

GN. R. 1135
GG11348
17 June 1988

REGULATIONS MADE IN TERMS OF SECTION 8 OF THE DUMPING AT SEA CONTROL ACT, 1980 (ACT 73 OF 1980)

[Amended by GN. R. 956 of 1995-06-30.]

The Minister of Environment Affairs has under section 8 of the Dumping at Sea Control Act, 1980 (Act 73 of 1980), made the regulations in the Schedule.

SCHEDULE

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall bear the meaning so assigned to it, and unless the context otherwise indicates-

Director-General means the Director-General: Environment Affairs;

permit means a permit referred to in section 3 (1) of the Act and the form of which is prescribed in Annexure 2 to these Regulations;

radio-active waste means radio-active waste as defined in section 1 of the Nuclear Energy Act, 1982 (Act 92 of 1982);

substance means a substance contemplated in section 2 (1) (b) and (c) of the Act; and

the Act means the Dumping at Sea Control Act, 1980 (Act 73 of 1980).

- 2.(1) Any person intending to dump or dispose of a substance, shall at least 45 days prior to the date on which it is intended to dump or dispose of the relevant substance, apply to the Director-General on the form prescribed in Annexure 1 of these Regulations, which is obtainable from the Chief Directorate Sea Fisheries, Private Bag X2, Roggebaai, 8012, for a permit.
- (2) Application in terms of subregulation (1) shall be made in respect of each individual dumping or disposal of a substance: Provided that if the Director-General is of the opinion that it is desirable or necessary that the dumping or disposal of a substance shall take place on a date earlier than the date on which the dumping or disposal of the substance is intended, he may determine a date on which such substance shall be dumped or be disposed of.
- (3) An application referred to in subregulation (1) shall be accompanied by an amount of R300.
3. An application for a permit to dump radio-active waste or radio-active matter contemplated in Schedule 2 of the Act, shall be accompanied by a certificate issued by the Atomic Energy Corporation of South Africa, Limited, in which the dumping of such radio-active waste or radio-active matter is approved in terms of section 51 of the Nuclear Energy Act, 1982 (Act No 92 of 1982).

4. The Director-General may, notwithstanding the provisions of regulation 2 (2), determine the period of validity of a permit: Provided that the period of validity shall not exceed a period of six months from the date of granting: Provided further that if dredging or similar activities require substance for a continuous period, the period of validity shall not exceed a period of 12 months from the date of granting.
5. If a dumping or disposal has taken place in pursuance of any exception, exemption or qualification contemplated in section 2 (1) of the Act, the master of the vessel or the pilot of the aircraft or the person in charge of the platform or other man-made structure, as the case may be, shall in reporting such dumping to the Director-General in terms of section 2 (5) of the Act, in writing furnish the following information to the Director-General:
 - (a) A full description, and where applicable, the registered name, of the vessel, aircraft, platform or other manmade structure involved, including the dimensions and mass thereof;
 - (b) the name and address of the owner of the vessel, aircraft, platform or other man-made structure, as the case may be;
 - (c) the geographical co-ordinates of the site where the dumping or disposal took place;
 - (d) a full description of the circumstances under which the dumping or disposal was made, the weather conditions and other extraordinary circumstances prevailing at the time of such dumping or disposal;
 - (e) a full description of the substance dumped or disposed of, including-
 - (i) a clear identification of the type and composition of the substance, and where applicable, the commercial name thereof;
 - (ii) the quantity of the substance dumped or disposed of (mass and number of containers);
 - (iii) whether the substance was solid, liquid or in gaseous form, whether the substance was packaged or containerised, and a description of the packaging or containers; and
 - (iv) the estimated time the substance, excluding liquids, took to sink;
 - (f) a full statement by the master of the vessel or the pilot of the aircraft or the person in charge of the platform or other man-made structure, as the case may be, on the extent to which the dumping or disposal may, in his opinion, result in a maritime hazard;
 - (g) a copy of the appropriate log-book of the vessel, aircraft, platform or other man-made structure, as the case may be, at the time of the dumping or disposal;
 - (h) the depth of the water at the dumping site and the distance of such site from the nearest land; and
 - (i) the reason why the substance has been dumped or disposed of.
6. If a permit has been granted in terms of regulation 4 for a period exceeding six months, the master of the vessel or the pilot of the aircraft or the person in charge of the platform or other man-made structure, as the case may be, shall-

