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**ENVIRO-PROTECT SOLUTIONS**

## **Appendix A : ENVIRONMENTAL LEGAL AUDIT CHECKLIST**

**Prepared for KDG Logistic (Pty) Ltd**

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## 1. ENVIRONMENTAL LEGAL COMPLIANCE REGISTER

### a. ENVIRONMENTAL MANAGEMENT SYSTEMS

EMS		
EMS requirements	Compliance level	Comments
Has the company established an Environmental Policy?	Compliant	Road Traffic Safety and EMS policy statement is available on file.
Does the environmental policy include commitment improve and prevent pollution?	Compliant	Policy is committed to minimise any harm to the environment.
Does the environmental policy include commitment to comply with the relevant environmental legislation and regulations and with other requirements to which the organisation subscribes?	Compliant	
Does the environmental policy provide a framework for setting and reviewing environmental targets and objectives?	Compliant	
Is the environmental policy documented implemented, maintained and communicated to all employees.	Compliant	Environmental policy is available and has been communicated with staff.
Has the organisation established and maintained procedure to identify the environmental aspects of its activities products or services that it can control and over which it can be expected to have an influence?	Compliant	Impacts and Aspects Analysis is available on file. Risk Assessment is available for activities conducted by the organisation.
Has the organisation established which aspects have a significant impact to the environment?	Compliant	Impacts and Aspects register is available on file.
Does the organisation periodically update information regarding its aspects and significant impacts?	Compliant	Impacts and aspects register to be updated on a yearly basis
Have aspects having legal and/or regulatory reporting, monitoring or operational requirements been identified as "significant" aspects?	Compliant	
Are the following environmental aspects considered in sufficient detail?  Air emission Wastewater effluent Waste management Soil pollution Raw material and natural resource usage	Compliant	Measures are in place by the organisation for CO2 emission and Diesel usage.



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Hazardous and toxic material Impact on well being (e.g. noise, smell, heat, landscape, protection) Utility, energy and resource Other environmental specific issues on site such as housekeeping, storage, areas, piping		
Have significant aspects been identified?	Compliant	Aspect and impacts register available on file.
Are all significant environmental aspects controlled by objectives, targets, and programmes, procedures or monitoring?	Compliant	The organisation has implemented procedures to reduce the CO2 from the trucks and diesel. Records are maintained on file.
Have environmental aspects identified and evaluated for planned or new developments, or new or modified activities, products and services ?	Not applicable	No new activities are planned for the organisation.
Are current copies of all applicable regulatory and other requirements accessible to personnel as necessary?	Compliant	Occupational health and safety regulation as well as the Labour law is displayed on the notice board.
Are the following licenses, permits and approvals available to demonstrate full legal compliance?  Licenses of waste collectors Air emission permits Wastewater discharge permits Permits and licenses related to dangerous goods Environmental fees, e.g. wastewater discharge fee Registration at authorities (e.g. wastewater discharge, air emission inspection)	Applicable	Fire chief permit is available.
Do the objectives and targets take into consideration of the followings?  The compliance with the relevant legislation and other requirements The significant environmental aspects The criteria for selection of adequate technology, financial operation and business requirements The views of interested parties	Compliant	The organisation has implemented procedures to reduce the CO2 and diesel.
Are the objectives and targets consistent with the following?  Environmental policy The commitment for prevention of pollution The commitment for continual improvement of the environmental performance (where applicable)	Compliant	No deviations noted.
Have programmes for the achievement of environmental objectives and targets been established and implemented?	Compliant	No deviations noted.
Have responsibilities and authorities for environmental management been defined and documented?	Compliant	



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Has a Management Representative been assigned?	Compliant	Leroy Dwyer has been appointed as the organisations SHE representative.
Have training needs been identified?	Compliant	Records of toolbox talks training and MSDS training has been provided during the audit.
Are all personnel, whose work can cause significant environmental impacts, competent on the basis of education, training and or experience?	Semi-Compliant	Records of toolbox talks training and MSDS training has been provided during the audit. However no proof of training was made available for the Emergency preparedness and Response plan.
Has the organization ensured that personnel performing environmental specific tasks have the required knowledge (e.g. education, training experience)?	Compliant	Records of toolbox talks training and MSDS training has been provided during the audit.
Does the communication process ensure that business partners, suppliers and contractors are aware of the relevant requirements of the organization's EMS?	Compliant	Requirements are available on boards. Internal meetings are undertaken to ensure EMS requirements are being addressed.
Do the contractors working on site have the requisite knowledge and skills or have been trained to perform the work in an environmental responsible manner?	Compliant	Records of toolbox talks training and MSDS training has been provided during the audit.
Are training records, certificates and licenses available to demonstrate the competence?	Compliant	Records of toolbox talks training and MSDS training has been provided during the audit.
Are procedures maintained for communication of environmental issues between various levels of the organization?	Compliant	All issues are dealt with at meetings.
Are current versions of all required documents available at all essential locations?	Compliant	All documents must be reviewed on a yearly basis
Are obsolete documents promptly removed or otherwise assured against unintended use?	Compliant	No deviations noted.
Is all documentation legible, readily retrievable and identifiable, and revision level or date identified?	Compliant	No deviations noted.
Are activities associated with significant environmental aspects planned and carried out under specified conditions?	Compliant	



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Have, during development of the documented procedure, the following elements considered? Activities where their absence could cause deviation from environmental policy, objectives and targets Stipulating operating criteria and limits for control of the important activity characteristics Control processes of significant environmental aspects of products and services Release of new or modified processes and products	Compliant	All deviations logged onto the Non-Conformance Report.
Have procedures been established relating to the significant environmental aspects of materials and services purchased and used by the organization?	Compliant	Aspects and impacts register available on file.
Have procedures been implemented to identify the potential for and respond to accidents and emergencies?	Semi-Compliant	Emergency preparedness and response plan is available, However no training has been conducted.
Have procedures been established to prevent and mitigate impacts of accidents and emergencies?	Semi-Compliant	Emergency preparedness and response plan is available, However no training has been conducted.
Are emergency procedures tested where practicable?	Semi-Compliant	Emergency preparedness and response plan is available, However no training has been conducted.
Are emergency plans available? Are procedures defined to ensure that environmental impacts of accidents and emergency situations are mitigated?	Semi-Compliant	Emergency preparedness and response plan is available, However no training has been conducted.
Are documented procedures established, implemented and maintained to periodically evaluate compliance with relevant environmental legislation and other requirements?	Compliant	Internal Legal compliance audits will be conducted on a yearly basis.
Has monitoring and measuring data been recorded to evaluate the compliance with relevant environmental legislation and other requirements?	Compliant	Internal Legal compliance audits will be conducted on a yearly basis.
Are corrective and preventive actions timely, appropriate and effective?	Compliant	NCR reports have been compiled to ensure that any corrective actions are undertaken properly.
Does the procedure include the fact that complaints from interested parties are to be integrated in the process?	Compliant	All customer complaints are logged onto the correction action register
Are environmental records legible, readily retrievable, protected against damage?	Compliant	



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

Do the records include the followings: Training records Audit results Management review records Information on applicable environmental laws and other requirements Inspection, maintenance and calibration records Information on emergency preparedness and response Information on significant environmental aspects and associated impacts Permits Monitoring data Details of nonconformity, incidents, complaints and follow-up actions Contractors and suppliers records Process and product information	Compliant	All records are maintained on file.
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### b. ENVIRONMENTAL PLANNING

Environmental Impact Assessments						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998	SECTION 24	<u>Environmental authorizations</u>  (1) In order to give effect to the general objectives of integrated environmental management laid down in this chapter, the potential impact on the environment of listed activities must be considered, investigated, assessed and reported on to the competent authority charged by this Act with granting the relevant environmental authorization.	The potential impact on the environment of listed activities must be considered, investigated, assessed and reported on to the competent authority charged by this Act with granting the relevant environmental authorization.	Applicable	Non-Compliant	A total volume of 12000L of diesel is currently being stored on site. Confirmation must be obtained from EDTEA if an authorisation is required or not.



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		(2) The Minister, and every MEC with the concurrence of the Minister, may identify- (a) activities which may not commence without environmental authorization from the competent authority;	Refer to Government Notice R 944, R945 & R946 for listed activities which requires a basic assessment and those that require an environmental Impact Assessment.	Applicable.	Non-Compliant	A total volume of 12000L of diesel is currently being stored on site. Confirmation must be obtained from EDTEA if an authorisation is required or not.
		GNR 984 (4 December 2014) lists activities a Basic Assessment GNR 985 (4 December 2014) lists activities that require an EIA.	The company must draft a procedure which prompts the Company to have reference to the EIA regulations as well as to contact an independent consultant prior to any new building or plant upgrade projects being started. It must be noted that the penalty as contained in the National Environmental Management Act 107 of 1998 for not conducting an EIA when one is required amounts to a fine of up to 5 million Rands or imprisonment of up to ten years or both.	Applicable.	Non-Compliant	A total volume of 12000L of diesel is currently being stored on site. Confirmation must be obtained from EDTEA if an authorisation is required or not.
SECTION 24 F		<u>Offences relating to commencement or continuation of listed activity.</u>  Notwithstanding the provisions of any other Act no person may commence an activity listed in terms of section 24(2) (a) or (b) unless the competent authority has granted an environmental	If any listed activity is undertaken the necessary authorisations must be obtained from the relevant authority.  It is a legal offence to conduct any listed activity without the necessary approvals.	Applicable.	Non-Compliant	A total volume of 12000L of diesel is currently being stored on site. Confirmation must be obtained from EDTEA if an authorisation is required or not.



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		authorisation for the activity, and no person may continue an existing activity listed in terms of section 24 (2) (d) if an application for environmental authorisation is refused.				
	SECTION 24 G	<p><u>Rectification of unlawful commencement of continuation of listed activity.</u></p> <p>Rectification of unlawful commencement – (1) On application by a person who has committed an offence in terms of section 24(f) the Minister, Minister if Mineral and Energy or MEC concerned, as the case may be, may direct the applicant to –</p> <p>(a) Compile a report.</p>	<p>Rectification of an unlawful activity may result in the competent authority requesting a report to be compiled as specified in section 24G(1)(a)</p> <p>The competent authority will then make a decision(approve/fine/penalty)</p>	Applicable.	Non-Compliant	A total volume of 12000L of diesel is currently being stored on site. Confirmation must be obtained from EDTEA if an authorisation is required or not.
	SECTION 28	<p><u>Duty of care and remediation of environmental damage</u></p> <p>Any person who has or may cause significant pollution or degradation of the environment is required to take measures to prevent such pollution or degradation from occurring or continuing. This obligation binds the owner of the land or premises, person in control of land or premises or a person who has a right to use land on which pollution has occurred.</p>	The organisation is responsible for any damage caused to the environment.	Applicable	Compliant	Impacts and aspects register have been implemented for the organisation.



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	SECTION 29	<p><u>Protection of workers refusing to do environmental hazardous work</u></p> <p>An employee who has refused to perform any work believing in good faith that the performance of work would result in an imminent and serious threat to the environment is required to notify the employer and give a reason for the refusal.</p>	All employees must be informed of their rights.	Applicable	Compliant	
	SECTION 30	<p><u>Control of emergency procedure</u></p> <p>The responsible person must after knowledge of an incident report it through the most effective means available to the director general, SAP services relevant fire prevention service, relevant provincial HoD of Municipal and all other persons whose health may be affected by the incident.</p> <p>As soon as possible all measures to contain and minimise the effects of the incident must be taken.</p>	Procedures must be in place of what to do in the event of an incident.	Applicable	Compliant	Emergency preparedness and response plan is available, and training has been conducted
	SECTION 31	<p><u>Access to information and protection of Whistle blowers</u></p> <p>Any person may have access to information held by any organ of state relating to the environment and implementation of any law affecting the environment. Any organ of state in turn may have</p>	Employees are encouraged to report any environmental risk by the organisation without being held liable.	Applicable	Compliant	All employees must be made aware of their environmental responsibility.



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		<p>access to any such information, where it is necessary to enable it to carry out its duties in terms of any legislation affecting the environment.</p> <p>No person may be liable due to having disclosed any information where it was reasonably believed at the time that evidence of an environmental risk was being disclosed.</p>				
	SECTION 32	<p><u>Legal Standing to enforce Environmental Laws</u></p> <p>Any person or group of persons may seek appropriate relief in respect of any breach or threatened breach of any provision or principle of this Act, or any other sanctuary provision concerned with the protection of the environment.</p> <p>Where such a person or group of persons fail to secure the relief sought the court may decide not to award cost against them if of the opinion that they acted reasonable out of concern for the public interest or the interest of the protection for the environment.</p>	Organisations or a person may be held liable for any activity that may affect the environment.	Applicable	Compliant	
	SECTION 33	<p><u>Private Prosecution</u></p> <p>A prosecution may be instituted by any person in the public</p>		Applicable	Compliant	



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		interest or in the interest of the protection of the environment; in respect of any breach or threatened breach of any duty contained in any Legislation.				
	SECTION 34	<p><u>Criminal proceedings</u></p> <p>(1) Whenever any person is convicted of any offence under any provisions listed in Schedule 3 and it appears that such person has by that offence caused loss or damage to any organ of state or other person, including the cost incurred or likely to be incurred by an organ of state in rehabilitating the environment or preventing damage to the environment, the court may in the same proceedings at the written request by the minister or other organ of state or other person concerned and in the presence of the convicted person, inquire summarily and without pleadings into the amount of the loss of damage so caused.</p> <p>(2) Upon proof of such amount, the court may give judgement therefore in favour of the organ of state or other person concerned against the convicted person, and such judgement</p>	If the organisation if found guilty of not complying with any legal requirement they will be responsible for penalties.	Applicable	Complaint	Legal compliance audit conducted to ensure compliance of all legislation.



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		shall be of the same force and effect and be executive in the same manner as if it had been given in a civil duly subsection (2) (3) and (4), if the offence in question resulted from the failure of the director to take all reasonable steps that were necessary under the circumstances to prevent the commissions of the offence.				
		Where relevant, the environmental management programme must contain information on any proposed management, mitigation, protection or remedial measures to address the environmental impacts identified in a Section 24 (1A) report	Where relevant, the environmental management programme must, where appropriate set out time periods Section within which the measures contemplated in the environmental management programme must be implemented.	Not Applicable		
		"Every person causing significant pollution or degradation of the environment must take reasonable measures to prevent the pollution or degradation, (or) if the harm is authorised by law or cannot reasonably be avoided or stopped, the person must minimise and rectify the pollution or degradation."	The organisation must ensure that no activities undertaken by the organisation causes damage to the environment.	Applicable	Compliant	
	Section 28.3b	Inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid	Toolbox talks must be conducted on a regular basis informing employees of the risk posed to the environment and with	Applicable	Compliant	Records of toolbox talks training and MSDS training has been provided during the audit.



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		causing significant pollution or degradation of the environment;	working in that specific environment.			
	Section 30.3	"The person responsible for an incident must, after getting knowledge of the incident, report it by the most effective means reasonably available, including: the nature of the incident." Any risks posed by the incident to public health, safety and property The toxicity of substances or by-products released by the incident	This refers to pollutions incidents that harm the environment.	Applicable	Compliant	None observed during the inspection

**Local, Provincial and National Building Regulations**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION 7	Approval by local authority in respect of erection of buildings.	Has the erection of a new building been approved by the Local authority.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION 10	Erection of Buildings in Certain Circumstances subject to Prohibition or Conditions.	If the local authority is of the opinion that the building being erected is not in the interest of good health, unsightly, a nuisance to neighbouring properties, or lower the value of neighbouring properties, the local authority may prohibit erecting the building.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING	SECTION 11	Erection of Buildings subject to Time limit.	Building must commence within 3 months of the approval being granted, and	Not applicable		



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STANDARDS ACT NO 103 OF 1977			must occur within the stipulated timeframes.			
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION 12	Demolition or Alterations of certain buildings.	The local authority may submit a notice to demolish a building or erection of a building if it is dilapidated or dangerous to life, notice can be given to demolish.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION 14	Certificates of occupancy.	Within 14 days of completion of erection of a building the local authority must provide occupancy certificate if the building meets the requirements of the ACT.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION A 2	(1) Any person intending to erect any building shall submit to the local authority the following plans and particulars; a) A site plan b) Layout design c) Fire installation drawing d) Drainage installation drawing e) Particulars of any existing building which is to be demolished and details of the method of demolition to be used. f) Such plans and particulars as may be required by the local authority in respect of – (i) General structural arrangements, subject to any		Not applicable		



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		<p>requirement contained in these regulations with regard to design of the structural system.</p> <p>(ii) General arrangement of artificial ventilation.</p> <p>(iii) A fire prevention plan.</p> <p>(iv) A certificate contemplated in these regulations, including any applicable Agreement certificate.</p> <p>(v) Particulars required in terms of any applicable legislation, by laws or part of SANS 10400.</p>				
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION A15	<p>Maintenance and operation</p> <p>(1a) The owner of any building shall ensure that any mechanical equipment, facility or any service installation provided in or in connection with such building, purshant to these regulations or purshant to any building by law which was in operation prior to the coming into operation of the Act, shall be maintained in a safe and functional manner.</p>	<p>Buildings must be maintained in a safe and functional manner. All equipment, facility or installation must be in a safe working order.</p>	Applicable	Compliant	Building maintained in a neat and tidy condition.



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NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F1	Site Operations – Protection of the public	During demolition or erection of a building, the public must be protected. Fence must be erected around the site, with no public access.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F2	Site operations – Damage to local authority property.	Demolition or erection of a building must not cause any damage to public property.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F3	Site operations – Geotechnical site and Environmental conditions.	If the local authority is of the opinion that the site may be not geotechnically suitable or in an environmental sensitive area, the authority may request that appropriate investigations be conducted.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F5	Site operations – Soil poisoning.	Soils within sites must be treated in accordance to the code of practice SANS10124.	Not applicable		Not applicable as small building extension being undertaken.
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F6	Control of unreasonable levels of Dust and Noise	Noise and dust levels must be controlled.	Applicable	Compliant	No dust or noise evident on site.
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F8	Waste material on site.	All waste on site must be removed to registered landfill sites.	Applicable	Compliant	General waste removed by the municipal services. Recycling waste is removed of site by evergreen and waste bureau and DKD



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						is used for servicing of septic tanks.
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION F11	Sanitary functions	No demolition or erection can take place unless sanitary facilities for the employees are provided.	Not applicable		
NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT NO 103 OF 1977	SECTION G - V	Legislative requirements for excavations, foundations, floors, roofs, stairways, glazing, lighting and ventilation, Drainage, Non water borne means of sanitary disposal, stormwater disposal, facilities for the persons with disabilities, fire protection, refuse disposal, space ventilation, and fire installation.	During erection of buildings requirements are stipulated in the Act.	Not applicable		

### c. BIODIVERSITY MANAGEMENT

National Environmental Management Biodiversity Act 10 of 2004						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
National Environmental Management Biodiversity Act 10 of 2004	Chapter 4 Part 1	(1) (a) The Minister may, by notice in the <i>Gazette</i> , publish a national list of ecosystems that are threatened and in need of protection. (b) An MEC for environmental affairs in a province may, by notice in the <i>Gazette</i> , publish a provincial list of ecosystems in the province that are threatened and in need of protection.	Should an activity or development fall within an area listed in the national list of ecosystems that are threatened or protected the relevant processes must be followed to determine if approval in terms of NEMA is required or not	Not Applicable		



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		<p>(2) The following categories of ecosystems may be listed in terms of subsection (1);</p> <p>(a) critically endangered ecosystems, being ecosystems that have undergone severe degradation of ecological structure, function or composition as a result of human intervention and are subject to an extremely high risk irreversible transformation;</p> <p>(b) endangered ecosystems, being ecosystems that have undergone degradation of ecological structure, function or composition as a result of human intervention, although they are not critically endangered ecosystems;</p> <p>(c) vulnerable ecosystems, being ecosystems that have a high risk of undergoing significant degradation of ecological structure, function or composition as a result of human intervention, although they are not critically endangered ecosystems or endangered ecosystems; and</p> <p>(d) protected ecosystems, being ecosystems that are of high conservation value or of high national or provincial importance, although they are not listed in terms of paragraphs (a), (b) or (c).</p>			
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	Chapter Part 2	4	(1) The Minister may, by notice in the <i>Gazette</i> , publish a list of- (a) critically endangered species, being any indigenous species facing an extremely high risk of extinction in the wild in the immediate future;  (b) endangered species, being any indigenous species facing a high risk of extinction in the wild in the near future, although they are not a critically endangered species;  (c) vulnerable species, being any indigenous species facing an extremely high risk of extinction in the wild in the medium-term, although they are not a critically endangered species or an endangered species; and  (d) protected species, being any species which are of high conservation value or national importance or require regulation in order to ensure that the species are managed in an ecologically sustainable manner.	All species listed within the notice must be protected. No damage to faunal species. All site staff must be made aware of their obligation not to damage or endanger any wildlife species.	Not -Applicable		Not applicable as not working within a construction site.
	Chapter Part 1	5	(1) A person may not carry out a restricted activity involving a specimen of an alien species without a permit issued in terms of Chapter 7. (2) A permit referred to in subsection (1) may be issued only after a prescribed assessment of risks and	No introduction of alien species without the necessary permits	Applicable	Compliant	No deviations were noted.



