3), the Authority shall issue to the applicant a certificate of completion stating that it is satisfied as stated in sub-regulation (3)(a) and, on the issue of that certificate, the licence shall cease to have effect.

### **Transfer of a Waste Management Licence**

20. (1) A waste management licence may be transferred to another person only in accordance with this regulation.

(2) Where the holder of a waste management licence wishes to transfer the licence to another person ("the proposed transferee") the licence holder and the proposed transferee shall jointly make an application to the Authority and shall provide whatever information the Authority may reasonably require to determine the application.

(3) If the Authority is satisfied that the proposed transferee has sufficient expertise to operate the waste disposal facility in accordance with guidelines prescribed by the Authority and in a manner which will not cause harm to the environment or human health, the Authority shall effect a transfer of the licence to the proposed transferee, and if it is not so satisfied it shall refuse the transfer application.

(4) The Authority shall effect a transfer of a licence under the sub-regulation (3) by causing to be endorsed with the name and other particulars of the proposed transferee as the holder the licence of the licence from such date specified in the endorsement as may be agreed with the applicants.

## **PART IX: SPECIAL WASTE**

### **Storage and Collection of Special Waste**

21. (1) The owner or occupier of every premises upon which special waste is produced shall ensure that all special waste is separated from other waste, and is stored in separate containers pending disposal, in accordance with Authority's requirements.

(2) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Classification of Special Waste**

22. Where a person is unable to determine whether or not any particular waste is hazardous waste, clinical waste or other waste, that person shall refer the matter to the Authority whose decision shall be final.

### **Special Waste Management Licences**

23. (1) A person shall not keep, treat or dispose of special waste except under and in accordance with a special waste management licence issued under this regulation.

(2) Every owner or occupier of any land or premises on which special waste is kept, treated or disposed of shall make a written application to the Authority for a special waste management licence accompanied by payment of the fee prescribed in Schedule Four, and if the waste is kept, treated or disposed of within an urban area, shall simultaneously submit a copy of the application to any local authority concerned.

(3) An application for a special waste management licence shall include details of -

- (a) the chemical composition, nature and volume of the waste which is being, or will be, produced;
- (b) the industrial process, trade or activity giving rise to the waste;
- (c) the frequency of disposal of the waste;
- (d) the number of persons employed on the premises;
- (e) the way in which the applicant proposes to keep, treat or dispose of the special waste, including storage and handling procedures;
- (f) a copy of the special waste carrier licence or an application for such a licence, relating to the transport or proposed transport of the special waste, regardless of

whether or not the carrier and the applicant are the same person;  
(g) the precautions which will be taken to avoid any adverse effects being caused by the special waste; and  
(h) any other matter, including testing and laboratory analyses, which the Authority may reasonably require in order to determine the application.

(4) After receipt of the application, the Authority may require the applicant to provide further information to enable the Authority to evaluate the application properly.

(5) The Authority shall evaluate each application for a special waste management licence and any other relevant information submitted to it, and shall within twenty days of receipt of the application and all other information required by the Authority, either -

(a) grant a special waste management licence if the Authority is satisfied that the proposed method of keeping, treating and disposing of the special waste will not cause any adverse effects; or

(b) reject the application giving its reason in writing to the applicant and require the applicant to submit a revised application.

(6) The Authority shall issue a special waste management licence subject to whatever terms and conditions the Authority considers appropriate to ensure that the waste is stored, handled, treated and/or disposed of without causing any adverse effects.

(7) The terms and conditions referred to in paragraph (6) shall be specified in the licence, and may include conditions requiring the applicant -

(a) to treat the waste in order to render it non-hazardous or less hazardous in accordance with standards and procedures prescribed by the Authority, at the place where it is produced;

(b) to ensure that adequate records are kept and contractual arrangements concluded to enable the Authority to track any consignment of waste from the place where it is produced to the place where it is finally disposed of and to determine which party had custody of the waste at each point;

(c) to take any other measures in respect of the waste which the Authority considers appropriate to ensure that the waste does not cause any adverse effects.

(8) The Authority may, by written notice to the holder of a special waste management licence, amend the terms and conditions of the licence if the Authority considers that the amendments are necessary to avoid or mitigate any adverse effects.

(9) A special waste management licence shall remain in effect for a period of five years, provided that the holder of the licence shall notify the Authority of any significant change in the volume or nature of the waste during the licence period and upon such notification the Authority may alter the licence as necessary to ensure that the waste is kept, treated, and/or disposed of, without causing any adverse effects.

(10) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

## **Clinical Waste Generators**

24. (1) The owner or occupier of any land or premises on which clinical waste is produced shall ensure that all clinical waste produced on the premises is immediately placed in heavy duty plastic bags or other containers prescribed by the Authority which are colour coded in accordance with sub-regulation (2).

(2) All plastic bags and containers containing clinical waste shall be colour coded and labelled as follows -

(a) all clinical waste which has not been sterilised and rendered non-infectious shall be placed in heavy duty red plastic bags at the point of generation;

(b) all clinical waste which has been sterilised by autoclave, microwave, chemical or other non-burning method, shall be placed in heavy duty yellow plastic bags;

(c) all sharps, whether sterilised or not, shall be placed in rigid, sealed, plastic containers clearly marked "Clinical Waste - Sharps" in red lettering.