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- (a) in the case of a special or general permit, within 30 days from the expiry of the permit, in writing confirm to the Director-General whether such dumping or disposal has taken place in accordance with the conditions of the permit and that the substance dumped or disposed of, was the substance described in paragraph 4 of the application;
 - (b) in the case of a special or general permit, if dumping or disposal has not taken place in terms of the conditions of such permit, inform the Director-General in writing within 50 days from the date on which the permit expired, of the reasons or circumstances why the dumping or disposal has not taken place in terms of the conditions of the permit.
 7. The holder of any office designated under section 5 (1) of the Act, shall at the request of any person affected by an act of such holder, produce to such person an identity document as defined in section 1 of the Population Registration Act, 1950 (Act 30 of 1950), and a certificate by the Director-General to the effect that he is an incumbent of an office so designated.
 8. Any person who contravenes or fails to comply with any provision of these Regulations, shall be guilty of an offence and liable on conviction to the penalties mentioned in section 8 (2) of the Act.

ANNEXURE 1

APPLICATION FOR A PERMIT IN TERMS OF SECTION 3 (1) OF THE DUMPING AT SEA CONTROL ACT, 1980 (ACT 73 OF 1980)

<p>1.(a) Name and address of applicant: Tel Telex</p>	<p>1.(b) Name of responsible contact person: Tel Telex</p>
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<p>2.(a) Name and address of producer of substance [if other than in 1 (a)]: Tel Telex</p>	<p>2.(b) Name of responsible contact person: Tel Telex</p>
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<p>3.(a) Name and address of disposal contractor [if other than in 1 (a)]: Tel Telex</p>	<p>3.(b) Name of responsible contact person: Tel Telex</p>
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4. Substance (chemical, trade, common or other name):

5. Previous dumping or disposal method:

6. Why is it necessary to dump or dispose substance at sea?

<p>7.(a) Characteristics of substance: (i) Solid: (ii) Liquid: (iii) Gaseous: (iv) Slurry: (v) Sewage sludge: (vi) Dredge spoil: (vii) Other (specify):</p>	<p>7.(b) Quantity (kg/annum): Wet mass Dry mass </p>
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8. Particulars of substance if other than dredge spoil or sewage sludge:
 (a) Arising from the manufacture of

- (b) Process giving rise to the substance (e.g. fermentation, electroplating, dipping, distillation, tanning, etc.)
- (c) Will the substance be treated before dumping or disposal? Yes No
- (d) If not, state reasons. If it will be treated, indicate process:
.....
.....
.....

9. Radio-activity:

Is the substance radio-active in terms of the Nuclear Energy Act, 1982 (Act 92 of 1982)?
 (Full particulars of radio-active substances are to be appended.) Yes No
 (Attach certificate referred to in regulation 3 of the Regulations.)

10. Physical properties of substance:

- (a) Density (kg/m³)
- (b) Colour
- (c) Odour
- (d) Solubility in seawater (solids and liquids)
- (e) Miscibility with seawater (liquids only)
- (f) Viscosity Surface tension (liquids only)
- (g) pH
- (h) Particle size distribution and settling rate
- (i) Vapour pressure (liquids only)

11. Chemical and biochemical properties:

- (a) Which substances, if any, listed in Schedules 1 and 2 of the Act are present?
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- (b) Chemical oxygen demand (mg/kg)
.....
- (c) Total organic carbon (mg/kg)
.....
- (d) Reactivity with seawater
.....