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		potential impacts on biodiversity is carried out.				
	Chapter Part 1	5	73. Duty of care relating to listed invasive species (1) A person authorised by permit in terms of section 71(1) to carry out a restricted activity involving a specimen of a listed invasive species must take all the required steps to prevent or minimise harm to biodiversity. (2) A person who is the owner of land on which a listed invasive species occurs must- Page 57 of 84 (a) notify any relevant competent authority, in writing, of the listed invasive species occurring on that land; (b) take steps to control and eradicate the listed invasive species and to prevent it from spreading; and (c) take all the required steps to prevent or minimise harm to biodiversity.	Duty of care must be taken on all properties to prevent the introduction or spread of any alone invasive species	Applicable	Compliant  No deviations were noted.

### d. AIR EMISSION

National Environmental Management : Air Quality Act 39 of 2004						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments



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NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004	SECTION 63	<u>Transitional provision regarding ambient air quality standards</u>  Until ambient air quality standards have been established in terms of section 9, 10 or 11, the ambient air quality standards contained in Schedule 2 apply.	Client must be aware of the applicable could as best practice include these parameters in its monitoring and measurement procedure and insure that it complies with the standards.	Applicable	Compliant	No Air Emission license is required for the organisation. The organisation currently is involved in monitoring the CO2 emissions from trucks.
	SCHEDULE 2 (Section 63)	<u>Ambient Air Quality Standards</u>  (1) Ambient concentrations of ozone (O3) may not exceed-  (a) an instant peak of 0.25 parts per million measured at 25°C and normal atmospheric pressure; or  (b) a one-hour average of 0.12 parts per million measured at 25°C and normal atmospheric pressure.  (2. Ambient concentrations of the oxides of nitrogen (NOX) may not exceed-  (a) an instant peak of 1.4 parts per million measured at 25°C and normal atmospheric pressure;  (b) a one hour average of 0.8 parts per million measured at 25°C and normal atmospheric pressure;	Organisation must ensure that ambient air quality standards are maintained.	Applicable	Compliant	



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		<p>(c) a 24-hour average of 0.4 parts per million measured at 25°C and normal atmospheric pressure and the 24-hour limit may not be exceeded more than three times in one year;</p> <p>(d) a one month average of 0.3 parts per million measured at 25°C and normal atmospheric pressure; or</p> <p>(e) an annual average of 0.2 parts per million measured at 25°C and normal atmospheric pressure.</p> <p>(3) Ambient concentrations of nitrogen dioxide(NO<sub>2</sub>) may not exceed-</p> <p>(a)an instant peak of 0.5 parts per million measured at 25°C and normal atmospheric pressure;</p> <p>(b)a one hour average of 0.2 parts per million measured at 25°C and normal atmospheric pressure;</p> <p>(c)a 24-hour average of 0.1 parts per million measured at 25°C and normal atmospheric pressure and the 24-hour limit may not be exceeded more than three times in one year;</p>			
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		<p>(d)a one month average of 0.08 parts per million measured at 25°C and normal atmospheric pressure; of</p> <p>(e) an annual average of 0.05 parts per million measured at 25°C and normal atmospheric pressure.</p> <p>(4) Ambient concentrations of sulphur dioxide(SO<sub>2</sub>) may not exceed-</p> <p>(a) a ten minute average instant peak of 0.191 parts per million measured at 25°C and normal atmospheric pressure;</p> <p>(b)An instant peak of 500 micrograms per cubic meter (<math>\mu\text{g}/\text{m}^3</math>)measured at 25°C and normal atmospheric pressure;</p> <p>(c)a 24-hour average of 0.048 parts per million or 125 micrograms per cubic meter (<math>\mu\text{g}/\text{m}^3</math>) measured at 25°C and normal atmospheric pressure;</p> <p>(d) an annual average of 0.019 parts per million or 50 micrograms per cubic meter(<math>\mu\text{g}/\text{m}^3</math>) measured at 25°C and normal atmospheric pressure.</p> <p>(5) Ambient concentrations of lead(Pb) may not exceed a one</p>			
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		<p>month average of 2.5 micrograms per cubic meter(<math>\mu\text{g}/\text{m}^3</math>).</p> <p>(6) Ambient concentrations of particulate matter with a particle size of less than 10 microns (<math>\mu</math>) in size (PM10) may not exceed-</p> <p>(a) a 24 hour average of 180 micrograms per cubic meter(<math>\mu\text{g}/\text{m}^3</math>) and the 24 hour limit may not exceeded more than three times in one year; or</p> <p>(b) an annual average of 60 micrograms per cubic meter(<math>\mu\text{g}/\text{m}^3</math>).</p> <p>(7) Ambient concentrations of total suspended solids may not exceed-</p> <p>(a) a 24 hour average of 300 micrograms per cubic meter(<math>\mu\text{g}/\text{m}^3</math>) and the 24 hour limit may not be exceeded more than three times in one year; or</p> <p>(b) an annual average of 100 micrograms per cubic meter (<math>\mu\text{g}/\text{m}^3</math>).</p>				
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### Atmospheric Emission Licensing

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004	SECTION 9	<p><u>National Standards</u></p> <p>The minister by notice in the gazette –</p> <p>(a) Must identify substances or mixtures of substances in ambient air which through ambient concentrations bioaccumulation, deposition or in any other way present a threat to health well being or the environment or which the minister reasonably believes present such a threat; and</p> <p>(b) Must in respect of each of those standards or mixtures of substances establish national standards for ambient air quality including the permissible amount or concentration of each such substance or mixture of substances in ambient air; and</p> <p>May in respect of each of those substances or mixtures of substances establish national standards for emission from point non-point or mobile sources.</p>	Government notice No 893 promulgates the list of activities which result in atmospheric emission which may have a detrimental impact.	Not Applicable		KDG Logistics does not conduct any listed activities that require an Air Emissions license.
		<p><u>Local Standards</u></p> <p>A municipality may in terms of a by law –</p>		Not Applicable		KDG logistics does not conduct any listed activities that require an Air Emissions license.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(a) Identify substances or mixtures of substances in ambient air which through ambient concentrations bioaccumulation depositions or in any other way present a threat to health wellbeing or the environment in the municipality or which the municipality reasonably believes present such a threat; and</p> <p>(b) In respect of each of those substances or mixtures of substances establish local standards for emissions from point, non-point or mobile source within the municipality.</p> <p>If the national or provincial standards have been established in terms of section 9 or 10 in any particular substance or mixture of substance a municipality may not alter any such national provincial except by establishing stricter standards for the municipality or any part of the municipality.</p>				
NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004	SECTION 21	Any listed activities that goes above the minimum standards for air emission are listed in Government notice No 248 require an atmospheric emission license.	Minimum standards for air emission are listed in Government notice No 248 require an atmospheric emission license.	Applicable	Compliant	No air emissions license required by the organisation.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004	SECTION 36, 37, 38	Activities that require a license are required to follow procedure set out in section 36, 37 and 37 of National Environmental Management: Air quality act 39 of 2004.	Procedures to obtain Atmospheric emission license from Metropolitan or district municipality.	Applicable	Compliant	No air emissions license required by the organisation.
	SECTION 51	<u>Offences</u> A person is guilty of an offence if that person – (a) Contravenes a provisions of Section 22, 25 of 35. (b) Fails to submit or to implement a pollution prevention plan as required in section 29. (c) Fails to submit an atmospheric impact report required in terms of section 30. (d) Fails to notify the minister as required in section 33. (e) Contravenes or fails to comply with a condition or requirement of an atmospheric emissions license. (f) Supplies false information in any application for an atmospheric emission license or for the transfer variation or renewals of such a license. (g) Supplies false or misleading information to an air quality officer, contravenes or fails to comply with a condition subject to which		Applicable	Compliant	No air emissions license required by the organisation.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>exemption from a provision of this Act was granted in terms of section 59.</p> <p>A person operating a controlled emitter is guilty of an offence if the emissions from that controlled emitter do not comply with the standards established under section 24(1).</p>				
	SECTION 52	<p><u>Penalties</u></p> <p>A person convicted of an offence referred to in section 51 is liable for a period not exceeding ten years or to both a fine and such imprisonment.</p>		Not applicable		

**EMISSIONS FROM DIESEL POWERED VEHICLES**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
	PART V – AIR POLLUTION EMITTED BY DIESEL DRIVEN VEHICLES  GNR 1652 OF 20/09/1974	<p><u>Air Emissions from diesel powered Vehicles</u></p> <p>Part V shall only apply in areas that have been Gazetted.</p> <p>Any gas emitted from diesel driven vehicles, driven on public roads shall comply with the prescribed levels.</p> <p>Different levels apply in different areas.</p> <p>A person who uses causes or permits any person to use such</p>	<p>Organisation must ensure that all of its own diesel vehicles being operated on public roads comply with the provisions of these Regulations.</p> <p>Turbo diesel vehicles have been excluded from the legislation.</p>	Applicable	Compliant	Vehicles are serviced regularly and inspected for unusual levels of smoke emissions. Service records are available for trucks and trailers. The organisation maintained CO2 records of trucks and has recently purchased trucks that are more CO2 efficient.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>vehicle on a public road has a duty to ensure such levels comply with the requirements.</p> <p>No diesel driven vehicle used on any public road may emit any gases, when measured, which reads higher than the prescribed levels.</p> <p>The regulations place a prohibition on any person using or causing to be used a vehicle, which emission levels do not comply with these regulations on a public road.</p> <p>The test method is prescribed in Section 2 of the regulations.</p>				
NATIONAL ROAD TRAFFIC ACT 93 OF 1996	209	<p><u>. Exhaust silencers and exhaust pipes</u></p> <p>No person shall operate on a public road a motor vehicle-</p> <p>(a)unless an efficient exhaust silencer or muffling device is affixed thereto in such a manner that the gas from the engine is projected through such silencer or muffling device, which shall be so constructed as to reduce and muffle in an effective manner the sound produced by such exhaust;</p> <p>(b)if any mechanism or device is attached thereto enabling the exhaust gas from the engine of such motor vehicle to be</p>		Applicable	Compliant	Organisation must ensure that all of its own vehicles being operated on public roads comply with the provisions of these Regulations. All vehicles / trucks utilised are in accordance to National Road, Traffic Act. All records are maintained on file.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>projected otherwise than through the silencer or muffling device referred to in paragraph (a);</p> <p>(c) if the exhaust gas or smoke from the engine is so dense as to cause a nuisance to, or obstruct the vision of other road users;</p> <p>(d) if the exhaust pipe or silencer thereof is in such a position that oil or other flammable liquid or material can drip or fall onto it, or is not in efficient working order, or is so placed and maintained that exhaust gas or smoke leaks into the driving cab or passenger compartment of the vehicle; and</p> <p>(e) which, when tested, exceeds the limits prescribed in code of practice SABS 0181 "The Measurement of Noise Emitted by Road Vehicles when Stationary".</p>				
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### Dust

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004	32	Measures prescribed by the MEC must be maintained to	Measures must be taken to prevent and control dust.	Not-Applicable		No activities producing dust.
		(a) to control dust;				
		(b) steps must be taken to prevent dust;	Measures must be taken to prevent and control dust.	Non-Applicable		No activities producing dust.



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		(c) other measures must be aimed at dust control.	Measures must be taken to prevent and control dust.	Non-Applicable		No activities producing dust.
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**Offensive Odours**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004	35	<p>The minister may prescribe measures for the control of offensive odours emanating from specified activities.</p> <p>The occupier of any premises must take all reasonable steps to prevent the emission of any offensive odours caused by any activity.</p>	Reasoning steps must be taken to prevent emission of any offensive odour caused by activity on the premises.	Not applicable		No activities producing offensive odours.

**Noise, Vibration, Shock**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
ENVIRONMENT CONSERVATION ACT 73 OF 1989		<p><u>Regulation regarding noise, vibration and shock</u></p> <p>The minister may make regulations with regard to the control of noise vibration and shock</p> <p><u>Noise regulations</u></p> <p>Regulations prescribe permissible noise levels aimed at preventing a public nuisance. Monitor and control excessive noise pollution outside the plant which may constitute a public nuisance.</p>	Schedule 5 of the constitutions now allocates this power exclusively to the provinces	Applicable	Compliant	No activities producing noise on site.
NATIONAL ENVIRONMENTAL	34	The minister may prescribe essential national standards for	Compliance must be maintained in accordance to	Applicable	Compliant	No activities producing noise on site.



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L MANAGEMENT: AIR QUALITY ACT 39 OF 2004		(a) for the control of noise, either in general or by specified machinery or activities or specified places or area national standards for noise in terms of the activities that are taking place or the machinery being utilised.				
LOCAL MUNICIPALITY BYLAWS RELATING TO NOISE CONTROL	SECTION 2	<p><u>Powers Of The Municipality</u></p> <p>Any authorized person may –</p> <p>(a) for the purposes of applying these bylaws, and subject to the provisions of Section 14 of the Constitution of the Republic of South Africa Act 1996(Act 108 of 1996) at any reasonable time enter premises without prior notice:</p> <p>(i) to conduct any appropriate examination, enquiry or inspection as it may deem expedient thereon; and</p> <p>(ii) to take any steps it may deem necessary;</p> <p>(c) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance, or may in the opinion of the Municipality be a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible Municipality therefore, or the owner or occupant of such building or premises from which or from where such noise emanates or may emanate, or all such persons, to discontinue or cause to be discontinued such noise, or to take steps to lower the level</p>		Applicable	Compliant	Organisation facilities are not a noisy area.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		of the noise to a level conforming to the requirements of these bylaws within the period stipulated in the instruction; provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or aircraft which are not used as recreational vehicles;				
	SECTION 4	<u>Prohibition Of Disturbing Noise</u> No person shall make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, machine, device or apparatus or any combination thereof.		Applicable	Compliant	No disturbing noise produced.
	SECTION 5	<u>Prohibition Of Noise Nuisance</u> (g) except in an emergency, or otherwise as expressly permitted by the Municipality emit a sound, or allow a sound to be emitted by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it causes or results in a noise nuisance; (i) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or similar article or allow it to be loaded, unloaded, opened, shut or handled, if it causes a noise nuisance;		Applicable	Compliant	No disturbing noise produced.
	SECTION 7	<u>Exemption</u> (1) The provisions of these bylaws shall not apply, if –		Applicable	Compliant	



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(a) the emission of sound is for the purposes of warning people of a dangerous situation, or (b) the emission sound takes place during an emergency.				
<b>ETHEKWINI MUNICIPALITY: AIR QUALITY MANAGEMENT BY-LAW, 2018</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
ETHEKWINI MUNICIPALITY: AIR QUALITY MANAGEMENT BY-LAW, 2018	Chapter 2 – Duty of care	6.(1) No person may intentionally or negligently commit any act or omission which causes or is likely to cause air pollution	No activity may cause air pollution	Applicable	Compliant	No deviations
		(2) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures, including the best practicable environmental option to— (a) prevent any potential air pollution from occurring; and (b) mitigate and, as far as reasonably possible, remedy any air pollution that has occurred.	No activity may cause air pollution	Applicable	Compliant	No deviations
	CHAPTER 3 LOCAL EMISSION STANDARDS, NORMS AND STANDARDS AND AIR	(3) Any person who is emitting substances or mixtures of substances as referred to in subsection (1) must comply with the local emission standards published in terms of this By-law.	No activity may cause air pollution	Applicable	Compliant	No deviations



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

POLLUTION CONTROL ZONES	CHAPTER 4 SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS	12.(1) Dark smoke must not be emitted from any premises for a period as determined in terms of the Act. (2) Dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning was reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted. (3) Where an authorised official has observed a fuel-burning equipment emitting particulate emissions or dark smoke for a period of greater than that determined in terms of the Act, the authorised official may order the owner, occupier or operator to immediately cease the operation of the fuel-burning equipment. (4) The owner, occupier or operator, as the case may be, must keep records of all incidents where fuel-burning equipments are responsible for smoke of a shade darker than No.2 Ringelman, and such	No dark smoke may be emitted	Applicable	Compliant	No emission occurs at the organisation, all trucks are serviced and checked regularly to ensure they do not emit any dark smoke.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>records shall include the following:</p> <ul style="list-style-type: none"><li>(a) the date and time of the incident;</li><li>(b) the reason for the excessive smoke; and</li><li>(c) the actions taken to eliminate the problem.</li></ul>				
		<p><u>Emissions from Compressed Ignition Powered Vehicles</u></p> <p>13.(1) No person may drive a vehicle on a public road if it emits dark smoke.</p> <p>(2) A person commits an offence if he or she contravenes subsection (1).</p> <p>(3) For the purposes of enforcing the provisions of this section, an authorised official may—</p> <ul style="list-style-type: none"><li>(a) by means of a signal instruct the driver of a vehicle to stop that vehicle; and</li><li>(b) instruct that driver to give all assistance required for the purpose of the inspection and testing of that vehicle.</li></ul> <p>(4) An authorised official must, prior to any testing being undertaken in terms of subsection (7) inform the driver of the vehicle that—</p> <ul style="list-style-type: none"><li>(a) the vehicle has been stopped to test it in terms of this by-law for the emission of dark smoke;</li><li>(b) the vehicle is being detained for the purpose of such testing; and</li></ul>	<p>No vehicles may be used if they emit a dark smoke.</p>	Applicable	Compliant	All trucks are serviced and checked regularly to ensure they do not emit any dark smoke.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(c) if the results of such testing indicate that dark smoke is emitted from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law.				
		<u>Installation and operation of fuel-burning equipment</u> 14.(1) Any person wishing to install, alter, extend, replace or use any fuel-burning equipment on any premises must make an application to the Municipality for a fuel-burning equipment authorisation and pay the prescribed application fee. (2) No person shall install, alter, extend, replace or use any fuel-burning equipment on any premises without the written authorisation by the Municipality referred to in subsection (1). (3) Where fuel-burning equipment has been installed, altered, extended, replaced or used on premises contrary to subsection (2), the Municipality may, on written notice to the owner and occupier of the premises- (a) order the removal of the fuel-burning equipment from the premises at the expense of the owner and occupier and within the period stated in the notice; (b) direct the person to pay an administrative fine not	Installation and operation of fuel burning equipment must be applied for with the municipality and the relevant procedures must be followed.	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>exceeding R10 000 before the rectification of the unauthorised installation of the fuel-burning equipment can be considered ; or</p> <p>(c) revoke the autorisation granted under subsection (1).</p> <p>(4) The Municipality may take whatever steps it considers necessary in order to remedy the harm caused by the installation, alteration, extension, replacement or use of fuel-burning equipment on premises and prevent any further occurrence, and may recover the reasonable costs so incurred from the person responsible for causing such harm.</p> <p>(5) Where the ownership of fuel-burning equipment approved in terms of subsection (1) is transferred, the new owner must apply to the Municipality for authorisation in terms of subsections(3) within 14 days of taking ownership.</p> <p>(6) Fuel-burning equipment must comply with the emission standardsand conditions issued by the Municipality from time to time.</p> <p>(7) Where a boiler or boilers are operated on the same premises, the Municipality may require the person who uses or operates such a boiler or boilers to submit</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		atmospheric emission reports to the Municipality.				
	CHAPTER 6 EMISSIONS CAUSED BY DUST, OPEN BURNING AND BURNING OF MATERIAL	20.(1) Subject to subsection (4), any person who intends to carry out open burning of any material on any land or premises, must apply to the Municipality for prior written authorisation of such open burning.	No burning of material	Not Applicable		
		<u>Prohibition of tyre burning and burning of rubber and other material for the recovery of metal</u> 21.(1) No person may without authorisation in writing from the Municipality— (a) carry out or permit the burning of any tyres, rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any land or premises;	No burning of tyres without authorisation from the municipality.	Applicable	Compliant	All tyres from trucks are recycled and records are maintained on file.
		<u>Dust Emissions</u> 22. Any person who — (a) conducts any activity which results in dust emissions; or (b) causes or permits dust emissions to occur, must adopt the best practicable environmental option to the satisfaction of the Municipality, to prevent and abate dust emissions into the atmosphere that may be harmful to public health and well-being or is likely	Best practices measures must be adopted for any dust emission activities to the satisfaction of the municipality	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>to cause a nuisance to persons residing or present in the vicinity of such land, activity or premises.</p>				
	<b>CHAPTER 7 EMISSIONS THAT CAUSE A NUISANCE</b>	<p><u>Prohibition of Emissions that cause a Nuisance</u></p> <p>24.(1) No person may, within the area of jurisdiction of the Municipality—</p> <p>(a) inside an approved spray area or spray booth, spray or apply any coat, plate or epoxy coat to any vehicle, article or object, so as to cause a nuisance; or</p> <p>(b) outside an approved spray area or spray booth, allow any spray, coat, plate or epoxy coat to be applied to any such vehicle, article or object.</p> <p>(2) The spray area or spray booth referred to in subsection (1) must be constructed and equipped in such a manner that complies with the requirements of the Municipality and any applicable law.</p> <p>(3) Any person conducting sand blasting, shot blasting, grinding, finishing or similar activities which customarily produce emissions of dust that maybe harmful to public health or cause a nuisance, shall take control measures to prevent emissions into the atmosphere.</p>	<p>Any nuisance activities such as spraying, coating, sand blasting must take reasonable steps to reduce a nuisance</p>	<p>Not Applicable</p>		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(4) Any person undertaking an activity referred to in subsection (3) must implement— (a) dust extraction control measures; or (b) any alternative control measure approved by the Municipality.</p> <p>(5) An occupier or owner of any premises must— (a) prevent the existence of any nuisance in, or the emission of any nuisance from, his or her premises; and (b) take all reasonable steps to prevent the nuisance caused by fumes due to any activity on such premises.</p>				
	CHAPTER 9 GENERAL MATTERS	<p><u>Reporting of Emissions in the NAEIS</u></p> <p>28. Any person who is conducting activities that are listed in Schedule "A" of this By-law or any person that is conducting activities below the threshold that is listed in the Act's list of activities that result in atmospheric emission which have or may have a significant detrimental effect on the environment including health, social conditions, economic conditions, ecological conditions or cultural heritage must register with NAEIS and submit emission data within a period determined by the Municipality.</p>	Schedule A Acid Works Alkali works Ammonia work and transportation Asphalt plant, permanent and mobile Bitumen works, Brick and tile works Carbon black manufacturer Cement products manufacturer Chemical product processing Chrome and Chromate works Coal bulk storage and handling Gas works Hazardous substance	Not Applicable		



			Metal products manufacturer Milling Ore processing Pigment works Quarrying Refining Vegetable oil extraction and processing Waste material salvaging, collecting, sorting, shredding, storing, processing Wood pulping			
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### e. WATER MANAGEMENT

National Water Act: Act 36 of 1998						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL WATER ACT 36 OF 1998	4 & 22	<u>Entitlement To Water Use</u> Permissible uses of water set out in terms of Schedule 1 include domestic use, fire fighting, recreational or discharge of waste water or runoff into a conduit controlled by a person authorized to undertake the treatment or disposal thereof. Any other use is subject to a general authorization or license although existing lawful water uses maybe continued in	Only activities specified in section 22 and 34 of the act are permissible without a Water Use License or General Authorisation.	Not applicable		Only municipal water used on site. Vehicle washing is conducted by an outsourced company.



