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# The City Of Cape Town Integrated Waste Management By-Law; LA 18633 / 2009

Translating the National Waste Act into Municipal Action

Presented by: Susanne Dittke  
(J&G Consortium Consultant to the City of Cape Town's  
Waste Wise programme)



# In response to NEM Waste Act No. 58 of 2009.

## **Municipalities must, inter alia:**

- Include a Waste Management Plan (WMP) in the Integrated Development Plan

## **Municipalities may, inter alia:**

- set local standards which can include:
  - waste avoidance and minimisation
  - reuse, recycling and recovery targets
  - standards for control of litter



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# CoCT Integrated Waste Management By-Law:

- Regulates recovery and recycling activities aside from normal waste activities, and sets minimum requirements for waste storage and infrastructure.
- Regulates all entities that provide waste management services or generate waste.
- Accreditation will be required to ensure that all service providers abide by the City's by-laws and general environmental legislation.
- Provision for separation of waste that has value and can be recycled.



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# CoCT Integrated Waste Management By-Law

- CoCT rights - regarding waste management services
- CoCT obligations - cleaning and cleansing, collection and recovery for recycling, and processing and treatment of waste and recyclable materials, responsible disposal of waste that cannot be recovered for recycling
- The by-law also
  - provides for minimisation of waste by industries, commerce, government departments and major events organisers,
  - places an onus on businesses to provide waste and recycling information.



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# Integrated Waste Management Plans

**Any organisation generating the following kinds of waste must submit an integrated waste management plan to City:**

- (a) business waste;
- (b) industrial waste;
- (c) building waste;
- (d) event waste;
- (e) priority waste;
- (f) hazardous waste;
- (g) those applying for special dispensation in terms of section 9;
- (h) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
- (i) any other person who is given notice to do so by the Director; or
- (j) those persons carrying out activities listed in paragraph (h)



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# Duties of waste generators (s 4)

(1) A waste generator must:

- (a) avoid waste, minimise the toxicity and amounts of waste generated;
- (b) separate waste (recyclable waste separately from nonrecyclable)
- (c) re-use, recycle or recover waste where possible;
- (d) dispose of recyclable waste by either:
  - (i) contracting with the City
  - (ii) contracting with an accredited service provider
  - (iii) delivering waste to a licenced waste treatment/ disposal facility
- (e) manage waste so that it does not endanger health or the environment or create a nuisance
- (f) maintain suitable cleanliness and hygiene standards on their premises as required by the City's Environmental Health By-law;
- (i) store waste in the containers/black bags provided by the City or an accredited service provide- remove at least once a week



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## Duties of waste generators (s 4)

- (5) Exceed the volume - owner must make arrangements for the collection by an accredited service provider.
- (6) Alternatively waste generator to transport and deposit additional at a licenced waste disposal facility at own cost.
- (10) A waste generator of industrial waste must contract with a specialist accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility.
- (11) The owner must on demand prove to WM officer that suitable agreement with an accredited service provider exists
- (12) An accredited service provider for industrial waste -defined by SANS 10228 and 10229 (comply with all legislation relating to handling, transfer, storage, use, treatment and transportation of the dangerous goods and dispose of same at a licenced waste disposal facility or landfill site.

## Duties of waste generators (s 4)

- (13) A waste generator generating industrial waste shall submit an integrated waste management plan to the City
- (14) Garden waste generated at properties being used mainly for residential purposes may be composted on the property, or it may be stored in a compost heap or suitable bags as per the City's requirements
- (15) The waste generator may be called upon by the waste management officer to produce a **weighbridge ticket as proof of proper disposal of garden waste**
- (16) Any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall **not store such waste in containers provided by the City for residential waste** and shall **remove and dispose of it at a licenced crushing plant or landfill site or any other licenced building waste disposal facility.**



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## Generators of builders rubble (part of s 4)

(17) When building plans are submitted:

- (a) an integrated waste management plan setting out what provision is made for collection and disposal of the building and other waste;
- (b) what provisions are made to store the waste on their property; or
- (c) provide a permit to store the waste on the City's property.

(18) Contaminated building or other waste where the contamination agent is hazardous or dangerous to be disposed of at licenced waste disposal facility

(19) The owner of the facility where building rubble is disposed of shall provide a monthly report to the waste management officer including weights

(20) The waste generator/owner of the property on which waste is generated who deposits or stores waste on property of the City may be fined for failure to have or produce a permit for such deposit or storage.



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## Generators of builders rubble (part of s 4)

- (21) Building control officer to check building waste disposal as part of overall inspection
- (22) The owner of the property referred to in subsection (21) will be required to provide the building control officer with proof of a weighbridge certificate showing that **full mass** of the building rubble was disposed off at a licenced waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.