12. Chemical composition (concentrations to be expressed in units of mg/kg. Indicate whether analysis is on dry mass or wet mass basis. For negligible quantities indicate value as less than a specific concentration):

Organohalogen compounds	Ammonia
Mercury	Cyanide
Cadmium	Phenolic substances
Arsenic	Fluoride
Lead	Chlorine (not chloride)
Copper	Organosilicon compounds
Zinc	Antibiotics
Beryllium	Vitamins
Chromium	Petroleum hydrocarbons
Nickel	Animal/vegetable oil/fat
Vanadium	

13. Further information to give a complete description of substance:

14. Toxicity of substance to marine organisms:
- (a) Have any bioassay or LC₅₀ tests on the substance been conducted? Yes No
 - (b) If so, indicate by whom the tests were performed and append test results:

 - (c) Are samples presently available for testing, if required? Yes No

15. Describe hazard of substance to human health:
- (a) Oral intake
 - (b) Skin contact
 - (c) Inhalation
 - (d) Accumulative or immediate effect

- 16.(a) Frequency of dumping (daily, weekly, etc.):

- (b) Quantity for disposal on each occasion (kg):

- 17.(a) Name, number and description of dumping ship, aircraft or platform:

- (b) Port of registry
- (c) Name of master or pilot

(d) Name and address of owner
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18.(a) Proposed port/site of loading:
.....

(b) Proposed loading date(s): From to

19.(a) Coordinates of preferred dump site:
.....

(b) Depth of dump site

(c) Reason for selection of (a):
.....

(d) Proposed dumping date(s): From to

(e) Describe route from loading port/site to dump site:
.....

20. Containerisation (if containers are used furnish the following information):

(a) Type

(b) Capacity

(c) Dimensions and mass of each class of containers:
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(d) Method of sealing (bung or lid, clipped or welded):
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(e) Form of additional ballast to ensure sinking:
.....

21.(a) Method of dumping

(b) Speed of carrier during dumping

(c) Dumping rate (mass/hr)

(d) Depth and position of discharge (i.e. above or below water, etc.):
.....

(e) Carrier track while dumping

DECLARATION

I certify that to the best of my knowledge and belief the information given in this form is a correct description of the substance for which this application is made. I undertake to furnish the required Masters Report according to Regulation 6.

.....
Signature

Place

Date

Capacity

FOR OFFICIAL USE

Conditional approval

Not approved

Sea Fisheries

Health

Transport

Environment

Other (specify)

Recommendation:

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ANNEXURE 2

***SPECIAL/GENERAL PERMIT TO DUMP A SUBSTANCE AT SEA**

(Issued in terms of section 3 (1) of the Dumping at Sea Control Act, 1980)

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- 1. Your application dated refers.
- 2. Permission is hereby granted to dump the substance described in paragraph 4 of your application, at sea, subject to the following conditions:
 - 2.1 Dumping shall take place at the following position
.....
 - 2.2 This permit expires on and is not transferable or negotiable.
 - 2.3 The master, pilot or person concerned shall furnish to the Director-General the information in terms of regulation 6 of the Regulations.
 - 2.4
.....
 - 2.5
.....

DIRECTOR-GENERAL

*Delete which is not applicable.

DEPARTMENT OF ENVIRONMENT AFFAIRS

APPLICATION FOR A PERMIT IN TERMS OF SECTION 3 (1) OF THE DUMPING AT SEA CONTROL ACT, 1980 (ACT 73 OF 1980) AND THE REGULATIONS MADE IN TERMS OF SECTION 8 OF THE ACT, TO DUMP A SUBSTANCE AT SEA

Information and instructions

- 1. Five (5) copies of the application together with any supporting documents, shall be submitted to the Director-General at least forty-five days prior to the date of intended dumping. The acceptance of an application shall be subject to the concurrent payment of R250 in respect of each occasion on which the dumping of a substance is required.
- 2. Clear answers to questions must be given and blank spaces or dashes are not acceptable.
- 3. Answers to questions may be given on a separate sheet as a schedule to the application.

4. Question 6: Full reasons must be given.
5. Question 7: Heterogenous assortments of substances must be properly packaged before dumping and the density of the dump package and contents approximated.
6. Question 10: An application for the granting of a permit to dump any radio-active waste or other radio-active matter contemplated in Schedule 2 of the Act, shall be accompanied by a certificate in terms of regulation 3 of the Regulations.
7. Applicants' attention is drawn to regulation 6 of the Regulations in connection with the information to be submitted to the Director-General where a permit has been granted in terms of section 3 (1) of the Act and dumping has taken place or has not taken place due to circumstances.