(3) All clinical waste shall be sterilised prior to final disposal in accordance with the requirements of the Authority, either on the premises where the waste was produced or at an authorised waste disposal facility.

(4) Every owner or occupier of premises on which clinical waste is produced shall provide periodic training on proper clinical waste handling procedures to all employees who may come in contact with clinical waste, in accordance with the requirements of the Authority.

(5) No person shall place clinical waste in any container that is not colour coded in accordance with sub-regulation (2).

(6) Any person who contravenes sub-Regulations (1), (3), (4) or (5) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

## **PART X: RECOVERY OF WASTE**

### **Waste separation at approved waste disposal facilities**

25. (1) No person shall sort or separate any waste for the purpose of recovery at an approved waste disposal facility, except under and in accordance with -

(a) a waste management licence in respect of that waste disposal facility;

(b) a waste recovery licence issued under regulation 27(4); or

(c) a waste separation permit issued under this regulation.

(2) Any person wishing to obtain a waste separation permit shall apply in person to the Authority or to the local authority or any other body to whom the Authority has delegated authority to issue waste separation permits.

(3) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

### **Commercial Waste Recovery**

26. (1) A person shall not undertake a business which involves the recovery of waste and which employs more than ten people, except under and in accordance with a waste recovery licence issued by the Authority.

(2) A person wishing to obtain a waste recovery licence shall submit a written application to the Authority that shall include -

- (a) details of the applicant;
- (b) a description of the site(s) at which the recovery operations will be conducted and whether or not they are within an existing waste disposal site;
- (c) a description of the material(s) the applicant wishes to recover;
- (d) the anticipated volume of the materials;
- (e) a description of the proposed manner of recovery;
- (f) the number of persons to be employed in the operation;
- (g) a description of storage containers to be used, their location and frequency of collection; and
- (h) a health and safety plan for all sorting workers to include safety clothing and training.

(3) If the waste recovery business is to be undertaken partially or wholly within an approved waste disposal facility, the application under sub-regulation (2) shall in addition, include:

- (a) details of the precautions which will be taken to avoid disruption of the normal operation of the waste disposal facility; and
- (b) confirmation that all sorting activities shall conform to the facility operating plan.

(4) The Authority shall consult with any local authority in whose area of jurisdiction the waste recovery business is to be undertaken and if any part of the business is to be undertaken within an approved waste disposal facility, with the operator of the waste disposal facility and, taking their views into account, the Authority shall by written notice to the applicant copied to the parties consulted, either -

- (a) issue a waste recovery permit subject to such terms and conditions as the Authority considers appropriate; or
- (b) refuse the application giving reasons for the refusal.

(5) If the Authority is satisfied that waste recovery activities within an approved waste disposal facility will increase the operating costs of the waste disposal facility the Authority may require the applicant to pay a fee to the operator of the waste disposal facility as a condition of the issue of the waste recovery licence.

(6) A waste recovery permit issued for sorting at an approved waste disposal facility shall be valid for a period of five years, unless revoked in accordance with regulation 33(4).

(7) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Waste collection for recovery purposes**

27. (1) No person shall place any specialised containers (other than a waste receptacle referred to in regulation 10) on any land, street or public place, for the purpose of sorting, storing or collecting recyclable materials such as paper, plastic,

tins or glass bottles, or food waste for animal consumption, without a permit issued by the waste regulation authority for the area.

(2) An application for a permit under sub-regulation (1) shall include the following information -

- (a) a description of the materials to be sorted, stored or collected;
- (b) a description of the containers to be used for storing, storing or collecting those materials, and their specific location;
- (c) the schedule for, and method of, collecting the materials; and
- (d) the methods to be employed to control litter around the container(s);

(3) Upon receipt and evaluation of an application for maintaining, sorting, storing or collecting containers under this regulation, the local authority or the Authority may by written notice:

- (a) accept and approve of the application as submitted;
- (b) attach such conditions to the approval of the application as the local authority or the Authority considers necessary to avoid or mitigate any adverse effects; and/or
- (c) reject the application and order the removal of any existing containers.

(4) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

## **PART XI: LITTERING AND ABANDONED VEHICLES**

### **Littering**

28. (1) No person shall dispose of waste in such a manner that it becomes litter or is likely to become litter.

(2) The driver and the owner of a vehicle from which litter is discarded in contravention of sub-regulation (1) shall be strictly, and jointly and severally, liable for the offence.

(3) Every person shall take all reasonable measures to prevent any contravention by any other person of sub-regulation (1).

(4) Any person who contravenes sub-regulation (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Receptacles in public places and buses**

29. (1) Every local authority shall cause litter receptacles to be placed in public places within its area of jurisdiction where littering is likely to occur, including parks, public markets, commercial shopping areas, bus and train stations, and shall cause such receptacles to be emptied before they reach full capacity and in any case at least once per week.

(2) The owner of any commercially operated bus, minibus or taxi shall ensure that it is equipped with litter receptacles and that notices are displayed in conspicuous

places in the vehicle informing all passengers that littering is an offence under the laws of Swaziland.

(3) Any person who contravenes sub-regulation (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

### **Abandoned Vehicles**

30. (1) A person shall not place, throw, discard or abandon any vehicle or vehicle scrap upon any street, public place or unoccupied land.