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		accordance with Section 22 & 34.				
	SECTION 22	<u>Permissible Water Use</u>  (1a)(1) A person can only use water without a licence if that water use is permissible under Schedule 1.  A person who uses water as contemplated in Subsection 1 may not waste that water.	The Organization must have the necessary maintenance schedule in place to make sure that all its taps, toilets and any other water dispersion devices are maintained on a regular basis to avoid any leaking. Further all employees must be trained not to waste water. This could form part of their ISO 14001 training.	Not applicable		Only municipal water used on site. Vehicle washing is outsourced to a different company
	SECTION 151(l)(i) and (j)	No person may unlawfully and intentionally or negligently commit any act or omission which pollutes or is likely to pollute a water resource. No person may lawfully, intentionally or negligently commit any act or omission which detrimentally effects or is likely to affect a water resource. Water resource is defined as including a water course, surface water, estuary or aquifer. Any person who contravenes any provision above is guilty of an offence and liable on the first conviction to a fine and such imprisonment of a period not exceeding five years or to both a fine and such imprisonment and in case of a second to a fine or subsequent conviction to a fine	The Organisation must have the necessary procedures in place to ensure that no storm water is polluted and the necessary bunding must be in place together with spillage kits and any other factors needed to prevent the pollution of any water resource. This is particularly important with respect of the offloading of bulk dangerous goods.	Applicable	Compliant	No spillages noted during the inspection



		or imprisonment not exceeding ten years or to both a fine and such imprisonment.				
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## Water use registration, licensing and General Authorisation

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL WATER ACT 36 OF 1998	21	<u>Water Use</u> Water use includes taking water from a water resource, spring water , discharging waste or effluent, disposing of waste in a manner which may impact on a water resource and removing, discharging or disposing of water found underground if necessary for the efficient continuation of an activity or for the efficient continuation of an activity or for the safety of people.	All water uses must be authorized either in terms of Schedule 1, as an existing lawful water use or by a general authorization or a licence.  (See Section 12 and section 21 of the water act)  Organisations may conduct the following water uses which require licensing: <ul style="list-style-type: none"><li>• Section 21(a) taking water from a water resource</li><li>• Section 21(b) Storing Water</li><li>• Section 21(f) Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit.</li></ul>	Not applicable		Only municipal water used on site. Vehicle washing is outsourced to a different company

## Protection of water resources and pollution prevention

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

NATIONAL WATER ACT 36 OF 1998	19	<p><u>Prevention and Remedying Effects of Pollution</u></p> <p>Whenever any activity or process is or was performed on land which causes, has caused or is likely to cause pollution of a water resource, reasonable measures must be taken to prevent such pollution from occurring, continuing or recurring.</p> <p>This includes measure to:</p> <ul style="list-style-type: none"><li>a) cease, modify or control any act or process causing the pollution;</li><li>b) comply with any prescribed standard or management practice;</li><li>c) contain or prevent the movement of pollutants;</li><li>d) eliminate any source of the pollution;</li><li>e) remedy the effects of pollution; and</li><li>f) remedy the effects of any disturbance to the bed or banks of a watercourse.</li></ul> <p>The practical implication of this is that the DWAF 1994 Waste Management series (three titles) became a legal requirement..</p> <p>A) Minimum Requirements for the handling and disposal of hazardous waste 2<sup>nd</sup> edition 1998</p>	Pollution prevention measures must be taken for all activities taking place in close proximity to water resources.	Applicable	Compliant	During the inspection no spillages were noted.
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		B) Minimum requirements for waste Disposal by Landfill. 2 <sup>nd</sup> edition 1998 C) Minimum requirements for water Monitoring at Waste Management facilities. 2 <sup>nd</sup> edition 1998 A catchment management agency may issue a directive to an entity if it fails to take the prescribed measure on its own accord and may also take the appropriate measures in an entity fails to adhere to the directive. The costs of such action may then be recovered from a number of specified persons.				
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## POLLUTION INCIDENTS – EMERGENCIES

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL WATER ACT 36 OF 1998	SECTION 20	<u>Control of Emergency Incidents</u>  “Incidents” includes any incident or accident in which a substance- <ul style="list-style-type: none"><li>• Pollutes or has the potential to pollute a water resource; or</li><li>• Has, or is likely to have, a detrimental effect on a water resource.</li></ul> “Responsible person” includes any person who- <ul style="list-style-type: none"><li>• Is responsible for the incident</li><li>• Owns the substance involved in the incident; or</li></ul>	Incidents must be reported by the responsible person, or any knowledge of the incident. In addition the responsible person must take all reasonable measures to contain and minimize the effects of the incident, undertake clean-up procedures and remedy the effects of the incident.  Failing this, the catchment management agency may	Applicable	Compliant	No reportable incidences to date. Any incidences will be recorded on the NCR form.



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		<ul style="list-style-type: none"><li>• Was in control of the substance involved in the incident at the time of the incident.</li></ul> <p>The responsible person, any other person involved in the incident or any other person with knowledge of the incident must, as soon as possible report to-</p> <ul style="list-style-type: none"><li>• The DWA &amp; F</li><li>• The South African Police Service or</li><li>• The relative fire department; or</li><li>• The relevant catchment management agency.</li></ul> <p>The responsible person must;</p> <ul style="list-style-type: none"><li>• Take all reasonable measures to contain and minimize the effects of the incident;</li><li>• Undertake clean-up procedures;</li><li>• Remedy the effects of the incident;</li><li>• Take such measures as the attachment management agency may either verbally or in writing direct within the time specified by such institution.</li></ul>	do so, and recover the costs thereof from the responsible person			
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### Disposal of effluent

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
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WATER SERVICES ACT 108 OF 1998	SECTION 7(2)	No person may dispose of industrial effluent in a manner other than that approved by the water servicing authority of the area.	Waste water must be disposed of in a manner approved by the local authority.	Applicable	Compliant	DKD currently used for servicing of septic tanks.
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**Water services act 108 of 1998**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
WATER SERVICES ACT 108 OF 1998	SECTION3(1 )	Right of access to basic water supply and sanitation	Basic water and sanitation must be provided to all employees	Applicable	Compliant	Drinking and potable water is available on site.
	SECTION 7(1)	No person may obtain water for industrial use from any source other than the distribution system of a water service provider nominated by the water service authority having jurisdiction in the area, without approval of that from the water service authority.		Applicable	Compliant	Municipal water used on site.

**f. WASTE MANAGEMENT**

<b>National Environmental Management : Waste Act: Act 59 of 2008</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59. 2008	PART 1	Schedule 3 : Defined Wastes Category A : Hazardous waste.  Hazardous Waste : waste that contains organic or inorganic elements or compounds that	Act contains definitions of different types of waste.	Applicable	Compliant	General waste removed by the municipal services. Recycling waste is removed of site by evergreen and waste bureau and DKD



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>may, owing to the inherent physical chemical or toxicological characteristic of that waste have detrimental impact on health and environment and includes hazardous substances, material or objects within business waste, residue deposits and residue stockpiles.</p> <p>Hazardous portions of waste from the list below (see legislation for full description) :</p> <ul style="list-style-type: none"><li>(1) Waste from agriculture, horticulture, aquaculture, forestry, hunting, and fishing food preparation and processing.</li><li>(2) Waste from wood processing and the production of panels and furniture, pulp, paper and cardboard.</li><li>(3) Waste from leather, fur, and textile industries.</li><li>(4) Waste from petroleum refining natural gas purification and pyrolytic treatment of coal.</li><li>(5) Waste from inorganic chemicals processes.</li><li>(6) Waste from organic chemical processes.</li><li>(7) Waste from thermal processes.</li><li>(8) Waste from photographic industry.</li></ul>				is used for servicing of septic tanks.
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(9) Waste from manufacture, formulation supply and use of coatings (paints&lt; varnishes, and vitreous enamels) adhesive sealants and printing inks.</p> <p>(10)Waste from chemical surface treatment and coating of metals and other materials and non ferrous hydrometallurgy.</p> <p>(11)Waste from shaping and physical and mechanical surface treatment of metals and plastic.</p> <p>(12)Oil waste and waste from liquid fuels (except edible fuels).</p> <p>(13)waste organic solvents refrigerants and propellants.</p> <p>(14)Other waste not specified in the list.</p> <p>(15)Construction waste.</p> <p>(16)Waste from human and animal health care and related research.</p> <p>(17)Waste from waste management facilities.</p> <p>Category B : General waste.</p> <p>General Waste : waste that does not contain immediate hazard or threat to health or the environment includes :</p> <ul style="list-style-type: none"><li>(a) Domestic</li><li>(b) Building / demolition waste</li><li>(c) Business waste</li></ul>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(d) Inert waste (e) Any waste classified as non-hazardous waste.</p> <p>Non Hazardous portions of waste from the list below (see legislation for full description) :</p> <ul style="list-style-type: none"><li>(1) Waste from agriculture, horticulture, aquaculture, forestry, hunting, and fishing food preparation and processing.</li><li>(2) Waste from wood processing and the production of panels and furniture, pulp, paper and cardboard.</li><li>(3) Waste from leather, fur, and textile industries.</li><li>(4) Waste from thermal processes.</li><li>(5) Waste from inorganic chemicals processes.</li><li>(6) Waste from photographic industry.</li><li>(7) Waste from shaping and physical and mechanical surface treatment of metals and plastic.</li><li>(8) Oil waste and waste from liquid fuels not specified in category A</li><li>(9) Food waste</li><li>(10)Waste from waste management facilities.</li></ul>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

NATIONAL ENVIRONMENTA L MANAGEMENT: WASTE ACT 59. 2008	PART 2	<p><u>General duty in respect of waste management</u></p> <p>16. (1) A holder of waste must, within the holder's power, take all reasonable measures to— (a) avoid the generation of waste and where such generation cannot be avoided, to minimize the toxicity and amounts of waste that are generated; (b) reduce, re-use, recycle and recover waste; (c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner; (d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts; (e) prevent any employee or any person under his or her supervision from contravening this Act; and (f) prevent the waste from being used for an unauthorized purpose.</p> <p>(2) Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.</p>	Applicable	Compliant	General waste removed by the municipal services. Recycling waste is removed off site by evergreen and waste bureau and DKD is used for servicing of septic tanks.
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(3) The measures contemplated in this section may include measures to—</p> <ul style="list-style-type: none"><li>(a) investigate, assess and evaluate the impact of the waste in question on health or the environment;</li><li>(b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;</li><li>(c) comply with any norm or standard or prescribed management practice;</li><li>(d) eliminate any source of pollution or environmental degradation; and</li><li>(e) remedy the effects of the pollution or environmental degradation.</li></ul> <p>(4) The Minister or MEC may issue regulations to provide guidance on how to discharge this duty or identify specific requirements that must be given fleet to, after following a consultative process in accordance with sections 72 and 73.</p> <p>(5) Subsection (4) need not be complied with if the regulation is amended in a non-substantive manner.</p>				
	PART 3	<u>Reduction, re-use, recycling and recovery of waste</u> Reduction, re-use, recycling and recovery of waste		Applicable	Compliant	No deviations noted on site.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>17. (1) Unless otherwise provided for in this Act, any person who undertakes an activity involving the reduction, re-use, recycling or recovery of waste must, before undertaking that activity, ensure that the reduction, re-use, recycling or recovery of the waste—</p> <p>(a) uses less natural resources than disposal of such waste: and</p> <p>(b) to the extent that it is possible, is less harmful to the environment than the disposal of such waste.</p> <p>(2) The Minister may, after consultation with the Minister of Trade and Industry and by notice in the Gazette, require any person or category of persons to—</p> <p>(a) provide for the reduction, re-use, recycling and recovery of products or components of a product manufactured or imported by that person; or</p> <p>(b) include a determined percentage of recycled material in a product that is produced, imported or manufactured by that person or category of persons.</p> <p>(3) (a) Before publishing a notice in terms of subsection (2), or any amendment to the notice, the Minister must follow a consultative process in</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>accordance with sections 72 and 73.</p> <p>(b) Paragraph (a) need not be complied with if the notice is amended in a non-substantive manner.</p> <p>Extended producer responsibility</p> <p>18. (1) The Minister after consultation with the Minister of Trade and Industry may, in order to give effect to the objects of this Act, by notice in the Gazette—</p> <ul style="list-style-type: none"><li>(a) identify a product or class of products in respect of which extended producer responsibility applies;</li><li>(b) specify the extended producer responsibility measures that must be taken in respect of that product or class of products; and</li><li>(c) identify the person or category of persons who must implement the extended producer responsibilities measures contemplated in paragraph (b).</li></ul> <p>(2) The Minister may in a notice under subsection (1) specify—</p> <ul style="list-style-type: none"><li>(a) the requirements in respect of the implementation and operation of an extended producer responsibility programme, including the requirements for the reduction,</li></ul>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>re-use, recycling, recovery, treatment and disposal of waste;</p> <p>(b) the financial arrangements of a waste minimisation programme, with the concurrence of the Minister of Finance;</p> <p>(e) the institutional arrangements for the administration of a waste minimisation programme;</p> <p>(d) the percentage of products that must be recovered under a waste minimization programme;</p> <p>(e) the labelling requirements in respect of waste;</p> <p>(f) that the producer of a product or class of products identified in that notice must carry out a life cycle assessment in relation to the product, in such manner or in accordance with such standards or procedures as may be prescribed; and</p> <p>(g) the requirements that must be complied with in respect of the design, composition or production of a product or packaging, including a requirement that—</p> <p>(i) clean production measures be implemented;</p> <p>(ii) the composition, volume or weight of packaging be restricted; and</p> <p>(iii) packaging is designed so that it can be reduced, re-used, recycled or recovered.</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(3) Before publishing a notice under subsection (1) or any amendment to the notice, the Minister must— (a) consult affected producers; (b) follow a consultative process in accordance with sections 72 and 73, unless the notice is amended in a non-substantive manner; (c) take into account the Republic's obligations in terms of any applicable international agreements; and (d) consider relevant scientific information.				
<b>Listed waste management activities</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59. 2008	PART 4	19. (1) The Minister may by notice in the Gazette publish a list of waste management activities that have, or are likely to have, a detrimental effect on the environment. (2) The Minister may amend the list by— (a) adding other waste management activities to the list; (b) removing waste management activities from the list; or (c) making other changes to the particulars on the list. (3) A notice referred to in subsection (1)—	Waste license must be applied for if any listed activity is taking place.	Applicable	Compliant.	No listed waste activities taking place within organisation.



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		<p>(a) must indicate whether a waste management license is required to conduct the activity or, if a waste management license is not required, the requirements or standards that must be adhered to when conducting the activity;</p> <p>(b) may exclude certain quantities or categories of waste or categories of persons from The application of the notice if the waste in question is—</p> <p>(i) of such a small quantity or temporary nature that it is unlikely to cause pollution to the environment or harm to human health; or</p> <p>(ii) adequately controlled by other legislation;</p> <p>(c) may contain transitional and other special arrangements in respect of waste management activities that are carried out at the time of Their listing; and</p> <p>(d) must determine the date on which the notice takes effect.</p> <p>(4) Until such time as (he Minister has published a notice contemplated in subsection (1), Schedule 1 of this Act is applicable.</p> <p>(5) The MEC. with the concurrence of the Minister, may by notice in the Gazelle—</p> <p>(a) publish a list of waste management activities that have, or are likely to have, a</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>detrimental effect on the environment in the province concerned; and</p> <p>(b) when necessary, amend the list by—</p> <ul style="list-style-type: none"><li>(i) adding other waste management activities to the list;</li><li>(ii) removing waste management activities from the list; or</li><li>(iii) making other changes to the particulars on the list.</li></ul> <p>(6) A list published under subsection (5) by the MEC must include waste management activities listed in Schedule 1 or listed under section (1), if applicable.</p> <p>(7) A list published under subsection (5) by the MEC applies to the relevant province only.</p> <p>(8) A notice under subsection (1) or (5)—</p> <ul style="list-style-type: none"><li>(a) may contain transitional and other special arrangements in respect of waste management activities that are carried out at the time of their listing; and</li><li>(b) must determine the date on which the notice takes effect.</li></ul> <p>(9) For the purposes of administrative efficiency, the lists published under subsection (1) or (5) or Schedule 1 may divide the waste management activities into different categories</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(10) (a) Before publishing a notice under subsection (1) or (5), or any amendment to such notice, the Minister or MEC, as the case may be, must follow a consultative process in accordance with sections 72 and 73.</p> <p>(b) Paragraph (a) need not be complied with if the list contemplated in subsection (1) or (5) is amended in a non-substantive manner.</p> <p>Consequences of listing waste management activities</p> <p>20. No person may commence, undertake or conduct a waste management activity, except in accordance with—</p> <p>(a) the requirements or standards determined in terms of section 19(3) for that activity; or</p> <p>(b) a waste management license issued in respect of that activity, if a license is required.</p>				
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### Storage and transportation of waste

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59. 2008	PART 5	Storage, collection and transportation of waste General requirements for storage of waste 21. Any person who stores waste must at least take steps,	Waste separation must be implemented on site.	Applicable	Compliant	Bins available on site for general, recycling and hazardous waste.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>unless otherwise provided by this Act, to ensure that—</p> <ul style="list-style-type: none"><li>(a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;</li><li>(b) adequate measures are taken to prevent accidental spillage or leaking;</li><li>(c) the waste cannot be blown away;</li><li>(d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and</li><li>(e) pollution of the environment and harm to health are prevented.</li></ul> <p>Storage of general waste</p> <p>22. (1) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorised by the municipality.</p> <p>(2) Waste that is reusable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with this Act or any applicable by-laws need not be placed in a container contemplated in subsection (1).</p> <p>Waste collection services</p>			Skip and various bins on site. All bins observed on site were properly labelled and strategically placed.
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>23. (1) Waste collection services are subject to—</p> <ul style="list-style-type: none"><li>(a) the need for an equitable allocation of such services to all people in a municipal area;</li><li>(b) the obligation of persons utilising the service to pay any applicable charges;</li><li>(c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the provision of services, the limitation must not pose a risk to health or the environment; and</li><li>(d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.</li></ul> <p>(2) Every municipality must, subject to this Act, and as far as is reasonably possible, provide containers or receptacles for the collection of recyclable waste that are accessible to the public.</p> <p>Collection of waste</p> <p>24. No person may collect waste for removal from premises unless such person is—</p> <ul style="list-style-type: none"><li>(a) a municipality or municipal service provider;</li></ul>				
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		<p>(b) authorised by law to collect that waste, where authorisation is required; or</p> <p>(c) not prohibited from collecting that waste.</p> <p>Duties of persons transporting waste</p> <p>25. (1) The Minister, an MEC or a municipality may, by notice in the Gazette, require any person or category of persons who transports waste for gain to—</p> <p>(a) register with the relevant waste management officer in the Department, province or municipality, as the case may be; and</p> <p>(b) furnish such information as is specified in that notice or as the waste management officer may reasonably require.</p> <p>(2) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.</p> <p>(3) Where waste is transported for the purposes of disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place, to which the waste is transported, is authorised to accept such waste.</p> <p>(4) Where hazardous waste is transported for purposes other</p>				
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		<p>than disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place, to which the waste is transported, is authorised to accept such waste and must obtain written confirmation that the waste has been accepted.</p> <p>(5) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.</p>				
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### Prohibiting of unauthorised disposal and littering

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59. 2008	PART 6	Treatment, processing and disposal of waste Prohibition of unauthorised disposal 26.( 1) No person may— (a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed of, in or on any land, water body or at any facility unless the disposal of that waste is authorised by law. or		Applicable	Compliant	Site maintained in a neat and tidy condition. No litter observed on site.



