

Portfolio Committee on Environmental
Affairs and Tourism

Committee Secretary

Att: Ms Albertina Kakaza

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Date: 16 November 2007

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Dear Ms Kakaza

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE BILL [B39-2007]:
ESKOM SUBMISSION**

The National Environmental Management: Waste Bill, as published in Government Gazette No. 30142, has reference. In connection with the public hearings to be held on 21 November 2007, please find below Eskom's written submission.

Chapter 1: 1. Definitions

1. **Section 15 (5)** makes reference to "Subsection (6)". However, the number system is incorrect and needs to be changed. It would then need to perhaps read "Subsection (7)".
2. **Section 29 (6)** sets out that the Minister or MEC may give directions that an industrial waste management plan must be prepared by an independent person. However, no criteria are provided for when or under what conditions this would be done. It is recommended that this should be based on a person failing to submit a plan as set out under subsection (1) and (2).
3. **Section 32 (1)** requires that appropriate steps be taken to bring the industrial waste management plan to the attention, of amongst others, the public. It is recommended that the Minister make regulations for this. This should then be listed under section 70 (Regulations by Minister).

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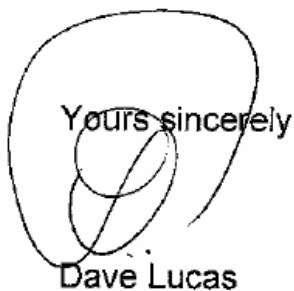
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Eskom Holdings Limited Reg No 2002/015527/06



4. **Section 41 (2)** requires the Minister to notify the Chief Registrar of Deeds of any land that has been declared as a remediation site. However, no indication is given as to what the Registrar is required to do. The intention must be specified and the measures the Registrar must take.
5. **Section 47 (1)** states that the licensing authority may require applicants to appoint an independent and suitable qualified person to manage an application. However, no criteria are provided for when or under what conditions this would be required. It is recommended that criteria be stated for circumstances when an independent person would be required to manage an application. Further more, guidance should be provided for determining what type of person is regarded as suitably qualified.
6. **Section 17 (1) (f)**: uses the work “unauthorised”. It is recommended that unauthorised be qualified.
7. **Section 20**: This process for listing activities should make reference to the NEMA environmental impact assessment requirement so as to avoid duplication.
8. **Section 25 (1) (c)**: refers to a person “who is not prohibited from collecting waste”. It is not clear as to who such a person is and this requirement requires to ensure it is clear as to whom a person is that is “not prohibited”.
9. **Section 59 (2) (a)**: the term “work towards” does not qualify what is expected. The words “work towards the” should rather be removed.
10. **Section 60 (a)**: to stipulate “contravention or failed to comply with this Act” are deemed inappropriate until such time as there has been a conviction. It is therefore recommended that is read “that person has been convicted in terms of this Act, ...”.

A handwritten signature in black ink, appearing to be 'Dave Lucas', is written over the typed name. The signature is enclosed within a large, hand-drawn oval shape.

Yours sincerely
Dave Lucas

**CORPORATE SPECIALIST (ENVIRONMENTAL MANAGEMENT)
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