(2) If a vehicle or vehicle scrap has been abandoned on any street, public place or unoccupied land in an urban area and has not been moved in at least thirty days, the local authority shall make reasonable efforts to identify the owner of the vehicle or vehicle scrap.

(3) If the owner is identified the local authority shall give a written notice to the owner requiring the owner to remove the vehicle or vehicle scrap within 10 days. (4) If the owner cannot be identified or does not comply with a notice given under sub-regulation (3), the local authority may remove the vehicle or vehicle scrap and may serve an order on the owner requiring the owner to reimburse the local authority for the costs of removing the vehicle or vehicle scrap.

(5) If the owner fails to pay the costs specified in the notice the local authority may recover these costs as a liquidated debt by way of summary judgement proceedings.

(6) Any person who contravenes sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeni.

## **PART XII: WASTE MANAGEMENT PLANS**

### **Solid Waste Management Plans**

31. (1) Each local authority shall prepare and submit to the Authority for approval, a long-term plan for the management of waste that conforms to the requirements of the Authority including any national waste strategy published by the Authority.

(2) Every solid waste plan shall include the following components -

(a) details of the quantity and composition of household, commercial, and industrial waste currently produced in the area;

(b) projections of the quantity and composition of solid waste generation over the next 10 years;

(c) a description of current methods of solid management including collection, transportation, recycling, intermediate processing and disposal;

(d) details of the capacities and remaining life of existing disposal facilities; and

(e) a timetable for upgrading current solid waste management facilities, and goals for the management of solid waste over the next 10 years.

## **PART XIII: ENFORCEMENT**

### **Authorised Officers**

32. (1) The Director may designate in writing any public officer, official of a municipality or representative of a traditional authority, either by name or ex officio, as an authorised officer for the purpose of enforcing these Regulations.

(2) An authorised officer may -

(a) without a warrant -

(i) enter, inspect and search any premises, other than a building used exclusively as a dwelling house, if the authorised officer has reason to believe that the provisions of these Regulations are being contravened or are reasonably likely to be contravened;

(ii) stop, enter and search any vehicle, vessel or aircraft which he has reasonable grounds to believe may be transporting waste in contravention of these Regulations;

(b) inspect, seize and take copies of any documents which may constitute evidence of the commission of an offence under these Regulations;

(c) remove any waste deposited in contravention of these Regulations.

### **Enforcement Notices**

33. (1) If the Authority believes that any condition of any licence or permit granted under these Regulations is being breached or that any adverse effect is being caused, or is likely to be caused, by operations or activities carried out under the licence or permit, the Authority may serve a notice on the licence holder requiring that person to remedy the breach and/or to take specified measures to prevent or mitigate the adverse effect, within a reasonable period stipulated in the notice.

(2) The Authority may by notice in writing to the holder of a licence or permit suspend the licence or permit with immediate effect if the Authority considers that this is necessary to prevent or mitigate a significant risk of a potential adverse effect occurring.

(3) If the licence or permit holder fails to remedy the breach or to take the measures specified in the notice, within the period stipulated in the notice, the Authority may suspend the licence or permit, and give a further notice to the licence or permit holder that if the breach is not remedied, or the specific steps are not taken, within a further period of time stipulated in the notice, the licence or permit will be revoked.

(4) If the breach is not remedied, or the specified steps are not taken, within the further period referred to in the notice given under sub-regulation (3), the Authority may -

(a) revoke the licence or permit;

(b) in the case of a waste management licence appoint a new operator or take over the management of the facility for a limited period; and/or

(c) take a necessary steps to remedy the breach, or prevent or mitigate the adverse effect, and recover the cost from the licence or permit holder.

(5) During suspension of a waste management licence under this regulation, waste which would normally be disposed of at the facility to which the licence relates may be stored or disposed of at an alternative facility approved by the Authority and in accordance with the requirements of the Authority.

(6) Any licence or permit holder who fails to take measures to prevent or mitigate any adverse effect stipulated in a notice under sub-regulation (1) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeni and on a second or subsequent conviction, to a fine not exceeding fifty thousand

Emalangeneni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Enforcement of Special Waste Management Licences**

34. (1) The Authority may, by notice in writing to the holder of a special waste management licence, suspend the licence with immediate effect if the Authority considers that this is necessary to prevent or mitigate a significant risk of a potential adverse effect occurring.

(2) If the Authority believes that any condition of a special waste management licence is being breached or that any adverse effect is being caused or is likely to be caused by the storage, handling, treatment or disposal of the special waste, the Authority may serve a notice on the licence holder requiring that person to remedy the breach and/or to take specified measures to prevent or mitigate the adverse effect, within a reasonable period stipulated in the notice.

(3) If the licence holder fails to remedy the breach or to take the measures specified in the notice, within a period stipulated in the notice, the Authority may suspend the licence, and give a further notice to the licence holder that if the breach is not remedied, or the specified steps are not taken, within a further period of time stipulated in the notice, the licence will be revoked.

(4) If the breach is not remedied, or the specified steps are not taken, within the further period referred to in the notice given under sub-regulation (3), the Authority may -

- (a) take the necessary steps to remedy the breach or to prevent or mitigate the adverse effects, and recover the cost from the holder of the special waste management licence; and/or
- (b) revoke the licence.