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		<p>(b) dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and well-being.</p> <p>(2) Subsection (1) need not be complied with if—</p> <p>(a) the waste was generated as a result of normal household activities and—</p> <p>(i) the municipality does not render a waste collection service in that area; and</p> <p>(ii) the most environmentally and economically feasible option for the management of the waste was adopted; or</p> <p>(b) the disposal of the waste was done to protect human life or as a result of an emergency beyond that person's control.</p> <p>Littering</p> <p>27. (1) An owner of privately owned land to which the general public has access, must ensure—</p> <p>(a) that sufficient containers or places are provided to contain litter that is discarded by the public; and</p> <p>(b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.</p> <p>(2) No person may—</p> <p>(a) throw, drop, deposit, spill or in any other way discard any</p>				<p>Site maintained in a neat and tidy condition. No litter observed.</p>
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>litter into or onto any public place, land, vacant area, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose: or</p> <p>(b) allow any person under that person's control to do any of the acts contemplated in paragraph (a).</p>				
<b>Contaminated land</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59. 2008	SECTION 35	<p><u>Contaminated land :</u></p> <p>Applies to the contamination of land even if the contamination :</p> <ul style="list-style-type: none"><li>(a) Occurred before the commencement of the Act</li><li>(b) Originated on land other than land referred to in section 38</li><li>(c) Arises or is likely to arise at a different time from the actual activity that caused the contamination;</li><li>(d) Arises through an act or activity of a person that results in a change to pre-existing contamination.</li></ul>	<p>Applies to land contaminated prior to the commencement of the act</p>	Not Applicable		
	SECTION 36	<p><u>Identification and notification of investigation areas:</u></p> <p>The minister of MEC in respect of an area which affects the relevant province may after</p>	<p>The Department may declare certain areas investigation areas</p>	Not applicable		



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		<p>consultation with the Minister of Water and Forestry and any other organ of state concerned by notice in the gazette identify as investigation areas.</p> <p>(a) Land on which high risk activities have taken place or are taking place that are likely to result in land contamination.</p> <p>(b) Land that the minister or MEC as the case may be on reasonable grounds believes in contamination.</p> <p>A notice under subsection (1) by the minister applies nationally and is notice under the subsection by the MEC applies to the relevant province only.</p> <ul style="list-style-type: none"><li>• Before publishing a notice under subsection (1) or any amendment to the notice the minister or MEC as the case may be must follow a consultative process in accordance with sections 72 and 73.</li><li>• Subsection (3) need not be complied with if the notice is amended in a non substantive manner.</li></ul>				
		An owner of land that is significantly contaminated or a person who undertakes an activity that caused the land to be significantly contaminated must notify the minister and MEC		Applicable	Compliant	No contamination of land by the organisation. The organisation must ensure should contamination occur the relevant processes/



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		of the contamination as soon as that person becomes aware of it.				steps are taken to notify the competent authority.
	SECTION 42	<u>Waste recognition programs :</u> A waste management officer may establish a programme for the public recognition of significant achievements in the area of waste avoidance, minimisation of other forms of waste management.	Organisations are required to ensure waste management practices are in place and records are available for public review.	Applicable	Compliant	No deviations noted.
	SECTION 67	<u>Offences :</u> A person commits an offence if that person <ul style="list-style-type: none"><li>(a) Contravenes or fails to comply with a provision of section 15, 16(1)(c)(d)(e) or (f), 20, 26(1) or any other under section 38(2) or (3) or a notice under section 17(2) or 18(1);</li><li>(b) Contravenes or fails to comply with a provision of section 21, 22(1), 24, 27(2), 36(5) or 40(1);</li><li>(c) Fails to submit or to prepare an industry waste management plan when required to do so in terms of section 28;</li><li>(d) Contravenes or fails to comply with an industry waste management plan;</li><li>(e) Contravenes or fails to comply with a waste management measures specified in terms of section 14(4) or 33(1);</li></ul>	A person who commits an offence is liable for a fine as determined by the Act	Applicable	Compliant	Organisation to ensure that they are always compliant with all legislation.



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		<ul style="list-style-type: none"><li>(f) Contravenes or fails to comply with a norm or standard established in terms of this act;</li><li>(g) Fails to conduct a site assessment or to submit a site assessment report in terms of section 37(1)</li><li>(h) Contravenes or fails to comply with a condition or requirement of a waste management license contemplated in section 44;</li><li>(i) Fails to submit a waste impact report required in terms of section 66(1) or (2)</li><li>(j) Contravenes or fails to comply with a condition subject to which exemption from a provision of this act was granted in terms of section 76(3)(c);</li><li>(k) Knowingly supplies false or misleading information in any application made in terms of this act.</li><li>(l) Knowingly supplies false or misleading information to a waste management officer or environmental management inspector for the purpose of this Act.</li><li>(m) Fails to provide the information</li></ul>			
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		contemplated in section 29(5) or 63(4)				
<b>Waste classification and management</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
WASTE CLASSIFICATION AND MANAGEMENT REGULATION GNR 634 OF 23 AUGUST 2013	REGULATIO N 4	<u>Waste Classification</u> <ul style="list-style-type: none"><li>(1) Waste listed in Annexure 1 of these regulations do not require classification in terms of SANS10234;</li><li>(2) Subject to sub-regulation (1), all waste generators must ensure that the waste they generate is classified in accordance with SANS 10234 within 180days of generation;</li><li>(3) Waste must be kept separate for the purpose of classification in terms of sub regulation (2) and must not be mixed prior to classification;</li><li>(4) Waste must be re-classified in terms of sub regulation (2) every 5 years or within 30 days of modification to the process or activity that generated the waste, changes in raw material; or other inputs, or any other variation of relevant factors;</li><li>(5) Waste that has been subjected to any form of</li></ul>	Organisation must ensure that waste classification is done within 180 days of generation. Waste must not be mixed.	Applicable	Compliant	Waste classification matrix is available for the organisation. Waste separation is being implemented and disposed of in a correct manner. All proofs are maintained on file.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>treatment must be re-classified in terms of sub regulation (2) including any waste from the treatment process.</p> <p>(6) If the minister reasonably believes that a waste has not been classified correctly in terms of sub regulation (2) he or she may require the waste generator to have classification peer reviewed to confirm the classification.</p>				
	REGULATIO N 5	<p><u>Safety Data Sheets :</u></p> <p>(1) Subject to regulation 4(2) and sub regulations (2) and (3), generators of hazardous waste must ensure that a safety data sheet for the hazardous waste is prepared for in accordance with SANS 10234.</p> <p>(2) Sub regulation (1) does not apply to generators of waste listed in (2)(b) provided that safety data sheets for these waste are prepared as follows :</p> <p>(a) Safety data sheet for waste listed in 2(b)(i) must be prepared in accordance with SANS 10234 for the product the waste originates from.</p>	Organisation must have MSDS for all hazardous material used or stored on site.	Applicable	Compliant.	MSDS are available on file for all chemicals used on site and proof of disposal has been maintained on file.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(b) Safety data sheet for waste listed in 2(b)(ii) must be prepared in accordance with SANS 10234 reflecting the details of specific hazardous waste.</p> <p>(3) Generators of waste listed in item (2)(b)(iii) of the regulation do not have to prepare Safety Data sheets for the waste.</p>				
	REGULATIO N 6	<p><u>Chapter 3 – Waste Management</u></p> <p>(1) Waste transporters and waste managers must not accept waste that has not been classified in terms of regulation 4 unless such waste is listed in Annexure 1 of the regulation.</p> <p>(2) Waste must not be diluted solely to reduce the concentration of its constituents for the purpose of classification in terms of regulation 4(2) or assessment of the waste in accordance with the Norms and Standards for assessment of waste for landfill disposal set in terms of section 7(1) of the Act.</p> <p>(3) Any container or storage impoundment holding waste must be labelled or where labelling is not</p>		Applicable	Compliant	Waste is removed on a regular basis to approved facilities. Proper storage and management waste observed on site.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>possible records must be kept to reflect the following</p> <ul style="list-style-type: none"><li>(a) The date on which waste was first placed in the container.</li><li>(b) The date on which waste was placed in the container for the last time when the container was filled, closed, sealed or covered.</li><li>(c) The dates when and quantities of waste added and waste removed from the container to the storage impoundment if relevant</li><li>(d) The specific category of categories of waste in the storage container or storage impoundment as identified in terms of the National Waste Information Regulation 2012;</li><li>(e) The classification of waste in terms of regulation 4 once it has been completed.</li></ul>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(4) Waste generators must ensure that their waste is reused recycled recovered or treated and/or disposed of within 18 months of generation.</p> <p>(5) The re-use recycling recovery and treatment or disposal of waste stored on an existing facility prior to the promulgation of these regulations must be commenced within 5 years from the date of commencement of these regulations.</p>				
	REGULATIO N 7	<p><u>Waste Treatment :</u></p> <p>(1) Waste must not be mixed or treated where this would –</p> <ul style="list-style-type: none"><li>(a) Reduce the potential for reuse recycling or recovery.</li><li>(b) Result in treatment that is not controlled and not permanent,</li></ul> <p>(2) Notwithstanding regulation 6(2) and 7(1) waste may be blended or pre-treated to</p> <ul style="list-style-type: none"><li>(a) Enable potential for re-use recycling recovery or treatment.</li><li>(b) Reduce the risk associated with the management of the waste.</li></ul>		Applicable	Compliant	No deviations noted.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(3) Unless otherwise directed by the minister to ensure a better environmental outcome or in response to an emergency so as to protect the human health property or the environment</p> <p>–</p> <p>(a) Waste generators must ensure that their waste is assessed in accordance with the norms and standards for assessment of waste for landfill disposal set in terms of section 7(1) of the act prior to the disposal of the waste to the landfill.</p> <p>(b) Waste generators must ensure that the disposal of their waste to landfill is done in accordance with the norms and standards for disposal of waste to landfill set in terms of section 7(1) of the act, and</p> <p>(c) Waste managers disposing of waste</p>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>to landfill must only do so in accordance with the normal and standards for disposal of waste landfill to set in terms of section 7(1) of the act</p> <p>(4) Sub regulation 1(a) applies to all waste generators excluding –</p> <p class="list-item-l1">(a) Generators of listed in terms of 2(a) and (b) to the regulation.</p> <ul style="list-style-type: none"><li>• General waste</li><li>• Domestic waste</li><li>• Business waste not containing hazardous waste</li><li>• Non-infectious animal carcasses.</li><li>• Garden waste.</li><li>• Waste packaging.</li><li>• Waste tyres.</li><li>• Building and demolition waste not containing hazardous waste.</li><li>• Excavated earth material not containing hazardous waste.</li></ul> <p class="list-item-l1">(b) Generator of business waste that is collected by the municipality.</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(5) Sub regulation 1(b) applies to all waste generators excluding – (a) Generators of listed in terms of 2(a) to the regulation. <ul style="list-style-type: none"><li>• General waste</li><li>• Domestic waste</li><li>• Business waste not containing hazardous waste</li><li>• Non-infectious animal carcasses.</li><li>• Garden waste.</li><li>• Waste packaging.</li><li>• Waste tyres.</li><li>• Building and demolition waste not containing hazardous waste.</li><li>• Excavated earth material not containing hazardous waste.</li></ul>				
	REGULATIO N 9	<u>Chapter 4 : Waste management activities :</u> (1) Any person may submit a motivation to the minister to list a specific waste management activity as an activity that does not require a waste management license section 19 of the Act but that is required to adhere to the requirements or standards determined in		Not Applicable		No activities that require a waste license.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>terms of section 19(3)(a) of the act for that activity.</p> <p>(2) A motivation to the minister in terms of subregulation (1) must demonstrate that the waste management activity including associated storage handling can be implemented and conducted consistently and repeatedly in a controlled manner without unacceptable impact or risk to the environment or health.</p> <p>(3) In accordance with subregulation (2) a motivation to the minister in terms of subregulation (1) must contain the following information.</p> <p>(a) Basis for the motivation including benefits of the proposed activity relating to achieving waste minimisation or diversion of waste from landfill..</p> <p>(b) Description of waste or waste the proposed activity relates to including quantities classification physical</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>characteristics chemical composition sources generating the waste and current management thereof.</p> <p>(c) Description of the proposed waste management activity and processes including the waste manager storage and handling infrastructure pre-treatment activities and other inputs or raw material required.</p> <p>(d) Description of the quantity classification and management of any waste generated by the proposed activity.</p> <p>(e) Information on the successful implementation of the proposed activity or similar activities locally and internationally where available.</p> <p>(f) Details of local and international specifications or standards relating to waste and the</p>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>proposed waste management activity where available.</p> <p>(g) Reference to legislation and policy applicable to the proposed activity including relevant waste minimisation or waste management plans.</p> <p>(h) Description of how the physical biological social economic and cultural aspects of the environment may be adversely affected by the proposed activity and how these would be mitigated or managed.</p> <p>(i) Identification of aspects that may constrain the wide or general implementation of the proposed activity and how these can be managed.</p> <p>(j) An assessment if the potential environmental and health impacts and risk that could result from the proposed activity which would</p>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>test the general implementation of the proposed activity at several sites with different characteristics.</p> <p>(k) Proposed requirements or standards specific to the proposed waste management activity including associated storage and handling that would ensure that the activity can be implemented and conducted consistently and in a controlled manner.</p>				
	REGULATIO N 10	<p><u>Chapter 5 Record keeping and waste manifest system</u></p> <p>(1) Waste generators must keep an accurate record of the management of waste they generate which records must reflect –</p> <p>(a) The classification of waste.</p> <p>(b) The quantity of each waste generated expressed in tons or cubic metres per month.</p> <p>(c) The quantities of each waste that has either been re-</p>	All records must be kept for a period of 5 years.	Applicable	Compliant	<p>Waste classification matrix available on site.</p> <p>General waste removed by the municipal services. Recycling waste is removed off site by evergreen and waste bureau and DKD is used for servicing of septic tanks.</p>



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>used, recycled, recovered, treated, or disposed of, and</p> <p>(d) By whom the waste was managed,</p> <p>(2) The records must be</p> <p>(a) Retained for a period of 5 years and made available to the department upon request.</p> <p>This does not apply to waste listed in item 2(a)</p>				
	REGULATIO N 11	<p><u>Waste Manifestation system</u></p> <p>(1) Every holder of the waste that has been classified as hazardous waste in terms of regulations 4(2) of a waste that is listed in 2(b) to the act must be in possession of a waste manifest document containing the following information for the generator, transporter, waste manager –</p> <ul style="list-style-type: none"><li>- Unique consignment identification number.</li><li>- If applicable the SAWIS registration number.</li><li>- contact details.</li><li>- Physical address where waste is generated.</li></ul>	<p>Waste managers must complete waste manifest documents confirming that the waste is accepted. Copies must be kept by the organisation</p>	Applicable	Complaint	<p>General waste removed by the municipal services. Recycling waste is removed off site by evergreen and waste bureau and DKD is used for servicing of septic tanks.</p>



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<ul style="list-style-type: none"><li>- Emergency contact number.</li><li>- Origin of waste.</li><li>- Classification of waste and safety data sheet.</li><li>- Quantities of waste.</li><li>- Date of collection</li><li>- Intended receiver</li><li>- Declaration</li></ul> <p>Waste managers must not accept any waste classified as hazardous waste unless it is accompanied by the waste manifest document.</p>				
	REGULATIO N 12	<p><u>Chapter 6 - General matters.</u> Implementation and transitional provisions</p> <p>(1) All waste classified in terms of minimum requirements for handling classification and disposal of hazardous waste or waste which an alternative classification was approved prior to the act must be</p> <p>(a) Re-classified</p> <p>(b) Assessed in terms of regulations 8(1)(a) if the waste is to be disposed to landfill within 3 years.</p> <p>(2) Waste that was produced prior to these</p>	<p>Do not apply for a period of 3 years from date of commencement of regulations. Therefore August 2016. All organisation whose waste was classified as an alternative classification and approved by the Department and waste that was not classified have until August 2016 to classify waste.</p>	Applicable	Compliant	Waste classification matrix available.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>regulations but has not been classified must be</p> <ul style="list-style-type: none"><li>(a) Re-classified</li><li>(b) Assessed in terms of regulations 8(1)(a) if the waste is to be disposed to landfill within 3 years.</li></ul> <p>All waste containers must be labelled as per regulation 6(3). Where containers cannot be labelled regulation 6 must be followed.</p>				
	REGULATIO N 13	<p><u>Offences and Penalties</u></p> <p>An organisation guilty of an offence may be liable for a penalty in terms of a fine or imprisonment.</p>		Applicable	Compliant	

**National norms and standards for the assessment of waste for landfill disposal**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT : WASTE ACT 59 OF 2008	CHAPTER 2	<p><u>Standard Assessment Methodology</u></p> <p>(1) To assess waste for the purpose of disposal to landfill, the following are required :</p> <ul style="list-style-type: none"><li>(a) Identification of chemical substances present in the waste; and</li><li>(b) Sampling and analysis to</li></ul>	<p>SANAS accredited laboratories must be used to analyse waste by the organisation.</p>	Not – Applicable		<p>Small quantities of general waste are produced by the organisation.</p> <p>Organisation does not directly dispose waste at a landfill site.</p>



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>determine the total concentration and leachable concentrations of the elements and chemical substances that have been identified in the waste and that are specified in section 6 of these norms and standards</p> <p>(2) Within 3 years of the date of commencement of the regulations all analyses of the total concentration and leachable concentrations of elements and chemicals substances in waste must be conducted by laboratories accredited by SANAS to conduct particular techniques and analysis method required.</p> <p>(3) The total concentration and leachable concentrations substances in waste must be compared to the threshold limits specified in section 6 of norms and standards for total concentration and leachable concentrations</p>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>of specific elements and chemical substances.</p> <p>(4) Based on the total concentration and leachable concentrations limits of elements and chemical substances in the waste exceeding the corresponding total concentration and leachable concentrations limits respectively the specific type of waste for disposal must be determined in terms of section 7 of these norms and standards</p>				
	REGULATIO N 7	<p><u>Determining waste types for landfill disposal</u></p> <p>Type 0 waste :</p> <p>The disposal of type 0 waste to a landfill is not allowed. The waste must be treated and reassessed in terms of the Norms and Standards for assessment of waste for landfill disposal.</p> <p>Type 1 waste :</p> <p>May only be disposed of at a Class A landfill designed in accordance with section 3(1) and (2) of these norms and standards or subject to section 3(4) of these norms and standards, may be disposed of at a landfill site designed in accordance with the requirements for a Hh / HH</p>		Not applicable		Organisation does not dispose waste directly to landfill site



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		<p>landfill as specified in the minimum requirements for a waste disposal by a landfill.</p> <p>Type 2 waste :</p> <p>Can only be disposed of a class B landfill designed in accordance with section 3(1) and (2) of these norms and standards or subject to section 3(4) of these norms and standards may be disposed of at a landfill site designed in accordance with the requirements for GLB+ landfill as specified in the minimum requirements for waste disposal by a landfill.</p> <p>Type 3 waste :</p> <p>Can only be disposed of a class C landfill designed in accordance with section 3(1) and (2) of these norms and standards or subject to section 3(4) of these norms and standards may be disposed of at a landfill site designed in accordance with the requirements for GLB+ landfill as specified in the minimum requirements for waste disposal by a landfill.</p> <p>Type 4 waste :</p> <p>Can only be disposed of a class D landfill designed in accordance with section 3(1)</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>and (2) of these norms and standards or subject to section 3(4) of these norms and standards may be disposed of at a landfill site designed in accordance with the requirements for GLB- landfill as specified in the minimum requirements for waste disposal by a landfill.</p> <p>Domestic waste, business waste not containing hazardous waste or hazardous chemicals, non-infectious animal carcasses and garden waste may be disposed at a Class B Landfill.</p> <p>Post-consumer packaging, waste tyres at a class C landfill.</p> <p>Building and demolition waste not containing hazardous waste or hazardous chemicals, excavated earth material not containing hazardous waste or hazardous chemicals at a class D landfill.</p> <p>Asbestos waste, expired soil or unusable hazardous products, PCBs of OCB containing waste, general waste excluding domestic waste which contains hazardous waste or hazardous chemicals, mixed hazardous chemical wastes from analytical</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>laboratories and laboratories from academic institutions in containers less than 100 litres at a Class A landfill.</p> <p>Hazardous waste hazard rating 1, 2, 3 and 4 at a class A landfill.</p> <p>Hazardous waste delisted at a class B landfill.</p> <p>General waste at a class B landfill.</p>				
	REGULATIO N 5	<p><u>Waste disposal restrictions</u></p> <p>The following prohibitions and restrictions on disposal of waste to landfill :</p> <ul style="list-style-type: none"><li>• Waste which in conditions of a landfill is explosive, corrosive oxidizing according to SANS 10234</li><li>• Waste with pH value of &lt;6 or &gt;12.</li><li>• Flammable waste with a closed cup flashpoint lower than 61°C.</li><li>• Reactive waste that may react with water air acids or components of the waste or that could generate unacceptable amounts of toxic gases within the landfill.</li><li>• Waste compressed gases.</li></ul>		Not applicable		Organisation does not dispose waste directly to landfill site