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## Hazardous waste (s 5)

- Generator of hazardous waste and owner of property where hazardous waste is generated must contract with accredited service provider to collect and dispose of such waste at licenced hazardous waste disposal facility



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## Event Waste (s 6)

- **Integrated waste management plan** to be submitted in respect of the storage, collection, recycling and disposal of waste at and after such event at least five working days prior to the proposed event to City's waste management officer
- Event manager must contract with accredited service provider and provide proof of this as part of Event IWM plan



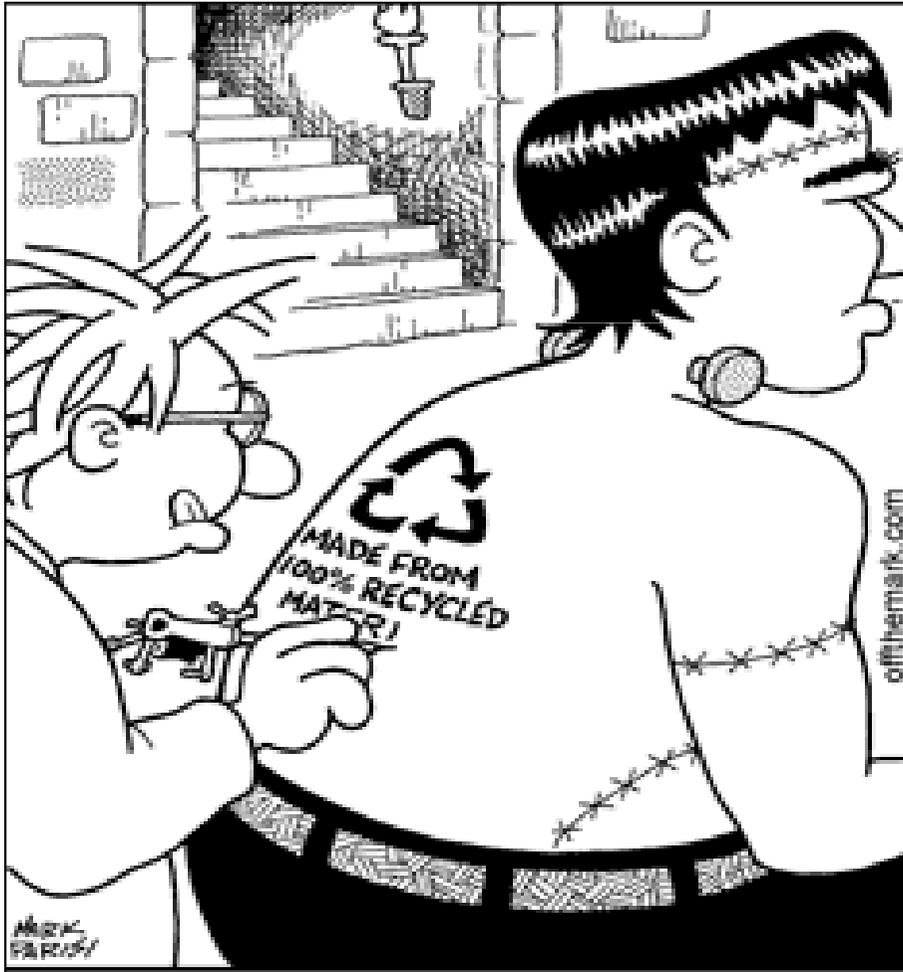
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## Priority Waste (s 7)

- May be identified by Director



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## Formal WMC's (s 9)

- Formal waste minimisation clubs (WMCs) may be established in communities or businesses
- Requires submission of IWMP for Director's approval
- Note: By-law does not deal with the modus operandi of how to set up a WMC or financial implications thereof , but the concept and methodology is well established already:
- Publication: *A Guide to Establishing and Managing Waste Minimisation Clubs in South Africa*; by Susan Barclay and Chris Buckley; Water Research Commission **WRC Report No TT 283/06 DECEMBER 2006**



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# Storage and Transportation of Waste (s 12)

## (1) Any holder of waste who stores or transports waste must ensure that:

- (a) the container in which any waste is stored is intact
- (b) suitable measures are in place to prevent accidental spillage or leakage
- (c) the waste cannot be blown away;
- (d) nuisances such as odour, visual and health impacts do not arise;
- (e) pollution of the environment and harm to health are prevented;
- (f) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering; and
- (g) any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorised persons or members of the public.

## (2) The waste generator and the holder of waste must ensure that waste is transported to the nearest licenced disposal facility that has capacity to deal with the waste.