(5) Any holder of a special waste management licence who fails to take measures to prevent or mitigate adverse effects stipulated in a notice under sub-regulation (2) commits an offence and is liable on conviction to a fine not exceeding twenty five thousand Emalangeneni and on a second or subsequent conviction, to a fine not exceeding fifty thousand Emalangeneni and, in the case of a natural person, to imprisonment to a term not exceeding two years, or to both imprisonment and a fine.

### **Revision of Licences and Permits**

35. The Authority may upon notice to the licence or permit holder revise a licence or permit issued under these Regulations if it is necessary in order to avoid or mitigate any adverse effects.

### **Abatement Notices**

36. (1) If the Authority believes that any person is contravening any provision of these Regulations or that any waste under the control of any person is causing an adverse effect or is posing a significant risk of a potential adverse effect occurring, the Authority may by written notice served on that person, require the person to take specified steps to comply with these Regulations or to remove or reduce the risk, within a period specified in the notice.

(2) If a person fails to comply with a notice under sub-regulation (2), the Authority may cause the required measures to be taken and may order the person on whom the notice was served to reimburse the Authority for the costs of taking such steps.

(3) Any person who is aggrieved by a cost order under sub-regulation (2) may appeal to the Minister in accordance with section 17(1) of the Act.

## **PART XIV: FINAL PROVISIONS**

### **Fees**

37. Nothing in these Regulations shall preclude the Authority or a local authority or other person from charging a reasonable fee for any services rendered in compliance with a duty under these Regulations.

### **Transitional Provisions**

38. (1) Within ninety days of these Regulations entering into force ("the date of commencement") -

(a) any person operating a waste disposal facility on the date of commencement who does not hold a valid environmental compliance certificate in respect of the facility must conduct an environmental audit in accordance with the Environmental Audit, Assessment and Review Regulations 2000, and apply for a waste management licence in accordance with regulation 18;

(b) any owner or occupier of land or premises on which special waste is being produced on or before the date of commencement shall apply for a special waste management licence in accordance with regulation 23;

(c) any owner or occupier of land or premises on which clinical waste is being produced on or before the date of commencement shall place all clinical waste in colour coded plastic bags or containers in accordance with regulation 24(2);

(d) any person engaged in waste separation at a waste disposal site shall apply for a waste separation permit in accordance with regulation 25;

(e) any person engaged in commercial waste recovery shall apply for a waste recovery licence in accordance with regulation 26; and

(f) any person maintaining containers for the purpose of sorting, storing and collecting recyclable materials on the date of commencement shall apply for permission to continue doing so in accordance with regulation 27.

(2) Notwithstanding the provisions of any other regulation, the persons referred to in sub-regulation (1) shall be deemed to have permission from the Authority to continue with the activities in question until their application is decided in accordance with these Regulations, or if they fail to submit an application under sub-regulation (1), until the expiry of the period of ninety days calculated from the date of commencement.

## **SCHEDULE ONE (Regulation 16(3))**

### **Minimum Standards for Landfill Sites**

#### **Location**

1. The location of the landfill should not give rise to any adverse effects or a significant risk of any adverse effects occurring.

2. Solid waste landfills shall meet the following minimum technical location standards

-

- (a) the bottom of the landfill shall be at least 3 metres above the seasonal high ground water level;
- (b) the edge of the landfill shall be closer than 60 metres to a surface water body and 100 metres upstream from a public water supply well; and
- (c) the landfill shall not be located in aquifer recharge areas or public water supply catchment areas unless there are no other feasible alternatives, in which case the landfill shall be lined with appropriate material and subject to additional water quality monitoring.

(3) The technical design of the landfill shall meet the standards required by the Authority to ensure that the operation of the facility does not cause an adverse effect or give rise to a significant risk of a potential adverse effect occurring.

### **Land Use Impacts**

4. No landfill site shall be located in any area where it is likely to have a significant negative impact on existing land uses.

5. All new landfill site shall meet the following criteria -

- (a) the site shall not be closer than 3 000 metres from an airport, airfield or site reserved for the construction of an airport or airfield;
- (b) the site shall be located and operated in such a manner that it does not create significant negative impacts on flora and fauna on adjoining land;
- (c) the site shall not be closer than 300 metres from an existing residential development;
- (d) the edge of the landfill shall not be closer than 100 metres from an area to which the public have access, a national park, protected area or an area having national historical or archaeological significance;
- (e) there must be a buffer area around the landfill of at least 20 metres to allow provision for visual screening from adjoining property and/or future access for installing additional ground water quality monitoring facilities and/or future remediation in the event of migration of gases or leachates; and
- (f) landfill access roads shall be located and constructed so as to have a minimum impact on adjacent residents.

## **SCHEDULE TWO**

### **FORM OF CONSIGNMENT NOTE (Regulation 15(1))**

CONSIGNMENT NOTE FOR SPECIAL WASTE (Waste Regulations 2000)

Name of consignor's waste regulation authority:

### **PART A: CONSIGNMENT DETAILS**

[ ] Tick if additional sheet(s) attached.