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<ul style="list-style-type: none"><li>• Untreated healthcare risk waste.</li><li>• POPs pesticides.</li><li>• Other waste pesticides.</li><li>• Lead acid batteries.</li><li>• Other batteries.</li><li>• Re-usable recoverable or recyclable used lubricating mineral oil as well as oil filters but excluding other oil containing waste.</li><li>• Re-usable recoverable or recyclable used or spent solvents.</li><li>• PCBS containing waste &gt;50mg/kg or 50pp,).</li><li>• Hazardous waste electric and electronic equipment.</li><li>• Waste tyres whole.</li><li>• Waste tyres quartered.</li><li>• Liquid waste.</li><li>• Waste which has an angle of repose of less than 5degrees or becomes a free flowing at or below 60°c or when it is transported or is not generally capable of being picked up by a spade or shovel.</li><li>• Waste with a moisture content of &gt;40% of that liberates moisture under pressure in landfill conditions and which has not been established by treatment.</li></ul>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<ul style="list-style-type: none"><li>• Hazardous waste with caloric value &gt;25MJ/kg 4years, 10Mj/Kg 12 years, and 6% TOC 15 years.</li><li>• Brine or waste with high salt content 5%&gt; amd a teachable concentration for TDS of more than 100000mg/l.</li><li>• Disposal of garden waste. 25%diversion from baseline – 5 years, 50 diversion from baseline 10 years.</li><li>• Infectious animal carcasses and animal waste.</li><li>• Type 1 waste that has been treated.</li><li>• Hazardous waste.</li><li>• Type 4 waste unless part of treatment.</li><li>• </li></ul>				
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### EXTENDED PRODUCER RESPONSIBILITY, 2020

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance	Comments
Nema – Waste Act : Amendments To The Regulations And Notices Regarding Extended Producer Responsibility, 2020	Section 4	(1) All existing producers of products, identified by the Minister in terms of section 18(1)(a) of the Act by notice in the Government Gazette, must register with the Department within 6 months of the publication of a notice in the Government	A person or company who sells a commodity under a registered brand label, must ensure that the responsibility of the product is extended to post consumer stage of the products life cycle.	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>Gazette in terms of section 18(1) of the Act by completing the prescribed form obtainable from the Department.</p> <p>(2) All new producers of products identified by the Minister in terms of section 18(1)(a) of the Act by Notice in the Government Gazette, must register with the Department within 3 months of being established, by completing the prescribed form obtainable from the Department.</p> <p>The Department must consider all producer registration application forms and issue a registration number for each producer that has submitted such completed form within 30 days of receipt.</p>				
	Section 5	<p>(1) The producer of a product or class of products, as identified by the Minister in terms of section 18(1) of the Act must— (a) establish and implement an extended producer responsibility scheme or join another scheme;</p>	Extended producer responsibility measures must be implemented by the producer.	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(b) be fully accountable for the performance of the extended producer responsibility scheme;</p> <p>(c) finance the extended producer responsibility scheme;</p> <p>(d) develop and maintain a system to collect the extended producer responsibility fees;</p> <p>(e) conduct internal audits and make these audit reports available to the Department upon request;</p> <p>(f) make the internal biannual audit reports available to the external auditor;</p> <p>(g) appoint an independent financial auditor to annually:</p> <p>(i) audit the financial records;</p> <p>(ii) include the internal biannual audit findings in the annual audit report; and</p> <p>(iii) submit this audit report to the Department within 30 days after finalisation of the audit report;</p> <p>(h) develop and maintain a register of its members;</p> <p>(i) develop and manage the data collection system;</p> <p>(j) collate and submit the aggregated data to the South African Waste Information System as required in Regulation 8 of these Regulations;</p> <p>(k) conduct a life cycle assessment in relation to the</p>			
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		<p>product, in accordance with the relevant South African Bureau of Standards or International Organisation for Standardisation standards (14040 &amp; 14044);</p> <p>(l) through the life cycle assessment factor changes in the design, composition or production process of a product that will result in:</p> <p>(i) reduction in the consumption of natural resources;</p> <p>(ii) design of more environmentally friendly products;</p> <p>(iii) waste prevention;</p> <p>(iv) reduction of the volume of the resulting post-consumer waste stream; and</p> <p>(v) reduction of toxicity of the resulting post-consumer waste stream;</p> <p>(m) tender and contract for the collection, recycling and recovery of waste;</p> <p>(n) document collection, sorting, recycling and recovery of waste;</p> <p>(o) control all services that have been awarded to service providers in particular, these services include the fulfilment of collection and recycling by</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		waste management companies; (p) establish new infrastructure to promote the effective implementation of the extended producer responsibility scheme; (q) utilise existing infrastructure for waste management where feasible; (r) utilise new and existing infrastructure across schemes and for multiple waste streams in a collaborative manner where feasible; (s) promote small businesses; (t) develop a broad-based black economic empowerment (BBBEE) transformation charter within the waste sector of the products identified in the Notice published in terms of section 18(1) of the Act within one year of the publishing of the Notice, which transformation charter must comply with section 9(1) of the BBBEE Act; (u) implement transformation within all levels of the value chain including transformation targets with BBBEE charter timeframes; (v) develop and establish secondary markets for recyclable materials;				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(w) implement mandatory take back of all their products at the end of its life; and (x) implement environmental labels and declaration for the identified products in accordance with SANS 14021, SANS 14024 and SANS 14024.				
	6	The extended producer responsibility scheme must as a minimum include requirements for-- (a) cleaner production measures that must include as a minimum but not limited to— (i) design for recyclability; and (ii) waste minimization; (b) waste reduction including as a minimum but not limited to – (i) composition of products; (ii) volume of products; or (iii) weight of products to be restricted and reduced with associated timeframes; (c) reuse; (d) waste recycling; (e) recovery; (f) waste treatment; (g) waste disposal; (h) implement and report on the following instruments to complement the scheme— (i) minimum recycled content standards; (ii) secondary materials utilization rate requirements; (iii) recovery rates/time;	Minimum requirements for extended producer responsibility schemes	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(iv) energy-efficiency standards;</p> <p>(v) disposal bans and restricted;</p> <p>(vi) material bans and restrictions;</p> <p>(vii) product bans and restrictions; and</p> <p>(viii) environmentally preferable products procurement procedures; and</p> <p>(i) comply with the requirements for programmes planned to contribute to government priorities including but not limited to—</p> <p>(i) decent work creation including the payment of fair prices for waste products returned to the producer of the scheme;</p> <p>(ii) pay a living wage, but not below minimum wage;</p> <p>(iii) social cohesion;</p> <p>(iv) inclusive economic growth; and</p> <p>(v) improved quality of life.</p>				
	7	<p>(1) The producers must determine the extended producer responsibility fee in consultation with the Minister of Finance and Minister of Trade, Industry and Competition.</p> <p>(2) The fee must be based on a differentiated rate per item category, dependent on weight and</p>	Financial arrangements for an extended producer responsibility scheme	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>recyclability of each item, which must be paid by producers (the obligated industry) to fund extended producer responsibility schemes.</p> <p>(3) The producer must submit a financial plan and a budget for the duration of the registration in which, <i>inter alia</i>, the following information is mentioned:</p> <ul style="list-style-type: none"><li>(a) Estimated revenue from the various product streams;</li><li>(b) The way in which the contributions shall be calculated and assessed, the total amount of the contributions that cover the full cost of the obligations incumbent on the producer applying for registration, and the collection methods for each material;</li><li>(c) The conditions and procedures for revising the contributions to reflect changes in the obligations incumbent on the registered producer under this Regulations; and</li><li>(d) Methods for allocating revenue for operating the extended producer responsibility scheme amongst collection, waste minimisation, recycling, waste reuse.</li></ul>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(4) The administration fee of the product responsibility organisation must not exceed 6% of the revenue collected				
	8	<p>(1) The producer must submit a mid-year report on the performance of the scheme measured against the individual targets agreed upon.</p> <p>(2) The mid-year report must be submitted to the Department within two weeks of the conclusion of the 6 month period namely January to June.</p> <p>(3) The annual performance reports must be submitted to the Department within 3 months of the conclusion of the year end, which year end is on 31 December.</p> <p>(4) All producers must report to the South African Waste Information System on an annual basis on the quantities of waste resulting from the identified products that are:</p> <p>(a) quantity of waste generated;</p> <p>(b) collected;</p> <p>(c) diverted away from landfill (recycled, reused, recovered, refurbished);</p> <p>(d) exported; and</p> <p>(e) disposed.</p>	Monitoring reporting and evaluation	Not Applicable		



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>(5) The Department may conduct verification audits on the obligations of the producers.</p> <p>(6) The annual external audit report must be submitted to the Department containing the following minimum requirements:</p> <ul style="list-style-type: none"><li>(a) Performance against the agreed targets;</li><li>(b) Breakdown of the allocation of the fee;</li><li>(c) Performance on all finance matters;</li><li>(d) Governance related matters;</li><li>(e) Impacts to the environment;</li><li>(f) Recommendations in the event of non-compliance;</li><li>(g) Status of free riders; and</li><li>(h) Number of decent jobs created.</li></ul>				
	9	<p>(1) The extended producer responsibility scheme performance must be reviewed at 5 year intervals by the Department.</p> <p>(2) The Department may at any time review the extended producer responsibility scheme based on its performance.(3) The producers may approach the Department for an earlier review due to non-achievement or over-achievement of targets.</p>	Performance review of the extended producer responsibility scheme	Not Applicable		



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	10	(1) All existing product responsibility organisations must register with the Department within 6 months of the publication of these Regulations in the Government Gazette by completing the prescribed form from the Department and receiving a registration number. (2) All newly formed product responsibility organisations must register with the Department within 3 months of being established by completing the prescribed form from the Department and receiving a registration number. (3) Product responsibility organisations registration will be dependent on complying with the requirements as set out in Regulation 11 of these Regulations.	Registration of product responsibility organisation	Not Applicable		
	12	The product responsibility organisations must: (a) be responsible for the management and implementation of the extended producer responsibility scheme on behalf of its producers which must as a minimum include: (i) tendering and contracting for the collection, recycling and recovery of waste;	Obligations of product responsibility organisations	Not Applicable		



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		<p>(ii) documentation of collection, sorting, recycling and recovery of waste;</p> <p>(iii) controlling all services that have been awarded to service providers – in particular, these services include the fulfilment of collection, recycling and recovery by waste management companies;</p> <p>(iv) pay a living wage, but not below minimum wage, to all registered informal waste collectors, reclaimers and pickers;</p> <p>(v) establish new infrastructure to promote the effective implementation of the extended producer responsibility scheme;</p> <p>(vi) utilise existing infrastructure for waste management where feasible; and</p> <p>(vii) utilise new and existing infrastructure across schemes and for multiple waste streams in a collaborative manner where feasible.</p> <p>(b) develop and maintain a system to collect the extended producer responsibility fees;</p> <p>(c) appoint an independent financial auditor to annually audit the financial records and submit this audit report to the Department within 30 days after finalisation of the audit report;</p>				
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		(d) develop and maintain a register of its members; and (e) manage the data collection, collation and submission to the South African				
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**Waste information required**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
OCCUPATIONAL HEALTH AND SAFETY ACT NO 85 OF 1993	REGULATIO N 9 A	Makes provision for inter alia the compilation and supply of material safety data sheets.	Obtain MSDS'S for all hazardous substances used. The Manufacturer of the substance is obliged to provide an MSDS.	Applicable	Compliant	MSDS are available on site for all chemicals used on site and proof of training has been provided.
NATIONAL WASTE INFORMATION REGULATIONS 625 OF 13 AUGUST 2012	REGULATIO N 2	The purpose of this regulation is to regulate the collection of data and information to fulfil the objectives of the national waste information system as set out in section 61 of the Act.		Not applicable		
NATIONAL WASTE INFORMATION REGULATIONS 625 OF 13 AUGUST 2012	REGULATIO N 3	These regulations apply uniformly to (1) all persons conducting an activity listed in annexure 1 to the regulation. (2) A person who conducts an activity in a province that has an established waste information system in terms of section 2 of the Act and collects minimum information required by these regulations must submit the information to the provincial waste information.	Any new activity must be registered with SAWIS within 30 days after commencement of such activity	Not applicable		



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		(2) any person commencing such an activity after the promulgation of the regulations must apply to be registered on the SAWIS 30 days after the commencement of such an activity.		Not applicable		
		(3) where a person in sub regulation 1(a) conducts more than one activity in different facilities such activities must be registered individually.		Not applicable		
	REGULATIO N 6	<u>Considering of applications for registration</u>  1. The department must within 30 days of receiving an application either register the applicant and issue a registration certificate to the application or refer the application for registration back to the applicant for correction. 2. An application for registration which has been referred back for correction must be amended and resubmitted to the department within 30 days after the date the Department issued a written notification to the applicant for correction.		Not applicable		
	REGULATIO N 7	<u>Changes to registration certificates</u>  (1) A registered person must notify the Department of		Not applicable		



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		any changes in respect of that persons registration certificate within 30 days.				
	REGULATIO N 8	<u>Reporting</u>  Reporting or submission of information (1) The submission of information to the SAWIS commence within 90 days after the end of the registration period. (2) A registered person conducting an activity listed in Annexure 1 must submit quarterly information as prescribed in Annexure 2 within 60 days of the end of the reporting period. (3) Sub regulation 1 does not apply to registered generators of hazardous waste		Not applicable		
	REGULATIO N 9	<u>Record keeping</u>  (1) A registered person must keep a record of the information submitted to the SAWIS or the Department. (2) Records must be retained for a period of 5 years and made available for inspection by a representative of the Department.				

**Asbestos waste**



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Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
ASBESTOS REGULATIONS GNR 155 OF FEBRUARY 2002	REGULATION 20	<p>Disposal of asbestos – An employer or self-employed person shall as far as is reasonably practicable ensure that –</p> <ul style="list-style-type: none"><li>(a) All asbestos waste is placed into containers that will prevent the likelihood of exposure during handling.</li><li>(b) All vehicles re-usable containers or any other similar articles which have been in contact with asbestos waste are cleaned and decontaminated after use, in such a way that such vehicles containers or similar articles do not cause a hazard inside or outside the workplace concerned.</li><li>(c) All asbestos waste which can cause exposure, is disposed of only on sites specifically designated for this purpose in terms of the Environmental Conservation Act 1989 and the National Environmental Management Act 1998 and in such a manner that it does not cause a hazard inside or outside the site concerned.</li><li>(d) All persons occupied in the collection transport and</li></ul>	Any asbestos waste generated must be safely disposed.	Non-Applicable		No asbestos waste is produced by the organisation.



		disposal of asbestos waste may be exposed to that waste are provided with suitable personal protective equipment.				
<b>Health Care Waste</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
Management of Coronavirus or COVID-19 Health Care Waste	Section G	<ul style="list-style-type: none"><li>➢ All waste generated including masks, gloves, paper towels, etc shall be treated as health care general waste as per SANS 10248-1:2008.</li><li>➢ The waste shall be placed in plastic rubbish bags and tied when full.</li><li>➢ These plastic rubbish bags shall be placed with the normal health care waste generated for collection, removal, transportation and disposal by the relevant municipality.</li><li>➢ If health screening measures are exercised at workplaces/offices, all waste generated shall be treated as health care risk waste as per SANS 10248-1:2008.</li><li>➢ If waste is treat as health care risk waste, all the other requirements as mentioned in B above shall be adhered to.</li><li>➢ Proper hand hygiene practices must be performed/observed during and after the removal of the waste.</li></ul>	Any waste defined as Infectious or isolation waste must be stored and disposed of according to the Guidelines	Applicable	Compliant	Currently no disposal mask or gloves are being used by the organisation. No staff is permitted entry into the premises if they display any symptom of the COVID19.



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## g. MANAGEMENT OF BIODIVERSITY AND SOIL

Weeds and Invader plants						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
CONSERVATION OF AGRICULTURAL RESOURCES ACT NO 40 OF 1983	SECTION 5	<p><u>Prohibiting of the spread of weeds.</u></p> <p>No person shall</p> <p>(a) Sell, agree to sell or offer advertise, keep, exhibit, transmit, send, convey or deliver for sale or exchange for anything or dispose of to any person in any manner for a consideration any weed, or</p> <p>(b) In any other manner whatsoever disperse or cause or permit the dispersal of any weed from any place in RSA to any place in RSA.</p>	All weeds and invader plants as listed in GNR 1048 of 1984 must be removed from site.	Applicable	Complaint	No evidence of alien invasive weeds was observed on site.
	GNR 1048 OF 25 MAY 1984	<p><u>Methods of control –</u></p> <p>Where category 1,2,or 3 plants occur contrary to the provision of these regulations, a land user shall control such plants by means of one or more of the following methods of control as is appropriate for the species</p>		Applicable	Complaint	No evidence of alien invasive weeds on site. On-going eradication is being undertaken must be undertaken by the organisation.



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		<p>concerned and the ecosystem in which it occurs :</p> <ul style="list-style-type: none"><li>(a) Uprooting, felling, cutting or burning;</li><li>(b) Treatment with a weed killer that is registered for use in connection with such plants in accordance with the directions for the use of such weed killer.</li><li>(c) A biological control carried out in accordance with the stipulations of the Agricultural Pest Act 38 of 1983, the Environmental Conservation Act 73 of 1989 and any other applicable legislation.</li><li>(d) Any other method of treatment recognised by the executive officer that has as its object the control of the plants concerned subject to the provisions of sub regulation (4).</li><li>(e) A combination of one or more of the methods prescribed in paragraph (a), (b), (c) and (d) save biological control reserves and areas where biological control agents are effective shall not be disturbed by other controls methods to the</li></ul>			
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		extent that the agents are destroyed or become ineffective.				
<b>Soil</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998	SECTION 28	<u>Duty of care and remediation of environmental damage</u>  Any person who has or may cause significant pollution or degradation of the environment is required to take measures to prevent such pollution or degradation from occurring or continuing. This obligation binds the owner of the land or premises, person in control of land or premises or a person who has a right to use land on which pollution has occurred.	The organisation is responsible for any damage caused to the environment.  Organisation must contain and prevent pollution, and remedy any pollution.	Applicable	Compliant	Impacts and aspects register has been implemented for the organisation.



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		change to pre-existing contamination.				
	SECTION 36	<p><u>Identification and notification of investigation areas :</u></p> <p>The minister of MEC in respect of an area which affects the relevant province may after consultation with the Minister of Water and Forestry and any other organ of state concerned by notice in the gazette identify as investigation areas.</p> <p>(a) Land on which high risk activities have taken place or are taking place that are likely to result in land contamination.</p> <p>(b) Land that the minister or MEC as the case may be on reasonable grounds believes in contamination.</p> <p>A notice under subsection (1) by the minister applies nationally and is notice under the sub section by the MEC applies to the relevant province only.</p> <ul style="list-style-type: none"><li>• Before publishing a notice under subsection (1) or any amendment to the notice the minister or MEC as the case may be must follow a consultative process in accordance with sections 72 and 73.</li></ul> <p>Subsection (3) need not be compiled with if the notice is amended in a non substantive manner.</p>	<p>The Department may declare certain areas investigation areas</p>	Not applicable		

**Protected Trees**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL FOREST ACT 84 OF 1998	SECTION 12	<p>The minister may declare –</p> <ul style="list-style-type: none"><li>(a) A particular tree.</li><li>(b) A particular group of trees.</li><li>(c) A particular woodland. Or</li><li>(d) Trees belonging to a particular species</li></ul> <p>To be protected.</p> <p>The minister may make such a declaration only if he or she is of the opinion that the tree or group of trees, woodlands or species is not already adequately protected in terms of other legislation.</p>	Protected trees are listed in GN 1012 of 27 August 2004 as amended by GN 1042 of 10 September 2004.	Applicable	Complaint	No activities on site will result in the damage to any protected trees.
	SECTION 15	<p>No person may –</p> <ul style="list-style-type: none"><li>(a) Cut, disturb, damage or destroy any protected tree. Or</li><li>(b) Possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree.</li><li>(i) except under a license granted by the minister, or</li><li>(ii) in terms of an exemption of the provision of this subsection</li></ul>	No disturbance to any protected trees without the necessary license.	Applicable	Compliant	No activities on site will result in the damage to any protected trees.



## h. HAZARDOUS SUBSTANCES

Hazardous Substance Act 15 of 1973						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
HAZARDOUS SUBSTANCES ACT, 1973 (ACT NO. 15 OF 1973)	SECTION 2	<u>Declaration of Grouped Hazardous substances</u>  The minister may declare any substance or mixture of substances to be Grouped I or II any electronic product as a group III and any radioactive material as a Group UV hazardous substances.	The organisation must identify and list those substances and products that are relevant, then must ensure that it segregates its hazardous substances correctly when storing them	Applicable	Semi-Compliant	During the inspection more than 12000L of diesel was being stored on site with no approval from EDTEA.
	SECTION 3A	<u>Production acquisition, disposal importation and exportation of Grouped IV hazardous substances</u>  Written authority is required from the Department of Health for the production acquiring disposal of, importing exporting have in possession, use convey or cause to be conveyed, of Grouped IV hazardous substances.	Any Radioactive devices must have applicable license	Non-Applicable		
	SECTION 29	<u>Regulations</u>  The minister may make regulations authorising, regulating, controlling or prohibiting the (i) Storage	The labelling and the nature of the information to be reflected on the label of the grouped hazardous substances must be according to the regulations.	Applicable	Compliant	During the inspection properly labelled containers were observed throughout the site.



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		(ii) Transportation (iii) Dumping and other disposal of grouped hazardous substances. Prescribing the manner in which any group I or group II hazardous substance or its package or the bulk stock from which it is taken for sale shall be labelled, the nature of the information to be reflected on the label the manner of form in which such information shall be so reflected or shall be arranged on the label or prohibiting the reflecting of information of a specified nature in the label.				
	GN R452 OF 25 MARCH 1997 – GROUP I HAZARDOUS SUBSTANCES.	Category A substances as set out in the GN itself.  Category B in the regulations have substituted with Class 6.1 Poisonous substances as set out in SANS 10228:20098		Applicable	Compliant	
	GN R1382 OF 12 AUGUST 1994 – GROUP II HAZARDOUS SUBSTANCES	All substances and goods specified in SANS 10228:2006 “The identification and classification of dangerous goods for transport” with the exception of Class I Explosives and class 7 : Radio – active substances.		Applicable	Compliant	
	GN R1302 OF 14 JUNE 1991 – GROUPED	List of different electronic products which are declared as Grouped III hazardous substances.		Non-Applicable		



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	III HAZARDOU S SUBSTANC ES					
	GN R246 OF 26 FEBRUARY 1993 – REGULATIO NS TO GROUP IV HAZARDOU S SUBSTANC ES	Group IV hazardous substances are radioactive material which is outside a nuclear installation, and is not a material which forms part of is used or intended to be used in the nuclear fuel cycle, and  (a) Has an activity concentration of more than 100 becquerels per gram and total activity of more than 4000 becquerels; or (b) Has an activity concentration of 100 becquerels or less and which the Minister has declared to be a Group IV hazardous substances.		Non-Applicable		
	GN R247 OF 26 FEBRUARY 1993 REG 13	13. Disposal.- Except where specific provisions regarding the disposal of a group IV hazardous substances are included as a routine measure in the internal rules of the holder of an authority \, any disposal of a Group IV hazardous substances shall take place strictly in accordance with such directives as the directives as the Member-general may with due regard to the circumstances determine and in each case after	Authorization to transport and dispose of radioactive waste must be obtained from the health department. This would be in respect of any industrial isotopes that must be disposed of.	Non-Applicable		No Radio active waste produced by the organisation.



		considering a specific application by a holder in this regard.				
<b>Hazardous Chemical Substance regulations</b>						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
OCCUPATIONAL HEALTH AND SAFETY ACT NO 85 OF 1993  HAZARDOUS CHEMICAL SUBSTANCES REGULATIONS  GNR 1179	HAZARDOUS CHEMICAL SUBSTANCES REGULATIONS  GNR 1179 OF 25/08/95	Hazardous Chemical Substances Regulations  Prescribe a wide range of measures to be implemented by industries and all other employees to protect their workers against exposure to hazardous chemical substances	Hazardous chemical substances may include waste products. Co-ordinate management strategies and operations with health and safety officers.	Applicable	Semi-Compliant	During the inspection more than 12000L of diesel was being stored on site with no approval from EDTEA.
	REGULATION 9 A	Makes provision for inter alia the compilation and supply of material safety data sheets.	Obtain MSDS'S for all hazardous substances used. The Manufacturer of the substance is obliged to provide an MSDS.	Applicable	Compliant	MSDS available on site.
	REG 10  REG 11 (5)	An employer shall ensure that an emission of HCS into the atmosphere shall comply with the provisions of the Atmospheric Pollution Prevention Act 45 of 1965.  Contaminated protective clothing which is to be disposed of shall be treated as HCS waste	Companies are often unaware that contaminated HCS protective clothing should be treated as HCS waste and must be informed of this.	Applicable	Compliant	No Deviations noted.
	14.	<u>Labelling, packaging, transportation and storage</u>  An employer shall, in order to avoid the spread of		Applicable	Compliant	No deviations noted.



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		<p>contamination of an HCS, take steps, as far as is reasonably practicable, to ensure:</p> <p>(a) that the HCS in storage or distributed are properly identified, classified and handled in accordance with SABS 072 and SABS 0228;</p> <p>(b) that a container or a vehicle in which an HCS is transported is clearly identified, classified and packed in accordance with SABS 0228 and SABS 0229; and</p> <p>(c) that any container into which an HCS is decanted, is clearly labelled with regard to the contents thereof.</p>				
	REG 15	<p><u>DISPOSAL OF HAZARDOUS CHEMICAL SUBSTANCES</u></p> <p>An employer shall as far as reasonably practicable-</p> <p>(a) recycle all HCS waste;</p> <p>(b) ensure that all waste collected is placed into containers that will prevent the likelihood of exposure during handling;</p> <p>(c) ensure that all vehicles, reusable containers and containers and covers which have been in contact with HCS waste are cleaned and decontaminated after use in such a way that they do not</p>	<p>The correct classification must be undertaken by the waste disposal operator to ensure correct disposal.</p> <p>The correct PPE must be provided and worn at all times.</p>	Applicable	Compliant	Spill kits and hazardous waste bins are available. The relevant training has been provided to staff.



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		<p>cause a hazard inside or outside the premises concerned;</p> <p>(d) Ensure that all HCS waste that can cause exposure is disposed of only at sites specifically designated for this purpose in terms of the environmental Conservation Act 73 of 1989 in such a manner that it does not cause a hazard inside or outside the site concerned;</p> <p>(e) Ensure that all employees occupied in the collection, transport and disposal of HCS waste, who may be exposed to that waste, are provided with suitable personal protective equipment; and</p> <p>Ensure that if the services of a waste disposal contractor are used, a provision is incorporated into the contract stating that the contractor shall also comply with the provision of these regulations.</p>				
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### Major hazard installation

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
OCCUPATIONAL HEALTH AND SAFETY ACT, 85 of 1993	SECTION 3	Every employer, self-employed person and user shall notify the chief inspector, provincial director and relevant local government of the major hazard installation.	Notification must be submitted to the competent authority	Applicable	Semi- Compliant	Fire Chief certificate for diesel tank is displayed at offices. Period checks are conducted by the organisation.



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						120000L of diesel is currently being stored on site with no confirmation from EDTEA if authorisation is required.
	SECTION 5	An employer, self-employed person and user shall, after consultation with the relevant health and safety representative or relevant health and safety committee, carry out a risk assessment at intervals not exceeding five years and submit such risk assessment to the chief inspector, relevant local government and provincial department.	Risk Assessment must be conducted for the major hazard installation.	Applicable	Compliant	No deviations noted.
	SECTION 6	An employer, self-employed person and user shall after submission of the information contemplated in regulation 3(4) - establish an on-site emergency plan to be followed inside the premises of the installation or part of the installation classified as a major hazard installation in consultation with the relevant health and safety representative or the relevant health and safety committee; discuss the emergency plan with the relevant local government,		Applicable	Compliant	Emergency preparedness and response plan and training has been conducted



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		taking into consideration any comment on the risk related to the health and safety of the public; review the on-site emergency plan and, where necessary, update the plan, in consultation with the relevant local government, at least once every three years; sign a copy of the on-site emergency plan in the presence of two witnesses, who shall attest the signature; ensure that the on-site emergency plan is readily available at all times for implementation and use; ensure that all employees are conversant with the on-site emergency plan; and cause the on-site emergency plan to be tested in practice at least once a year and keep a record of such test.				
	SECTION 7	(1) Every employer, self-employed person and user of a major hazard installation and owner or user of a pipeline shall - (a) subject to the provisions of regulation 6 of the General Administrative Regulations, within 48 hours by means of telephone, facsimile or similar		Applicable	Compliant	All incidents will be recorded on the Non-conformance register, and procedures will be followed as per the EMS manual.



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		<p>means of communication inform the chief inspector, the provincial director and relevant local government of the occurrence of a major incident or an incident that brought the emergency plan into operation or any near miss;</p> <p>(b) submit a report in writing to the chief inspector, provincial director and local government within seven days; and</p> <p>(c) investigate and record all near misses in a register kept on the premises, which shall at all times be available for inspection by an inspector and the local government</p>				
	SECTION 8	(1) Every person that supplies a substance to a major hazard installation that has been classified as a major hazard installation for the reason of the presence of that substance in that installation shall ensure that he or she supplies with the substance a material safety data sheet contemplated in regulation 7 of the General Administrative Regulations.		Applicable	Compliant	MSDS are available and training has been conducted

### Transport of dangerous goods by road

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL ROAD TRAFFIC ACT 93 OF 1996	CHAPTER 8	<u>Incorporation of standards</u>	SANS codes must be considered when	Not-Applicable		No dangerous goods transported by the organisation.



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		<p>The following national standards have been incorporated into the regulations and are therefore compulsory to comply with.</p> <p>SANS 1518:2008 – Transport of dangerous goods – Design, construction testing, approval and maintenance of road vehicles and portable tanks.</p> <p>SANS 10228:2006 – The identification and classification of dangerous substances and goods for transport.</p> <p>SANS 10229:2006 – Transport of dangerous goods – Packaging and large packaging for road and rail transport.</p> <p>; SANS 10231:2006 – Transport of dangerous goods – operational requirements for road vehicles.</p> <p>SANS 10232-1:2007 – Transport of dangerous goods – Emergency information systems / for road transport.</p> <p>SANS 10232-3:2007 – Transport of dangerous goods – Emergency information systems / emergency action codes.</p> <p>SANS 10233:2008 – Transport of dangerous goods –</p>	<p>transporting dangerous goods.</p> <ul style="list-style-type: none"><li>- Vehicle must be correctly parked when loading and offloading.</li><li>- Engine must be switched off except where the engine is required to drive pumps or hydraulic units for the purpose loading /off loading.</li><li>- The area is safe with barricades and necessary warning signs.</li></ul> <p>Goods must be packed in approved packaging.</p> <p>Appropriate training must be conducted for drivers</p>			All drivers are trained on a regular basis on topics such as road traffic safety, fatigue, fires etc.
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		Intermediate bulk containers for dangerous substances.				
		<p>The transportation of dangerous goods must comply with:</p> <ul style="list-style-type: none"><li>• Authority for classification and certification of dangerous goods.</li><li>• Driver to undergo training.</li><li>• Dangerous goods may only be transported on public roads if in accordance to proper standards and codes.</li><li>• The operator driver consignor and consignee shall subject to any provision to the contrary contained in this chapter comply with the requirements with respect to the transportation of dangerous goods in or on a vehicle on a public road as determined in the standard specifications and codes of practice</li><li>• The consignor shall ensure that a multiload of dangerous goods transported on a vehicle is compatible as</li></ul>	.	Not-Applicable		No dangerous goods transported by the organisation.



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		<p>prescribed in SAB 0231-1.</p> <ul style="list-style-type: none"><li>• The driver of a vehicle referred to regulation shall ensure that such tremcards and dangerous goods declaration as are required in terms of this chapter, and which pertain to the dangerous goods carried on such a vehicle are held in designated space in the cab of that vehicle at such time as dangerous goods are being transported..</li><li>• The driver of a vehicle shall produce on demand<ul style="list-style-type: none"><li>(a) A professional drivers permit.</li><li>(b) A document containing a clear indication of the route planned.</li></ul></li></ul>				
SANS 10231 : 2010	SECTION 5.1	The Dangerous goods declaration (DGD) shall comply with the requirements of SANS 10232 – 1 and shall be in triplicate. The DGD must be stored in a designated place and copies must be kept for a minimum of 90 days after shipment.	Dangerous good declaration requirements.	Applicable	Compliant	
	SECTION 5.2	The driver must adhere to the pre-planned route.	Procedure for transport and procedure for unloading and incidents.	Not applicable		No dangerous goods are transported by the organisation.



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	SECTION 6	Vehicle must be register for the transport of dangerous goods in compliance with the relevant national legislation.	Proof of registration of vehicle must be provided.	Not applicable		No dangerous goods are transported by the organisation.
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**Flammable liquids and substances**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
OCCUPATIONAL HEALTH AND SAFETY ACT, 85 OF 1993.	REGULATIO N 4	(1) Must be constructed of a fire resistant material able to sustain the fire for two hours, (2) If it has a floor area greater than 20 square meters it must have two doors on opposite side (3) Doors to a flammable liquid store must open from the inside outwards, (4) Must have an inspection window with strengthened glass, (5) Must be well ventilated so that there is no build-up of vapours (mechanical or natural ventilation), (6) Must have extrinsically safe lighting, (7) Must have bunding of a 110%. In the case of smaller amounts of flammable liquids drip trays will also suffice, (8) The flammable liquids must be separated and labelled, (9)MSDS's for the different types of flammable liquids must be available in the store, point of use and point of transport, (10) All drums, cans, canisters, containers must be kept closed when not in use,	Chemical storage areas must meet the relevant SANS codes in terms of capacity, signage, bunding etc.	Applicable	Semi-Compliant	During the inspection more than 12000L of diesel was being stored on site with no approval from EDTEA.



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		(11) Discarded cotton waste, cleaning rags, or similar material must be removed on a daily basis and not allowed to accumulate in the store, (12) Staff must be trained not to use any material or process that can cause sparks or fire, (13) Access to the flammable liquid store must be controlled to prevent any unauthorised entry, (14) Signage must be displayed which includes the following – indicating that it is a flammable liquid store, the maximum capacity of the store, no unauthorised entry, no open flames, no smoking and PPE if required, (15) Adequate and sufficient firefighting equipment must be provided – the correct type and amount, (16) The first aid box must be stocked accordingly to include eye wash; burn packs etc. as indicated in the Risk Assessment.				
FIRE BRIGADES SERVICES ACT 99 OF 1987	SECTION 3	<u>Service of local Authorities</u>  All of site emergency planning to be conducted by local authority	Note that all flammables need to be stored in certified fire safe buildings in line with local authority by – laws. Emergency plans need to be in place, including testing and exercise drills. Have copies of all fire certificates	Applicable	Semi-Compliant	During the inspection more than 12000L of diesel was being stored on site with no approval from EDTEA.



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			available. Consider impacts associated with emergency situations. Identify and have copies of certificates.			
INTERIM CODE RELATING TO FIRE PREVENTION AND FLAMMABLE LIQUIDS AND SUBSTANCES MN 23 OF 2000	SECTION 6	<u>Fire fighting Equipment</u>  Fire fighting equipment is only to be serviced or repaired or installed under the control and supervision of a holder of certificate of competence.	Is to make sure that contractors servicing or installing fire fighting equipment has the necessary certificate of competency in terms of this by – law.	Applicable	Compliant	Service records are available. All fire equipment are inspected and serviced according to the SABS standards.
	SECTION 16	<u>Examination of fire- fighting equipment</u>  The owner or occupier of any premises in which any portable fire extinguisher, sprinkler system or other fire fighting equipment or any fire alarm system has been installed in terms of these bylaws shall cause such extinguisher, equipment or system to be examined at least once every calendar year by a holder of a certificate of competence.	Is to ensure that all fire fighting equipment on the premises is examined at least once every year by the holder of the certificate of competence.	Applicable	Compliant	Service records are available. All fire equipment are inspected and serviced according to the SABS standards.
	SECTION 19	<u>Portable Fire Extinguisher</u>  In addition to the examination of fire fighting equipment referred to in section 16 hereof, every portable fire extinguisher shall be subject to servicing and pressure testing in accordance	The Company is to comply with this section of the by law.	Applicable	Compliant	Service records are available. All fire equipment are inspected and serviced according to the SABS standards.



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		with SABS Code of practice 0105 – 1971: classification, use and maintenance of portable fire extinguishers, as published under General notice 463 of 1982 dated 9 July 1982				
	SECTION 23	<u>Certificate of Registration to be obtained</u>  No person shall store, manufacture, sell, use or handle any flammable liquids or substances in excess of the quantities stipulated in the by laws unless he is in possession of a certificate of registration in respect of such premises.	Must be in possession of the necessary certificate of registration for all classes of flammable substances stored on its premises.	Applicable	Compliant	Fire Chief certificate is available for diesel tank on site.
	SECTION 47	<u>Examination of fire fighting equipment</u>  Where in terms of these bylaws, any fire extinguisher or other fire fighting equipment or a fire alarm system has been installed on any premises shall cause such equipment or alarm system to be examined once every twelve months by a holder of a certificate of competence.  Every such extinguisher, equipment and alarm system shall bear a label, on which the person examining it shall endorse his name, the date of examination and the condition, in his opinion, of the extinguisher, equipment or alarm at that date.	To ensure all fire fighting equipment is examined once every twelve months by a competent person certified to do so.	Applicable	Compliant	Service records are available. All fire equipment are inspected and serviced according to the SABS standards.



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	SECTION 48	<u>Reporting on fires and accidents</u>  The occupier of any premises shall immediately report to the chief fire officer, any fire or accident involving flammable liquid or substance that has occurred on or in connection with any such premises where such fire or accident has resulted in damage to any property or injury to any person.	Must make sure that this section is incorporated into its reporting procedures in terms of its emergency preparedness and response procedures.	Applicable	Compliant	Emergency Preparedness and Response procedure is available.
	SECTION 75	<u>Provision of stores</u>  When deemed necessary by the chief fire officer regard to the nature and proximity of adjacent buildings and other attendant risks, the occupier of the premises shall provide thereon a store in accordance with the requirements of this code for the storage of such liquids or substances.		Not Applicable		
FIRE PREVENTION	2. (1)	A Fire Official may as often as may be deemed necessary or desirable:				
	(a)	enter any Premises for the purpose of identifying any hazardous condition, circumstance or practice which may result in a fire or of inspecting hazardous manufacturing processes, and the storage facilities pertaining to and any installation in which is used acetylene or other gases, chemicals, oils, explosives,		Applicable	Compliant	



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		Flammable Liquids or Substances and other hazardous liquids or substances or any fire alarms and sprinkler systems and Fire Fighting Equipment;				
	(b)	inspect any Premises (except the interior of private dwellings) for the purpose of identifying any defective Fire Fighting Equipment and any condition liable to cause or to facilitate the spread of fire, and		Applicable	Compliant	Fire equipment servicing outsourced to approved service provider
	(c)	take such steps as he may consider necessary in the circumstances to prevent any injury to Persons or damage to property through fire which may arise from a condition, circumstance or practice referred to in (a) or (b) above, and he may make such orders as he deems necessary for the safeguarding of life and the protection of property from fire.		Applicable	Compliant	No deviations noted
	2 (2)	Whenever an officer referred to in subsection (1) finds on any Premises combustible or explosive matter or any accumulation of rubbish or of waste paper, boxes, shavings, sawdust or any other Flammable Liquids or Substances in circumstances which are likely to or may result in a fire hazard and so endanger human life or property, or finds obstruction to or on fire escapes, stairs,		Applicable	Compliant	



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		passages, doors, windows or vestibules which are liable to interfere with the operation of the Fire Brigade or the egress of Persons in case of fire, or finds any obstructed or defective firefighting equipment (whether portable or otherwise) he shall make such order as he deems necessary to remedy the situation.				
	(3)	Any order referred to in this section shall be in writing and shall be served upon the Owner or Occupier or Person having the charge, or control of the Premises at the time of the order or upon two or more such Persons.		Applicable	Compliant	No deviations noted
	3. (1)	A member of the Fire Brigade may enter into or upon any Premises or any other property and take such action as he may deem expedient for the purpose of extinguishing a fire or preventing it from spreading.		Applicable	Compliant	No deviations noted
	(2)	Any cost incurred or charges prescribed by the Municipality, in respect of any action taken as contemplated in sub-section (1) above may be recovered from the Owner or Occupier of any such Premises or other property regardless of where the fire originated.		Applicable	Compliant	No deviations noted



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	4.	Whenever in the opinion of a Fire Official any tree, bush, weed, grass, or any other substance or other matter situated on any Premises, constitutes or is likely to constitute a threat of fire or is likely to further the spread of fire he may cause a notice to be served on the Owner or Occupier of such Premises calling on him to remedy such conditions within a specified period.		Applicable	Compliant	No deviations noted
	5. (1)	No Person shall burn or set alight to any rubbish, tree, weeds or grass or any other substance or matter outside the confines of a Building except with the prior consent of the Chief Fire Officer and a Person to whom such consent has been given shall Personally supervise the act of burning or setting alight and shall take all precautions necessary to avoid the fire from spreading.		Applicable	Compliant	No evidence of burning of any waste or materials on site.
	(2)	The Chief Fire Officer in granting consent in terms of sub-section (1) may impose such conditions as he thinks fit; provided that no authority granted shall be in conflict with any of the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965).		Applicable	Compliant	No deviations noted
CHAPTER III CONTROL OF	6.	No Person shall cause or permit Fire Fighting Equipment on any		Applicable	Compliant	Fire equipment and servicing



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FIRE FIGHTING EQUIPMENT REPAIRING, SERVICING AND INSTALLATION OF FIRE FIGHTING EQUIPMENT		Premises to be dismantled, Recharged, disconnected, serviced or repaired or sold or any new, serviced or repaired equipment to be installed, housed or placed on any Premises except by or under the control and supervision of a Holder of a Certificate of Competence issued or recognized in terms of this Code.				maintenance outsourced to approved service provider
MODE OF APPLICATION FOR CERTIFICATE OF COMPETENCE	7.	Every application for a Certificate of Competence shall be submitted to the Chief Fire Officer on the form prescribed in the First Schedule.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
APPLICANTS TO BE EXAMINED	8. (1)	When so required by the Chief Fire Officer, an applicant for a Certificate of Competence shall submit himself for test at the Fire Brigade headquarters.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
	(2)	Upon passing the test referred to in subsection (1), if required, an applicant shall subject to the provisions of section 9 be issued with a Certificate of Competence in the form prescribed in the Second Schedule.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
WHEN CERTIFICATE OF COMPETENCE IS NOT TO BE ISSUED	9.	The Chief Fire Officer shall not sanction the issue of a Certificate of Competence if, in his opinion, the applicant:		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.