1

The special waste described below is to be removed from:

Address:

2

The consignor is:

Name:

Contact:

Telephone:

3

The consignor's special waste management licence no. is:

4

The consignment will be:

a single consignment [ ]

a series [ ]\*

5

The waste will be taken to:

Address:

6

The consignee is:

Name:

Contact:

Telephone:

7

The consignee's special waste management licence no. is:

8

The waste was generated by (if different from the consignor)

Name:

Contact:

Telephone:

DESCRIPTION OF THE WASTE (Refer to guidance notes)

9

The waste is:

10

The waste code is:

11

The process was:

12

The physical nature of the waste is:

solid [ ]

powder [ ]

liquid [ ]

sludge [ ]

gas [ ]\*

13

The significant chemical/biological components that make the waste special are:

Component:

Concentration (% or mg per kg\*):

14

The dominant hazards are:

flammable [ ]

highly flammable [ ]

oxidising [ ]

explosive [ ]

toxic [ ]

carcinogenic [ ]

irritant [ ]

corrosive [ ]

harmful [ ]

ecotoxic [ ]

other [ ]\*

15

Quantity etc. details are:

Container type:

Size:

Number:

Waste Weight (kg/t\*):

Waste Vol. (m3/litres\*):

---

## **PART B: CARRIER'S COLLECTION CERTIFICATE**

1. The consignment details (if different from Part A, 11 ) are:
2. I certify that I have today collected the consignment and that the details in A1, 2, 5, 10, 11, 16 and B1 above, are correct subject to any amendments listed in this space:

Name:

On behalf of (firm):

Date:

Signed:

---

## **PART C: CONSIGNOR'S COLLECTION CERTIFICATE**

1. I certify that the information in Part A and B above are correct, that the carrier has a valid Special Waste Carrier Licence, and that the carrier was advised of the appropriate precautionary measures.

Name:

On behalf of (firm):

Date:

Signed:

---

## **PART D: CONSIGNEE'S ACCEPTANCE CERTIFICATE**

1. I certify that the consignee holds a valid Special Waste Management Licence number [                    ] that authorises the management of the waste described in A.
2. I accept this special waste on ..... at ..... hours.
3. The weight/volume of the waste accepted is: .....kg/t\*  
.....m3/litres
4. The special waste will be: landfilled [ ] incinerated [ ] treated until it is no longer special waste and reused or recycled [ ] other (give details) [ ]:

Name:

On behalf of (firm):

Date:

Signed:

---

\* Delete as appropriate.  
Tick box or boxes as appropriate.

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## **SCHEDULE THREE (regulation 3)**

### **PART A: HAZARDOUS WASTE LIST**

In part A of this Schedule Chapter Headings are assigned 2 and 4 digit codes and each category of hazardous waste is assigned a 6 digit waste code.

02 Waste from Agricultural, Horticultural, Hunting, Fishing and Aquaculture Primary Production, Food Preparation and Processing

0201 Primary Production Waste

020105 agrochemical wastes

03 Wastes from wood processing and the production of paper, cardboard, pulp, panels and furniture

0302 Wood Preservation Waste

030201 non-halogenated organic wood preservatives

030202 organochlorinated wood preservatives

030203 organometallic wood preservatives

030204 inorganic wood preservatives

04 Wastes from the Leather and Textile Industries

0401 Wastes from the Leather Industry

040103 degreasing wastes containing solvents without a liquid phase

0402 Wastes from Textile Industry

040211 halogenated wastes from dressing and finishing

05 Wastes from Petroleum Refining, Natural Gas Purification and Pyrolytic Treatment of Coal Oily Sludges and Solid Wastes

050103 tank bottom sludges

050104 acid alkyl sludges

050105 oil spills 050107 acid tars

050108 other tars 0504 Spent Filter Clays

050401 spent filter clays 0506 Waste from the Pyrolytic Treatment of Coal

050601 acid tars

050603 other tars

0507 Waste from Natural Gas Purification

050701 sludges containing mercury

0508 Wastes from oil Regeneration

050801 spent filter clays 050802 acid tars

050803 other tars

050804 aqueous liquid waste from oil regeneration

06 Wastes from Inorganic Chemical Process

0601 Waste Acid Solutions

060101 sulphuric acid and sulphurous acid

060102 hydrochloric acid 060103 hydrofluoric acid  
060104 phosphoric and phosphorous acid  
060105 nitric acid and nitrous acid  
060199 waste not otherwise specified  
0602 Alkaline Solutions 060201 calcium hydroxide  
060202 soda  
060203 ammonia  
060299 wastes not otherwise specified  
0603 Waste Salts and their Solutions  
060311 salts and solutions containing cyanides  
0604 Metal-Containing Wastes  
060402 metallic salts (except 0603)  
060403 wastes containing arsenic  
060404 wastes containing mercury  
060405 wastes containing heavy metals  
0607 Wastes from Halogen Chemical Processes  
060701 wastes containing asbestos from electrolysis  
060702 activated carbon from chlorine production  
0613 Wastes from other Inorganic Chemical Processes  
061301 inorganic pesticides, biocides and wood preserving agents  
061302 spent activated carbon (except 060702)

07 Wastes from Organic Chemical Processes

0701 Waste from the Manufacture, Formulation, Supply and Use (MFSU) of Basic Organic Chemicals

070101 aqueous washing liquids and mother liquors  
070103 organic halogenated solvents, washing liquids and mother liquors  
070104 other organic solvents, washing liquids and mother liquors  
070107 halogenated still bottoms and reaction residues  
070108 other still bottoms and reaction residues  
070109 halogenated filter cakes, spent absorbents  
070110 other filter cakes, spent absorbents

0702 Waste from the MFSU of Plastics, Synthenc Rubber and Man-made Fibres

070201 aqueous washing liquids and mother liquors  
070203 organic halogenated solvents, washing liquids and mother liquors  
070204 other organic solvents, washing liquids and mother liquors  
070207 halogenated still bottoms and reaction residues  
070208 other still bottoms and reaction residues  
070209 halogenated filter cakes, spent absorbents  
070210 other filter cakes, spent absorbents

0703 Waste from the MFSU for Organic Dyes and Pigments (Excluding 0611)

070301 aqueous washing liquids and mother liquors  
070303 organic halogenated solvents, washing liquids and mother liquors  
070304 other organic solvents, washing liquids and mother liquors  
070307 halogenated still bottoms and reaction residues  
070308 other still bottoms and reaction residues  
070309 halogenated filter cakes, spent absorbents  
070310 other filter cakes, spent absorbents

0704 Waste from the MFSU for Organic Pesticides (Except 020105)

070401 aqueous washing liquids and mother liquors  
070403 organic halogenated solvents, washing liquid and mother liquors  
070404 other organic solvents, washing liquids and mother liquors  
070407 halogenated still bottoms and reaction residues

070408 other still bottoms and reaction residues  
070409 halogenated filter cakes, spent absorbents  
070410 other filter cakes, spent absorbents  
0705 Waste from the MFSU of Pharmaceuncals  
070501 aqueous washing liquids and mother liquors  
070503 organic halogenated solvents, washing liquid and mother liquors  
070504 other organic solvents, washing liquids and mother liquors  
070507 halogenated still bottoms and reaction residues  
070508 other still bottoms and reaction residues  
070509 halogenated filter cakes, spent absorbents  
070510 other filter cakes, spent absorbents  
0706 Waste from the MFSU of Fats, Grease, Soaps, Detergents, Disinfectants and Cosmetics  
070601 aqueous washing liquids and mother liquors  
070603 organic halogenated solvents, washing liquid and mother liquors  
070604 other organic solvents, washing liquids and mother liquors  
070607 halogenated still bottoms and reaction residues  
070608 other still bottoms and reaction residues  
070609 halogenated filter cakes, spent absorbents  
070610 other filter cakes, spent absorbents  
0707 Waste from the MFSU of Fine Chemicals and Chemical Products not otherwise specified  
070701 aqueous washing liquids and mother liquors  
070703 organic halogenated solvents, washing liquids and mother liquors  
070704 other organic solvents, washing liquids and mother liquors  
070707 halogenated still bottoms and reaction residues  
070708 other still bottoms and reaction residues  
070709 halogenated filter cakes, spent absorbents  
070710 other filter cakes, spent absorbents

08 Wastes from the Manufacture, Formulation, Supply and Use (MFSU) of Coatings (Paints, Varnishes and Vitreous Enamels), Adhesive, Sealants and Printing Inks

0801 Wastes from MFSU of Paint and Varnish  
080101 waste paints and varnish containing halogenated solvents  
080102 waste paints and van-tish free of halogenated solvents  
080106 sludges from paint or varnish removal containing halogenated solvents  
080107 sludges from paint or varnish removal free of halogenated solvents  
0803 Wastes from MFSU of Printing Inks  
080301 waste ink containing halogenated solvents 080302 waste ink free of halogenated solvents  
080305 ink sludges containing halogenated solvents  
080306 ink sludges free of halogenated solvents  
0804 Wastes from MFSU of Adhesive and Sealants (including Water-Proofing products)  
080401 waste adhesives and sealants containing halogenated solvents  
080402 waste adhesives and sealants free of halogenated solvents  
080405 adhesive and sealants sludges containing halogenated solvents  
080406 adhesives and sealants sludges free of halogenated solvents

09 Wastes from the Photographic Industry

0901 Wastes from Photographic Industry  
090101 water based developer and activator solutions  
090102 water based offset plate developer solutions

090103 solvent based developer solutions  
090104 fixer solutions  
090105 bleach solutions and bleach fixer solutions  
090106 waste containing silver from on-site treatment of photographic waste

#### 10 Inorganic Wastes from Thermal Processes

1001 Wastes from Power Station and other Combustion Plants (except 1900)  
100104 oil fly ash  
100109 sulphuric acid  
1003 Wastes from Aluminium Thermal Metallurgy  
100301 tars and other carbon-containing wastes from anode manufacture  
100303 skimmings  
100304 primary smelting slags/white drosses  
100307 spent pot lining  
100308 salt slags from secondary smelting  
100309 black drosses from secondary smelting  
100310 waste from treatment of salt slags and black drosses treatment  
1004 Wastes from Lead Thermal Metallurgy  
100401 slags (1st and 2nd smelting)  
100402 dross and skimmings (1st and 2nd smelting)  
100403 calcium arsenate  
100404 flue gas dust  
100405 other particulates and dust  
100406 solid waste from gas treatment  
100407 sludges from gas treatment  
1005 Wastes from Zinc Thermal Metallurgy  
100501 slags (1st and 2nd smelting)  
100502 dross and skimmings (1st and 2nd smelting)  
100503 flue gas dust 100505 solid waste from gas treatment  
100506 sludges from gas treatment  
1006 Wastes from Copper Thermal Metallurgy  
100603 flue gas dust  
100605 waste from electrolytic refining  
100606 solid waste from gas treatment  
100607 sludges from gas treatment