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	(1)	does not possess a general knowledge of the construction and design of all types of Portable Fire Extinguishers;		Applicable	Compliant	No deviations noted
	(2)	does not possess a satisfactory knowledge of the use to which the several types of Fire Fighting Equipment can most effectively be put; or		Applicable	Compliant	No deviations noted
	(3)	does not appear to be otherwise suitably qualified or competent to possess a Certificate of Competence in the interests of public safety.		Applicable	Compliant	No deviations noted
CERTIFICATE OF COMPETENCE AND IDENTITY DOCUMENT	10. (1)	Every Certificate of Competence, once issued, shall be valid for the Person named thereon until cancelled by the Chief Fire Officer in terms of section 15 and such certificate shall not be transferable from one Person to another.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
	(2)	Upon the issue of a Certificate of Competence there shall be issued to the Holder thereof an identity document in the form Approved by the Chief Fire Officer which shall bear a photograph of the Holder and which the Holder shall produce on demand to any Fire Official and to any Person in authority on the Premises on which the Holder is to carry out any examination or other function in terms of this Code.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.



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RECOGNITION OF CERTIFICATES ISSUED BY OTHER AUTHORITIES		11. Upon production to him by the Holder thereof of a Certificate of Competence issued by another fire authority in terms of bylaws applying to the area of jurisdiction of such authority and having the same or similar provisions as this Code, which authority has been Approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognize such certificate as being acceptable for the purpose of this Code and if he does so he shall endorse such certificate accordingly and enter the particulars of the Holder and the certificate in the register kept in terms of section 14 as if the certificate had been issued in terms of section 8 and thereupon the Holder of the certificate shall for all purposes of this Code be deemed to be the Holder of a certificate issued in terms thereof.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
	12	Recognition of a certificate in terms of section 11 may at any time be withdrawn by the Chief Fire Officer upon production of proof to his satisfaction that the Holder of the certificate has been guilty of any act referred to in section 15, whereupon paragraphs (2) and (3) of that section shall <i>mutatis mutandis</i> apply and the Chief Fire Officer shall cancel his endorsement on		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.



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		the certificate and notify the issuing authority in writing of the action taken by him and the reasons therefore.				
REPLACEMENT OF CERTIFICATES OF COMPETENCE	13	A Person whose Certificate of Competence is lost, destroyed or damaged shall forthwith apply to the Chief Fire Officer on the prescribed form for the replacement of such certificate.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
	2	An application in terms of subsection (1) shall be accompanied by an affidavit, as to the circumstances in which the certificate was lost or destroyed, or the damaged certificate, as the case may be, and the prescribed fee.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
REGISTER OF HOLDERS OF CERTIFICATES OF COMPETENCE	14	The Chief Fire Officer shall maintain a register of Holders of Certificates of Competence issued in terms of section 8 or recognized in terms of section 11 setting forth full particulars of such Holders and the certificates issued to them or recognized.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
	2	The register shall be available for inspection at the Fire Brigade headquarters at any time during normal working hours.		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.
EXAMINATION OF FIRE-FIGHTING EQUIPMENT	16	The Owner or Occupier of any Premises in which any Portable Fire Extinguisher, sprinkler system or other fire-fighting equipment or any Fire Alarm System has been installed in terms of this Code shall cause such extinguisher, equipment or		Applicable	Compliant	Fire Chief certificate is available for the Diesel tank.



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		system to be examined at least once every calendar year by a Holder of a certificate of competence.				
REPORT ON CONDITION OF FIRE-FIGHTING EQUIPMENT	17	The Person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be securely affixed thereto in a prominent position on which shall be written in ink -		Applicable	Compliant	Approved service provider
	1	the name of the Person conducting the examination;		Applicable	Compliant	Service records available
	2	the number of his Certificate of Competence;				Service records available
	3	the date of the examination;		Applicable	Compliant	Labels affixed on all pieces of equipment and service records available
	4	the condition of the equipment, and if any defect is discovered during the examination, he shall inform the Owner or Occupier of the Premises thereof in writing and deliver a copy of such report to the Chief Fire Officer.		Applicable	Compliant	No deviations noted
RESTRICTIONS ON REMOVAL, ALTERATION AND INSTALLATION OF FIRE-FIGHTING EQUIPMENT	18	No Portable Fire Extinguishers shall temporarily be removed from any Premises for servicing or repair unless such appliances are temporarily replaced by similar serviceable equipment.		Applicable	Compliant	No deviations noted
	2	No Fire Fighting Equipment shall permanently be removed from any Premises or rendered unserviceable without due		Applicable	Compliant	No deviations noted



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		notice in writing being given to the Chief Fire Officer.				
	3	No Fire Fighting Equipment shall be installed, changed or added to without authority of the Chief Fire Officer.		Applicable	Compliant	No deviations noted
PORTABLE FIRE EXTINGUISHERS TO BE PERIODICALLY PRESSURE TESTED	19	In addition to the examination of Fire Fighting Equipment referred to in section 16 hereof, every Portable Fire Extinguisher shall be subject to servicing and pressure testing in accordance with S.A.B.S. Code of Practice 1475: The Production of Reconditioned Fire Fighting Equipment, Part I: Portable Rechargeable Fire Extinguishers.		Applicable	Compliant	
SECOND-HAND FIRE FIGHTING EQUIPMENT TO BE APPROVED BY CHIEF FIRE OFFICER	20.	No second-hand Fire Fighting Equipment shall be placed or installed in any Premises where such is required in terms of this Code unless and until such equipment has been examined, pressure tested and serviced in accordance with the Code of Practice referred to in section 19 above.		Applicable	Compliant	No deviations noted
CHAPTER IV FLAMMABLE LIQUIDS AND SUBSTANCES	21.	No Person shall manufacture, store, convey, sell, use or handle Flammable Liquids or substances except in accordance with the provisions of this Code.		Applicable	Compliant	No deviations noted
FIRE FIGHTING EQUIPMENT	46. (1)	Except where otherwise provided in this Code, the Holder of a Certificate of Registration shall install or cause to be		Applicable	Compliant	No deviations noted



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		installed in all Premises to which such certificate refers, Approved fire extinguishers in an easily accessible and visible position in accordance with the following scale and provisions:				
	46 (2)	The Person to whom a Certificate of Registration has been issued in terms of this Code shall maintain at all times on the premise or Vehicle to which such certificate refers:		Applicable	Compliant	No deviations noted
	A	all Fire Fighting Equipment and Fire Alarm Systems in accordance with the provisions of this Code;		Applicable	Compliant	.
	(B)	all such equipment in good order and ready for immediate use.		Applicable	Compliant	All equipment is in good condition and no obstructions evident
EXAMINATION OF FIRE FIGHTING EQUIPMENT	47. (1)	Where, in terms of this Code, any fire extinguisher or other Fire Fighting Equipment or a Fire Alarm System has been installed on any Premises, the Occupier of such Premises shall cause such equipment or alarm system to be examined once every twelve (12) months by a Holder of a Certificate of Competence.		Applicable	Compliant	No deviations noted
	47 (2)	Every such extinguisher, equipment and alarm system shall bear a label, on which the Person examining it shall endorse his name, the date of examination and the condition, in his opinion, of the		Applicable	Compliant	No deviations noted



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		extinguisher, equipment or alarm at that date.				
REPORTING OF FIRES AND ACCIDENTS	48	The Occupier of any Premises shall immediately report to the Chief Fire Officer, any fire or accident involving Flammable Liquid or Substance that has occurred on or in connection with any such Premises, where such fire or accident has resulted in damage to any property or injury to any Person.		Applicable	Compliant	No deviations noted
INSPECTION OF PREMISES	50 (1)	Any Fire Official may, for any purpose related to compliance with or the application of this Code enter upon any Premises whatsoever, and make such examination and enquiry thereon as he may deem necessary.		Applicable	Compliant	No deviations noted
	50 (2)	The Owner or Occupier of Premises or in their absence, any other Person employed thereon, shall upon demand, disclose to a Fire Official the presence of any Flammable Liquid or Substance in or upon such Premises and shall answer all enquiries relating either to the observance of this Code or to any condition in connection with the Certificate of Registration in respect of the Premises.		Applicable	Compliant	No deviations noted

**Herbicides and pesticides**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
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FERTILIZER FARM FEEDS AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT NO 36 OF 1947	SECTION 3	<p><u>Registration of fertilizers farm feeds agricultural remedies stock remedies sterilizing plant and pest control operators</u></p> <p>1(a) Application for registration of a fertilizer farm feed agricultural remedy stock remedy sterilizing plant or pest control operator shall be made to the registrar in the prescribed manner and shall be accompanied by the prescribed application fee.</p>	<p>Organisations to ensure that all pest control and weed control operators are registered in terms of the Act.</p> <p>Registrations are valid for a period of 3 years.</p>	Non-Applicable		
	GN 181 OF 7 FEBRUARY 2003	<p><u>Prohibition of the sale acquisition disposal or use of agricultural remedies and stock remedies.</u></p> <p>The sale acquisition disposal or use of an agricultural remedy or stock remedy, other than in the container and with the label approved by the registrar in hereby prohibited except –</p> <ul style="list-style-type: none"><li>(a) When being applied as indicated on the approved label.</li><li>(b) For the purpose of conducting trials and</li><li>(c) If prior approval is obtained by the registrar.</li></ul> <p>Any person who fails to comply with the conditions shall be guilty of an offence and liable on conviction to a fine or imprisonment.</p>	<p>Organisations to ensure the application of the agricultural remedies takes place in accordance with the requirement labels.</p>	Not Applicable		



## i. HERITAGE RESOURCES

Heritage Resources						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
NATIONAL HERITAGE RESOURCE ACT 25 OF 1999	SECTION 38	<p><u>Heritage resources management –</u></p> <p>Any person who intends to undertake a development categorised as –</p> <p>(a) A construction of a road, wall power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length.</p> <p>(b) the construction of a bridge or similar structure exceeding 50m in length.</p> <p>(c) Any development or other which change the structure of the site -</p> <p>(i) exceeding 5000m<sup>2</sup> in extent or</p> <p>(ii) involving three or more existing ervens or sub divisions thereof, or</p> <p>(iii) involving three or more erven or divisions thereof which have been consolidated within the past 5 years or</p>	<p>Heritage resources include ;</p> <ul style="list-style-type: none"><li>• Structures older than 60 years.</li><li>• Archaeological or paleontological sites</li><li>• Meteorites</li><li>• Burial grounds and graves</li><li>• Public monuments</li></ul>	Not applicable		



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		<p>(iv) the cost of which exceed the sum set in terms of regulations by SAHRA or provincial Heritage Authority.</p> <p>(d) The rezoning of a site exceeding 10000m<sup>2</sup> in extent, or</p> <p>(e) Any other category of development provided for in regulations by SAHRA or provincial heritage resources authority, must at the very earliest stages of initiating such a development notify the responsible heritage resource authority and furnish it with details regarding the location nature and extent of the proposed development</p>				
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### j. GENERAL

Laws of general application						
Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA 108 of 1996	SECTION 24	<u>Environmental Right</u>  Everyone has the right to the environment that is not harmful to the health or well-being of	The rights of the employees and the public to a healthy	Applicable.	Compliant	Aspect and Impacts register in place.



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		individuals and to have the environment protected by reasonable legislative measures.	and clean environment must be protected. Environmental Impacts must therefore be identified and if possible, mitigated.			
	SECTION 32	<u>Right to Access Information</u>  Information held by the state or another person (where it is required for the exercise or protection of any right) may be accessed.	A request for information by a state organ may only be refused in certain limited circumstances and by a private individual only if the information is not required in order to exercise any other constitutional right (see section 31. National Environmental Management Act)	Applicable	Compliant	ISO 14001 Environmental Management System – in process of being applied for.
	SECTION 33	<u>Right to Just Administrative Action</u>  Everyone has the right to administrative that is lawful reasonable and procedurally fair	Written reasons should be obtained for every decision made by an organ of state.	Applicable	Compliant	ISO 14001 Environmental Management System – in the process of being applied for.
	SCHEDULE 4	<u>Functional Areas of concurrent National And Provincial Legislative Competence</u> <ul style="list-style-type: none"><li>• Environment</li><li>• Nature conservation, excluding National botanical gardens and marine resources</li><li>• Pollution control</li><li>• Air pollution</li></ul>	Understand and comply with all environmental legislative provisions regarding these areas of authority of both the National and Provincial Governments	Applicable	Compliant	Aspects and impacts register in place.



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		<ul style="list-style-type: none"><li>• Storm water management systems in built up area</li><li>• Water and sanitation services limited to potable water supply systems</li></ul> <p>Domestic wastewater and sewage systems</p>				
	SCHEDULE 5	<p><u>Functional Areas of exclusive Provincial Legislative Competence</u></p> <ul style="list-style-type: none"><li>• Provincial planning</li><li>• Control of public nuisances</li><li>• Fencing and fences</li><li>• Noise pollution</li></ul> <p>Refuse removal, refuse dumps and solid waste disposal.</p>	Note that these aspects will be controlled by the province in future and that applications for permits or license in this regard should be submitted to the provincial government	Applicable	Compliant	<p>Waste collection slips are available for recycling</p> <p>Waste Inventory Classification Matrix Is available.</p>
PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000	SECTION 3	<p><u>Procedurally fair administrative action affecting any person</u></p> <p>Act gives effect to the constitutional right of access to information held by the state and any other information that is held by another person and that is required for the exercise or protection of any rights and to provide matters or matters connected therewith.</p> <p>Act fosters a culture of transparency and accountability in public and private bodies by giving effect to the right to access to information</p>	Organisation must note that any information held by the employee may be accessible by an individual.	Applicable	Compliant	



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		<p>Administrative action which materially and adversely affects the right to legitimate expectations of any person must be procedurally fair and administrative must therefore give nay affected person :</p> <ul style="list-style-type: none"><li>• Adequate notice of the nature and purpose of the proposed administrative action.</li><li>• A reasonable opportunity to make representation.</li><li>• A clear statement of administrative action.</li><li>• Adequate notice of any right or internal appeal where applicable, and</li><li>• Adequate notice of the right to request reasons.</li></ul> <p>An opportunity may also be given to give an affected person the opportunity to obtain assistance or legal representation and present or dispute information and arguments.</p>				
	SECTION 4	<p><u>Records held by official or independent contractor of public or private body</u></p> <p>A record which is in the possession of or under control of either an official or a private body in his/her capacity as such or an independent contractor</p>		Applicable	Compliant	



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		engaged by such private body is regarded as being a record of that private body.				
	SECTION 50	<u>Right to access to records of private bodies</u>  A requestor must be given access to any record if required for the exercise or protection of any rights and where access may not be refused in terms of Chapter 4. Where a public body requires access to a record for the exercise of protection of any rights other than its own rights, it must be acting in public interest.		Applicable	Compliant	
	SECTION 51	<u>Manual</u>  A manual must be compiled within 6 months of commencement of the Act containing <ul style="list-style-type: none"><li>• Contact details of the head of the private body</li><li>• Information regarding the categories of information available within a request.</li><li>• A description of the records available in accordance with any other legislation and</li><li>• Sufficient detail to facilitate a request for access to any record including a description of the subjects on which records are held</li></ul>	Manual must be drafted to be compliant with this section	Applicable	Compliant	



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	SECTION 52	<p><u>Voluntary disclosure and automatic availability of certain records</u></p> <p>The head of a private body may on a voluntary and periodic basis submit to the minister a description of the categories of the records held by the body and automatically available without request.</p>		Applicable	Compliant	
KWA ZULU NATAL NATURE CONSERVATION ACT 29 OF 1992	SECTION 146 – PROHIBITION OF LITTERING	<p>No person shall discard, dump or leave any litter on any land or water surface or street, road or site in or on any place to which the public has access, except in a container or at a place which has been specially indicated for that purpose.</p>	<p>This must form part of the general awareness training for all employees of the company.</p> <p>Enough litter bins must be placed around the site so that litter does not migrate offsite.</p>	Applicable	Compliant	No deviations noted
KWAZULU NATAL HEALTH ACT NO 4 OF 2000	REGULATION 68	<p><u>Environmental Health</u></p> <p>Where an environmental health officer has reasonable grounds to suspect that conditions exist that are detrimental to health or likely to cause a health nuisance or that there is a health nuisance, the environmental health officer must investigate and in the event of the environmental health officer determining that a health nuisance exists, satisfy himself or herself as to the identity of the person or persons responsible to issue a compliance notice.</p>	<p>Appropriate authorized personnel must be designated to deal with complaints from surrounding interested and affected parties as well as deal with any health offices and compliance Notices.</p>	Applicable	Compliant	No complaints received. Correction Action form is available for any complaints received.



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REFUSE REMOVAL BYLAWS PN 97 OF 1985		(3) Trade refuse and industrial refuse may be removed from premises by a contractor approved in writing by the city Engineer for the purpose. Application for the approval as a refuse removal contractor shall be made on the prescribed form to the City Engineer.		Applicable	Compliant	Evergreen is used to collect recycling waste.
	REGULATIO N 2	(6) No person shall employ as a refuse removal contractor a person who has not been approved by the City Engineer in terms of subsection (3) (7) A person who intends to engage the services of an approved refuse removal contractor shall notify the City Engineer in writing of that fact and shall likewise notify the City Engineer when such engagement is terminated.		Applicable	Applicable	Compliant
	REGULATIO N 2	(10) A person approved in terms of subsection (3) may not remove refuse from premises unless the occupier or owner of such premises has notified the City Engineer in writing that he has entered into a contract with such person for the removal of such refuse and that the council should not provide a service to the premises for its removal.		Applicable	Compliant	Evergreen is used to collect recycling waste.
	REGULATIO N 16	<u>Storage of special Industrial refuse</u>  Special Industrial refuse stored on premises shall be stored in	Organisation to ensure that all refuse stored on site	Not Applicable		No special industrial waste on site



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		such a manner that it cannot become a nuisance or pollute the environment.	does not become a nuisance or pollute the environment.			
	REGULATION 17	<u>Removable of special industrial refuse</u>  No person shall remove special industrial refuse from the premises on which it was generated without or otherwise in terms of the written consent of the City Engineer.		Not applicable		No special industrial waste on site
	REGULATION 18	<u>Liquid Waste</u>  Subject to any directions that may be given under regulation 5 (3) no person shall deliver or discharge at a disposal site any liquid refuse without the prior written of the city engineer and in accordance with such conditions as may be imposed by him.		Not applicable		No liquid waste on site
COLLECTION AND REMOVAL OF REFUSE	2 (1)	The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall in compliance with these bylaws make provisions for the temporary storage of such refuse and for its collection and removal there from, either by the Council or, subject to subsections (2), (8) and (11), by a refuse removal contractor approved in terms of		Applicable	Compliant	No deviations noted



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		subsection (3), and failure to do so shall be a contravention of these bylaws.				
	2 (2)	The service provided by the Council for the collection and removal of refuse shall be used in respect of premises on which domestic refuse or both domestic and trade refuse is generated and such service may be used in respect of premises on which trade refuse or industrial refuse is generated; provided that the Council shall not be obliged to collect and remove industrial refuse and the City Engineer may by written notice to the occupier of premises give directions as to its disposal.		Applicable	Compliant	
	2 (3)	Subject to the provisions of subsection (2), trade refuse and industrial refuse may be collected and removed from premises by a contractor approved in writing by the City Engineer for the purpose, which approval may be withdrawn by the City Engineer at any time. Application for approval as a refuse removal contractor shall be made to the City Engineer on the form prescribed by him.		Applicable	Compliant	
	2 (4)	Approval contemplated by subsection (3) may be granted or refused at the discretion of the City Engineer and shall be subject to such conditions,		Applicable	Compliant	



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		whether as to period of validity, the type of refuse which may be dealt with there under, or otherwise, as the City Engineer may impose.				
	2 (5)	No person shall hold himself out to be, or acts as a refuse removal contractor who has not been approved as such in terms of subsection (3) or whose approval has expired or been withdrawn and no refuse removal contractor shall contravene any condition imposed in terms of subsection (4).		Applicable	Compliant	
	2 (6)	No person shall employ as a refuse removal contractor a person who has not been approved as such in terms of subsection (3).		Applicable	Compliant	
	2 (7)	A person who intends to engage the services of an approved refuse removal contractor shall notify the City Engineer in writing of that fact and shall likewise notify the City Engineer whenever such engagement is terminated.		Applicable	Compliant	
	2 (8)	The City Engineer may, if refuse is not being collected and removed to his satisfaction from any premises by an approved refuse removal contractor, by written notice to the owner or occupier of those premises require him to terminate the services of such contractor and		Applicable	Compliant	



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		to use the service provided by the Council for the collection and removal of refuse with effect from a date specified in such notice.				
	2 (9)	In the event of the occupier or owner of premises having notified the City Engineer in terms of subsection (7), such occupier or owner shall ensure that such refuse is collected and removed in terms of the provisions of these bylaws within a reasonable time after the generation thereof.		Not - Applicable		No deviation noted
	2 (10)	A person approved in terms of subsection (3) may not remove refuse from premises unless the occupier or owner of such premises has notified the City Engineer in writing that he has entered into a contract with such person for the removal of such refuse and that the Council should not provide a service to the premises for its removal.		Not - Applicable		No deviation noted
	2 (11)	Notwithstanding anything in these bylaws to the contrary, the occupier of premises may himself remove or cause to be removed by his employee's industrial refuse generated thereon to a disposal site.		Not-Applicable		
	2 (12)	Whenever there is a change in the occupation or ownership of premises, the new occupier or owner, as the case may be, who will be liable, in terms of		Not Applicable		No deviation noted



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		subsection (1), to comply with the requirements of that subsection, shall forthwith notify the City Engineer in writing of such change and furnish him with such particulars as he may require.				
	2 (13)	The occupier or owner of premises, as the case may be, who is liable to comply with the requirements of subsection (1) shall notify the City Engineer in writing of any change in the nature of the use to which such premises are put or any change in the nature, mass or volume of refuse generated thereon which in any way affects the application of these bylaws or the tariffs for any service rendered by the Council in terms thereof.		Applicable	Compliant	No deviation noted
	2 (14)	The occupier or owner of premises, as the case may be, who is liable to comply with the requirements of subsection (1) shall be liable to the Council for the tariff charge for any service rendered by it in respect of the collection and removal of refuse in terms of these bylaws.		Applicable	Compliant	No deviation noted
	2 (15)	Every occupier of new premises or premises on which the generation of domestic or trade refuse is about to be commenced, or in the case of premises being occupied by more than one person, the		Applicable	Compliant	No deviation noted



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	(a)	owner of such premises, shall prior to the commencement of the generation of such refuse notify the Council in writing -		Applicable	Compliant	No deviation noted
	(b)	that the premises are being occupied; and whether trade refuse or domestic refuse or both is or are to be generated on the premises.		Applicable	Compliant	No deviation noted
	2 (16)	Any person who is aggrieved by a decision of the City Engineer under subsection (3) or (4) of this section may appeal to the Council or the committee of the Council to which this function has been lawfully delegated and the decision of the Council or such committee shall be final and binding. (P.N. 97/85)		Applicable	Compliant	No deviation noted
REFUSE RECEPTACLES.	3. (1)	Subject to the provisions of subsection (4), every occupier or owner referred to in section 2(1) shall provide on his premises such number of refuse receptacles as is adequate for the purpose of the temporary storage of all refuse, other than garden, special domestic and special industrial refuse, as may be generated on his premises pending its removal in terms of these bylaws.		Applicable	Compliant	Waste separation being implemented.
	3 (2)	The occupier or owner referred to in subsection (1) shall ensure		Applicable	Compliant	No deviation noted



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	(a)	that refuse receptacles provided by him in terms of that subsection -  are maintained in a sound and serviceable condition and that receptacles which are no longer capable of being so maintained are replaced by him; and are kept on the refuse storage area provided in terms of section 116 of Chapter V. is of the Council's Building Bylaws.		Applicable	Compliant	No deviation noted
	(b)			Applicable	Compliant	No deviation noted
	3 (3)	Whenever the City Engineer or the City Medical Office of Health is of the opinion that a person has not complied with the provisions of this section he may cause a written notice to be served on such person calling upon him to comply with such provisions within a period specified in the notice.		Applicable	Compliant	No deviation noted
	3 (4)	The Council may at its sole discretion supply refuse containers to premises if, having regard to the quantity of refuse generated on the premises concerned, suitability of such refuse for storage in such containers and the accessibility of the refuse storage area to the Council's refuse collection vehicles, it considers such containers more appropriate for the storage and removal of refuse than receptacles referred to in subsection (1).		Applicable	Compliant	Medium quantity of domestic / general waste collected at any given time.



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

	3 (5)	No container supplied by the Council in terms of sub-section (4) may be used for any purpose other than the storage of trade, domestic, industrial or garden refuse and no fire shall be lit in such container.		Applicable	Compliant	No deviation noted
	3 (6)	The provisions of these bylaws shall mutatis mutandis apply to wheeled refuse containers supplied in terms of subsection (4) as if they were receptacles referred to in subsection (1), provided that they shall remain the property of the Council and may at any time either be replaced or removed by it. In the event of their removal for a purpose other than one of a temporary nature, the occupier or owner of the premises concerned, as the case may be, shall forthwith comply with the requirements of sub-section (1).		Not -Applicable		
	3 (7)	The occupier or owner of premises shall be responsible for the safekeeping of any refuse containers supplied to his premises in terms of subsection (4) and shall be liable to the Council for the loss thereof or any damage thereto except such as has been caused by the Council's employees.		Applicable	Compliant	No deviation noted
SEWERAGE DISPOSAL BYLAWS MN 27 OF THE 14/04/99	CHAPTER 2	<u>2/4 Power to control objectionable discharge</u>		Applicable	Compliant	No evidence of these activities near storm water drains



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>1. No person shall cause or permit any solid, liquid or gaseous substance other than storm water to enter:-</p> <p>(a) any stormwater drain, stormwater sewer or evacuated or constructed watercourse</p> <p>any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provision of the national water act 1998 as amended.</p>	Make sure that no servicing of machinery or washing of machine parts or painting equipment and the like is done in the vicinity of any stormwater drainage system.			
	CHAPTER 3	<p><u>3/5 Acceptance of Sewage Delivered by Road Haulage</u></p> <p>1 An authorized officer may, at his or her discretion, and subject to such conditions as he or she may specify, accept sewage for disposal delivered to the council facilities by road haulage.</p> <p>2 No persons shall discharge into Council facilities by road haulage except with and in terms of the written by permission of an authorized officer. The charges for any sewage delivered for disposal to any Council facilities shall be assessed by an authorized officer in accordance with the prescribed tariff of charges.</p> <p>3 When delivery is by road haulage-</p>	Although organisations would probably discharge to effluent pipeline these regulations will be applicable to those who transport via road tanker.	Applicable	Compliant	Managed Municipality by



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		(a) the time of delivery shall be arranged with an authorized officer and (b) the nature and composition of the sewage shall be established to the satisfaction of an authorized officer prior to the discharge thereof and no person shall deliver sewage which does not comply with the standards laid down in terms of these bylaws.				
	CHAPTER 4	<u>TRADE EFFLUENT</u>  4/1 No person shall discharge or cause or permit to be discharged into the sewerage disposal system any trade effluent except with and in terms of the written permission officer and in accordance the provision of this chapter.  4/5 the person to whom permission has been granted in terms of this chapter shall ensure that no trade effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedule A and B of these bylaws.	Organisations must have the necessary permission needs to be obtained from the local council Sewerage Works.  Organisations are to ensure that all its trade effluent system complies with the criteria and standards set out in this by law. If any non compliance occurs then the necessary corrective action Report needs to be opened in order to close the loop.	Applicable	Compliant	No evidence of trade effluent
	SECTION 5	<u>PROHIBITED DISCHARGE INTO SEWERS</u>  5.1 No person shall discharge or cause or permit to be discharged any storm-water or other		Applicable	Compliant	No other waste or storm water discharged into the sewer system or vice versa



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>substance which is not sewage directly or indirectly into any sewer.</p> <p>5.2 No person shall discharge or cause or permit to be discharged directly or indirectly into any sewage which-</p> <ul style="list-style-type: none"><li>(a) has a temperature exceeding 43°C;</li><li>(b) has a ph value of less than 5,5 or more than 11,0;</li><li>(c) contains calcium carbide or sodium sulphate;</li><li>(d) contains any substance which gives off or produces or is liable to give or produce explosive, inflammable, poisonous or offensive gases or vapours;</li><li>(e) contains any substance which has an open flash point of less than 93°C;</li><li>(f) contains any volatile, inflammable solvents or organics solvents immiscible with water,</li></ul>				
	SECTION 6	<p><u>DISCHARGE INTO PUBLIC DRAINS AND WATER-COURSES</u></p> <p>6.1 No person shall after the fixed date discharge or cause or permit to be discharged any substance other than storm-water into any public drain, river, stream, or other water-course.</p> <p>6.2 The Municipality may, for such period and subject to such terms and conditions as it may</p>		Applicable	Compliant	No other substances discharged into storm water system except for storm water



## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

		<p>deem fit, permit any discharge prohibited by sub- section (1) of this section; provided that every substance discharged in terms of this subsection shall comply with the "General Standard" laid down in section 2 of the "Regional Standards for Industrial Effluents" promulgated under Government Notice R.553 date 5 April 1962, as amended.</p> <p>6.4 This Municipality may in order to properly assess any charge provided for in this bylaw or for the purposes of giving effect to or ensuring due and proper compliance with any of the provisions of this bylaw or of any provision, condition, restriction or requirement imposed in terms thereof, install and maintain on any premises at the cost of the owner of such premises any meter, gauge or sampling or other device for ascertaining the volume, composition or strength of or obtaining samples of any sewage or other substance discharged from such premises or any portion thereof directly or indirectly into any sewer, public drain, river, stream or other water-course or for ascertaining the volume of water supplied to or consumed on such premises or any portion thereof.</p>				
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

	SECTION 7	<p><b><u>MAINTENANCE OF TRAPS AND THE LIKE</u></b></p> <p>The occupier of premises on which any structure, chamber, tank, trap, meter, gauge, device or other apparatus has been erected or installed in terms of this bylaw or any other bylaw promulgated by the Municipality in connection with any discharge in any sewer, drainage pipe, river, stream or other waste-course or in connection with any charge provided for in this bylaw, other than any such structure, chamber, tank, trap, meter, gauge, device or other apparatus which has been erected or installed and is being maintained by the Municipality, shall keep such structure, chamber, tank, meter, trap, gauge, device or other apparatus free of any blockage and shall maintain and keep it clean so that it operates efficiently at all times.</p>		Applicable	Compliant	
	SECTION 8	<p><b><u>PRESUMPTION</u></b></p> <p>The occupier of premises shall, for the purpose of this bylaw, be deemed to be the person discharging any sewage or substance discharged from such premises.</p>		Applicable	Compliant	No deviations noted
	SECTION 9	<p><b><u>OFFENCES AND PENALTIES</u></b></p> <p>Any person who fails to comply with or contravenes any section of this bylaw shall be guilty of an</p>		Applicable	Compliant	



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		<p>offence and shall upon conviction be liable to a fine determined by the Magistrate from time to time or imprisonment as a court with jurisdiction may determine upon conviction.</p>				
MUNICIPAL NOTICE 96 OF 2021, ETHEKWINI MUNICIPALITY: STORMWATER MANAGEMENT BY-LAW, 2020	CHAPTER 2 STORMWATER SYSTEMS	<p>Protection of stormwater system</p> <p>5. (1) Subject to the written consent of the Municipality and to any conditions which the Municipality may impose, a person may not—</p> <p>(a) cause, discharge or permit to enter the stormwater system—</p> <p>(i) any solid, liquid, foul-water or gaseous substance;</p> <p>(ii) anything other than stormwater;</p> <p>(iii) anything which may damage the stormwater system;</p> <p>(iv) anything which may interfere with the operation of the stormwater system; or</p> <p>(v) anything likely to pollute or contaminate the water in the stormwater system;</p> <p>(b) obstruct, block or reduce the capacity of the stormwater system;</p> <p>(c) open a pipe, culvert or canal which forms part of the stormwater system;</p>	<p>Stormwater system should be protected, not obstructed, no discharges into the system</p>	Applicable	Compliant	No evidence of any obstruction, discharge or damage to any stormwater drains.



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		<p>(d) construct or erect any structure over or in such a position or manner as to destroy, damage, endanger, block or interfere with the stormwater system or operation thereof;</p> <p>(e) drain, abstract or divert any water directly from the stormwater system;</p> <p>(f) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the stormwater system;</p> <p>(g) change the design, the use of or modify any feature of the stormwater system which alone or in combination with other existing activities may cause an increase in flood levels or create a potential flood risk;</p> <p>(h) undertake any activity which alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk;</p> <p>(i) undertake any activity which interferes with existing stormwater system Infrastructure;</p> <p>(j) undertake any activity which will or which in the opinion of the Municipality could impair the effective functioning of the stormwater system;</p>			
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		(k) discharge water from a fountain, borehole, well, reservoir or swimming pool into the stormwater system except where required to lead away excess rainwater during an extreme storm; (l) bridge over or enclose any gutter or stormwater drain which forms part of municipal property; (m) remove manhole covers, grids and other equipment which form part of the stormwater system; and (n) undertake any activity which may result in a potential to increase, unnatural or increased soil erosion to occur or which may cause damage to another person's premises.				
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**Scheduled trade and required permits**

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
SCHEDULED TRADES AND OCCUPATIONS BYLAWS	1	No person shall erect, extend or add to any building, plant or works used, or for the purpose of using them, in connection with, or shall commence to carry on, or cause or permit to be carried on in any premises or vehicle or elsewhere in the City any of the trades, businesses, occupations or callings listed in Schedule A of these bylaws, without the written permission of the Medical	Acid works  Alkali works  Ambulance service, and removal of human remains  Ammonia works and bulk transportation  Animal and fish products processing, including the	Not Applicable		Not required for organisation.



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		<p>Officer of Health being first obtained therefor; provided that any permission issued in terms of the Offensive Trade Regulations for the Borough of Durban, promulgated under Government Notice No. 2014 published on 15 December 1921 which permission was in effect at the date of promulgation of these bylaws shall be deemed to have been issued hereunder; and provided further the requirements of this bylaw shall not apply to buildings plants, or works used for any such purpose and lawfully established before the promulgation of these bylaws or the aforesaid Regulations and which were utilised or carried on as the time of promulgations without extension, alteration or addition.</p>	<p>manufacture of meal for animal feeding</p> <p>Asbestos transportation, handling and storage, and the manufacture and bulk-storage of products containing asbestos</p> <p>Asphalt plant, permanent and mobile</p> <p>Battery manufacturing, reconditioning and servicing</p> <p>Bitumen works, including the transportation and operation of mobile bitumen kettles</p> <p>Brick and tile works</p> <p>Building services contractor (as defined in the Licences and Business Hours Ordinance, No. 11 of 1973) in respect of the base premises</p> <p>Carbon black manufacture</p> <p>Cement products and pre-mixing works</p> <p>Ceramic works</p> <p>Chemical product processing, including any</p>			
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			<p>process involving a chemical reaction</p> <p>Container washing and reconditioning works</p> <p>Crematoria</p> <p>Chrome and chromate works</p> <p>Coal bulk-storage and handling</p> <p>Distillery</p> <p>Engineering works</p> <p>Food manufactory</p> <p>Fungicide manufacture, and bulk-handling, storage and commercial usage of fungicides</p> <p>Furniture manufacture and re-conditioning</p> <p>Gas works</p> <p>Glass-fibre manufacture, storage, moulding and finishing</p> <p>Glass works</p> <p>Hazardous substances (as defined in the Hazardous</p>			
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			<p>Substances Act, No. 15 of 1973) manufacture and bulk-blending, transportation and storage</p> <p>Herbicide manufacture, and bulk-handling, storage and commercial usage of herbicides</p> <p>Hide and skin processing</p> <p>Marine food processing</p> <p>Mattress-maker</p> <p>Metal products manufacture</p> <p>Metal buffing, electroplating, enamelling and galvanising</p> <p>Milling</p> <p>Offensive trades (as defined in the Licences and Business Hours Ordinance No. 11 of 1973)</p> <p>Ore processing works, or handling and storage of ores</p> <p>Pesticides manufacture, and bulk-handling, store and commercial usage of pesticides</p> <p>Pigment works</p>			
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## ENVIRO-PROTECT SOLUTIONS – ENVIRONMENTAL LEGAL AUDIT

			<p>Quarrying</p> <p>Refining</p> <p>Refuse collection, storage, removal, processing or disposal</p> <p>Rubber moulding or vulcanising</p> <p>Sand and shot blasting</p> <p>Sandwinning (as defined in the Licences and Business Hours Ordinance, No. 11 of 1973)</p> <p>Sewage treatment, transportation or disposal</p> <p>Scrap yard</p> <p>Ship building</p> <p>Sludge works</p> <p>Spraypainting</p> <p>Stone crushing and dressing works</p> <p>Stone masonry</p> <p>Tannery</p>		
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			Teasing or shredding works dealing with coir, flock or textiles  Timber yard and works  Upholsterer  Undertaker (as defined in the Licences and Business Hours Ordinance, No. 11 of 1973)  Vegetable oil extraction or processing  Waste material salvaging, collecting, sorting, storing, treating, processing or recycling/reclaiming  Welding works  Wood pulping  Yeast manufacture.			
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#### k. INTERNATIONAL LAWS

##### The Montreal Protocol on substances that deplete the ozone layer 1987

Legislative requirement	Reference	Legal requirement	Summary of requirement	Applicability	Compliance level	Comments
THE MONTREAL PROTOCOL ON		<u>Ozone depleting substances</u>				



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SUBSTANCES THAT DEPLETE THE OZONE LAYER 1987		<p>The Montreal Protocol stipulates that the production and consumption of compounds that deplete the ozone in the stratosphere are to be phased by 2000.</p> <p>The ozone depleting substances identified as follows :</p> <ul style="list-style-type: none"><li>• Chlorofluorocarbons (CFCs)</li><li>• Halons</li><li>• Carbon Tetrachloride</li><li>• Methyl chloroform</li></ul>	Organisation must ensure that they do not produce any ozone depleting substances through the utilisation of any equipment or use of raw material onsite.	Applicable.	Compliant	The organisation has implemented measures to reduce CO2 emission from trucks. All records are maintained on file.
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## 2. LEGAL REGISTER

APPLICABLE LEGISLATION
National Environmental Management Act 107 Of 1998
National Building Regulations And Building Standards Act 103 Of 1977
National Environmental Management Biodiversity Act 10 of 2001
National Environmental Management Air Quality Act 39 Of 2004
National Water Act 36 Of 1998
Water Services Act 108 Of 1998
National Environmental Management Waste Act 59 Of 2008
Occupational Health And Safety Act 85 Of 1993
Hazardous Substance Act 15 Of 1973
Major Hazard Installations Regulation In Terms of OHS GN R 692
Hazardous Chemical Substances Regulations in Terms Of OHS GN R 1179
San 10231 Of 2010
Schedule Trade And Occupational By Laws
KZN Nature Conservation Act 29 Of 1992
KZN Health Act No 4 Of 2000
Ethekwini Municipality: Air Quality Management By-Law, 2018
Municipal Notice 96 Of 2021, Ethekwini Municipality: Stormwater Management By-Law, 2020
Refuse Removal Bylaws Pn 97 Of 1985
Sewage Disposal Bylaws Mn 27 Of 14/04/09
SA National Roads Agency Act 7 Of 1998
Spatial Planning And Land Use Management Act 16 Of 2013
Occupation Health And Safety Major Hazard Installation
Fire Brigade Services Act 99 Of 1987
Interim Code Relating To Fire Prevention And Flammable Liquids And Substances Mn 23 Of 2000.
The Montreal Protocol On Substances That Deplete The Ozone Layer 1987
National Road Traffic Act 93 Of 1996
Waste Classification And Management Regulation Gnr 634 Of 23 August 2013
Conservation Of Agricultural Resources Act No 40 Of 1983
National Forest Act 84 Of 1998
National Heritage Resource Act 25 Of 1999
Fertilizer Farm Feeds Agricultural Remedies And Stock Remedies Act No 36 Of 1947
Atmospheric Pollution Prevention Act 45 of 1965
Promotion of Access to Information Act no 2 of 2000
National Building Regulations GN R 2378
Management of Coronavirus or COVID-19 Health Care Waste 2020
Nema – Waste Act : Amendments To The Regulations And Notices Regarding Extended Producer Responsibility, 2020

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### 3. APPROVAL PAGE

**Prepared by : Enviro-Protect Solutions**

Name : Rivani Singh (HON BA Environmental Management)



Sign :

Date : 06 December 2022

**Prepared for : KDG Logistics (Pty) Ltd**

Name : \_\_\_\_\_

Sign : \_\_\_\_\_

Date : \_\_\_\_\_

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