#### 11 Inorganic Waste with Metals from Metal Treatment and the Coating of Metals; Non Ferrous Hydro-Metallurgy

1101 Liquid Wastes and Sludges from Metal Treatment and Coating of Metals (e.g. Galvanic Processes, Zinc Coating Processes, Pickling Processes, Etching, Phosphatizing, Alkaline De-greasing)  
110101 cyanidic (alkaline) wastes containing heavy metals other than chromium  
110102 cyanidic (alkaline) wastes which do not contain heavy metals  
110103 cyanide-free wastes containing chromium  
110105 acidic pickling solutions  
110106 acids not otherwise specified  
110107 alkalis not otherwise specified  
110108 phosphatizing sludges  
1102 Wastes and Sludges from non-ferrous Hydrometallurgical Processes  
110202 sludges from zinc hydrometallurgy (including jarosite, geothite)  
1103 Sludges and Solids from Tempering Processes  
110301 wastes containing cyanide  
110302 other wastes

12 Wastes from Shaping and Surface Treatment of Metals and Plastics

1201 Wastes from Shaping (including Forging, Welding, Pressing, Drawing, Turning, Cutting and Filing)

120106 waste machining oils containing halogens (not emulsioned)

120107 waste machining oils free of halogens (not emulsioned)

120108 waste machining emulsions containing halogens

120109 waste machining emulsions free of halogens

120110 synthetic machining oils

120111 machining sludges

120112 spent waxes and fats

1203 Wastes from Water and Steam Degreasing Processes (except 1100)

120301 aqueous washing liquids

120302 steam degreasing wastes

13 Oil Wastes (except edible oils)

1301 Waste Hydraulic Oils and Brake Fluids

130101 hydraulic oils, containing PCBs or PCTs

130102 other chlorinated hydraulic oils (not emulsions)

130103 non-chlorinated hydraulic oils (not emulsions)

130104 chlorinated emulsions

130105 non-chlorinated emulsions

130106 hydraulic oils containing only mineral oil

130107 other hydraulic oils

130108 brake fluids

1302 Waste Engine, Gear and Lubricating Oils

130201 chlorinated engine, gear and lubricating oils

130202 non-chlorinated engine, gear and lubricating oils

130203 other machine, gear and lubricating oils

1303 Waste Insulating and Heat Transmission Oils and other Liquids

130301 insulating or heat transmission oils and other liquids containing PCBs or PCTs

130302 other chlorinated insulating and heat transmission oils and other liquids

130303 non-chlorinated insulating and heat transmission oils and other liquids

130304 synthetic insulating and heat transmission oils and other liquids

130305 mineral insulating and heat transmission oils

1304 Bilge Oils

130401 bilge oils from inland navigation

130402 bilge oils from jetty sewers

130403 bilge oils from other navigation

1305 Oil/Water Separator Contents

130501 oil/water separator solids

130502 oil/water separator sludges

130503 interceptor sludges

130504 desalter sludges or emulsions

130505 other emulsions

1306 Oil Waste not Otherwise Specified

130601 oil waste not otherwise specified

14 Wastes from Organic substances employed as solvents (except 0700 and 0800)

1401 Wastes from Metal Degreasing and Machinery Maintenance

140101 chlorofluorocarbons

140102 other halogenated solvents and solvent

140103 other solvents and solvent mixes

140104 aqueous solvent mixes containing halogens

140105 aqueous solvent mixes free of halogens  
140106 sludges or solid wastes containing halogenated solvents  
140107 sludges or solid wastes free of halogenated solvents  
1402 Wastes from Textile Cleaning and Degreasing of Natural Products  
140201 halogenated solvents and solvent mixes  
140202 solvent mixes or organic liquids free of halogenated solvents  
140203 sludges or solid wastes containing halogenated solvents  
140204 sludges or solid wastes containing other solvents  
1403 Wastes from the Electronic Industry  
140301 chlorofluorocarbons  
140302 other halogenated solvents  
140303 solvents and solvent mixes free of halogenated solvents  
140304 sludges or solid wastes containing halogenated solvents  
140305 sludges or solid wastes containing other solvents  
1404 Wastes from Coolants, Foam/Aerosol Propellants  
140401 chlorofluorocarbons  
140402 other halogenated solvents and solvent mixes  
140403 other solvents and solvent mixes  
140404 sludges or solid wastes containing halogenated solvents  
140405 sludges or solid wastes containing other solvents  
1405 Wastes from Solvent and Coolant Recovery (still bottoms)  
140501 chlorofluorocarbons  
140502 halogenated solvents and solvent mixes  
140503 other solvents and solvent mixes  
140504 sludges containing halogenated solvents  
140505 sludges containing other solvents

16 Wastes not otherwise specified in the catalogue  
1602 Discarded Equipment and Shredder Residues  
160201 transformers and capacitors containing PCBs or PCTs  
1604 Waste Explosives  
160401 waste ammunition  
160402 fireworks waste  
160403 other waste explosives  
1606 Batteries and Accumulators  
160601 lead batteries  
160602 Ni-Cd batteries  
160603 mercury dry cells  
160606 electrolyte from batteries and accumulators  
1607 Waste from Transport and Storage Tank Cleaning (except 0500 and 1200)  
160701 waste from marine transport tank cleaning, containing chemicals  
160702 waste from marine transport tank cleaning, containing oils  
160703 waste from railway and road transport tank cleaning, containing oil  
160704 waste from railway and road transport tank cleaning, containing chemicals  
160705 waste from storage tank cleaning, containing chemicals  
160706 waste from storage tank cleaning, containing oil

17 Construction and Demolition Waste (Including Road Construction)  
1706 Insulation Materials  
170601 insulation materials containing asbestos

18 Waste from Human or Animal Health Care and/or Related Research (excluding kitchen and restaurant wastes which do not arise from immediate health care)

1801 Waste from Natal Care, Diagnosis, Treatment or Prevention of Disease in Humans  
180103 other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection  
1802 Waste from Research, Diagnosis, Treatment or Prevention of Disease Involving Animals  
180202 other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection  
180204 discarded chemicals

19 Wastes from Waste Treatment Facilities, Off-site Waste Water Treatment Plants and the Water Industry

1901 Wastes from Incineration or Pyrolysis of Municipal and Similar Commercial, Industrial and Institutional Wastes  
190103 fly ash  
190104 boiler dust  
190105 filter cake from gas treatment  
190106 aqueous liquid waste from gas treatment and other aqueous liquid wastes  
190107 solid waste from gas treatment  
190110 spent activated carbon from flue gas treatment  
1902 Wastes from Specific Physicochemical Treatment of Industrial Wastes (e.g. Dechromatation, Decyanidation, Neutralization)  
190201 metal hydroxide sludges and other sludges from metal insolubilization treatment  
1904 Vitrified Wastes and Wastes from Vitrification  
190402 fly ash and other flue gas treatment wastes  
190403 non-vitrified solid phase  
1908 Wastes from Waste Water Treatment Plants not otherwise specified  
190803 grease and oil mixture from oil/waste water separation  
190806 saturated or spent ion exchange resins  
190807 solutions and sludges from regeneration of ion exchangers

20 Municipal Wastes and Similar Commercial Industrial and Institutional Wastes including Separately collected Fractions

2001 Separately Collected Fractions  
200112 paint, inks, adhesives and resins  
200113 solvents  
200117 photo chemicals  
200119 pesticides  
200121 fluorescent tubes and other mercury containing waste

## **PART B: HAZARDOUS PROPERTIES**

H1 "Explosive": substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 "Oxidizing": substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H3 A "Highly flammable": - liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or - solid substances and preparations which may readily catch fire after brief contact with a source of ignition

and which continue to burn or to be consumed after removal of the source of ignition, or - gaseous substances and preparations which are flammable in air at normal pressure, or - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3 B "Flammable": liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.

H4 "Irritant": non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 "Harmful": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 "Toxic": substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 "Carcinogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 "Corrosive": substances and preparations which may destroy living tissue on contact.

H9 "Infectious": substances containing viable micro-organisms, or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 "Teratogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 "Mutagenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substances, e.g. a leachate, which possesses any of the characteristics listed above.

H14 "Ecotoxic": substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

## **PART C: THRESHOLDS FOR CERTAIN HAZARDOUS PROPERTIES**

In the waste:

- the total concentration of substances classified as irritant and having assigned to them any of the risk phrases R36 ("irritating to the eyes"), R37 ("irritating to the respiratory system") or R38 ("irritating to the skin") is equal to or greater than 20%;

- the total concentration of substances classified as irritant and having assigned to them the risk phrase R41 ("risk of serious damage to eyes") is equal to or greater than 10%;
- the total concentration of substances classified as harmful is equal to or greater than 25%;
- the total concentration of substances classified as very toxic is equal to or greater than 0.1%; -the total concentration of substances classified as toxic is equal to or greater than 3%;
- the total concentration of substances classified as carcinogenic and placed by the approved classification and labelling guide in category 1 or 2 of that classification is equal to or greater than 0.1%;
- the total concentration of substances classified as corrosive and having assigned to them the risk phrase R34 ("causes burns") is equal to or greater than 5%; and
- the total concentration of substances classified as corrosive and having assigned to them the risk phrase R35 ("causes severe burns") is equal to or greater than 1%.

## **PART D: RULES FOR THE INTERPRETATION OF THIS SCHEDULE**

(1) This Schedule shall be interpreted in accordance with rules prescribed by the Authority.

(2) For the purposes of paragraph (1), the Authority shall make documents describing the rules for the interpretation of this Schedule available for inspection and copying at its offices during office hours.

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## **SCHEDULE FOUR**

### **Schedule of Fees**

Task

Regulation Number

Fee

Application for a special waste carrier licence

14

E500

Application for a waste management licence

18(1)

E500

Application for a special waste management licence

23(2)

E500