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## Recycling, re-use, sorting and recovery of waste (s 13)

- Any person who undertakes a recycling, re-use or recovery activity or who sorts waste (including scrap dealers, buy back centres and formalised recycling groups) must:
  - Before undertaking that activity, make sure by way of an EIA or similar procedure that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal
  - Obtain accreditation from the City in terms of the guidelines
  - Submit an IWMP
  - Submit reports by 7th of each month
  - City may exempt recyclers etc from such requirements



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# Prohibition of unauthorised disposal of waste (s 14)

## No person may:

- (a) dispose of waste in a manner likely to cause pollution of, or have an impact on, the environment or to be harmful to health;
- (b) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (c) dispose of hazardous waste in a container provided by the City that is designed for the storage of residential or business waste or in bags to be collected by the City;
- (d) burn waste especially hazardous waste except in approved incinerators which have a permit or licence to do so;
- (e) dispose of hazardous waste, unless in accordance with an approved integrated management plan;
- (f) deposit residential, business, industrial, garden, building or hazardous waste in a public litter bin; or
- (g) deal with waste in a manner that causes dust, spillage or litter.



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# Littering and Dumping (s 15)

- (1) No person may drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream, water course, street, road, wetland, coastline or on any place to which the public has access, or otherwise dispose of it **nor may they allow a person under their control to do so.**
- (2) Owner of private land with public access ensure sufficient containers
- (3) If contravened, Director may request that
  - (a) they cease the contravention, in a specified time;
  - (b) they prevent a further contravention or the continuation of the contravention;
  - (c) take whatever measures the Director considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment,
- (4) The Director may in respect of the notice contemplated in subsection (3)(c) state that the person must, within a maximum of 5 working days
  - remove the waste or litter, provided the Director may grant a further 2 days, on request of the person, to remove the litter or waste.



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## Littering and Dumping (s 15)

- (5) A person who owns land or premises, or who is in control of or has a right to use land or premises, **may not use or permit the use of the land**
- for unlawful dumping of waste
  - must take reasonable steps to prevent
- (6) If the City elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation.
- (7) In the case of hazardous waste, the City shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.



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## Waste management services (s 17)

- All persons collecting or removing waste must have a contract to do so with City or accredited service provider.
- Businesses have option to contract with City for waste collection and removal services, or with accredited service provider.
- Industries, including those that produce hazardous waste, due to specialised nature of waste produced in these sectors, must contract with private sector accredited service provider
- Residents must be registered for waste collection and removal services provided exclusively by City or its contracted accredited service provider, unless Council authorises otherwise.



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## Compliance notice (s 20)

- Waste management officer may issue notices to any person contravening the By-Law
- Failure to comply allows WMO to take whatever steps required –e.g. Clean up
- Recover cost from offender
- May enforce closure if danger through waste (e.g industrial or priority type)
- Notice receiver either: offender, generator of waste, land owner, person in control of land at given time



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## Failure to comply (s 22)

- Failure to comply is treated as an offence following IWM by law but using Section 56 notice from the Criminal Producer Act (basically serving as a “summons”)
- Request for offender to submit report to WMO
- Failure to supply report- external party can be appointed and recovery cost from offender
- If person suspected to be repeat offender also external party appointment possible
- Recommended action to be taken as part of report to be financed by convener of offence



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## Offences and Penalties (s 23)

**(1) A person who contravenes sections 12(b), 12(f), 15(1) shall be guilty of an offence and shall on conviction be liable for:**

- (a) littering or dumping over 8m<sup>3</sup> of waste or hazardous waste;
- (b) spillage or leakage over 8m<sup>3</sup> of waste without putting in place suitable measures;
- (c) conveying of an uncovered load of hazardous waste of any volume;
- (d) conveying of an uncovered or unsecured load which results in spillage over 8m<sup>3</sup> of waste or hazardous waste,

such fine or imprisonment as the court may deem appropriate and measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.



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## Offences and Penalties (s 23)

- (2) Person who induces or force an employee of the City or other person to commit an offence is guilty
- (3) Person who induces an employee of the City to collect /dispose of waste without the correct payment/method is guilty
- (4) Waste generator who fails to submit or comply with an IWMP in terms of this By-law is guilty of an offence.
- (5) Any person as described under (2) to (4) shall on conviction be:
  - liable for the payment of a minimum fine of R500 but not exceeding R10 000 or imprisonment for a minimum period of 6 months but not exceeding 2 years, or to both such fine and such imprisonment.
- (6) The court may in addition to any penalty imposed in terms of subsection (5), order a person to repair and finance the damage, make good the loss, rehabilitate



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IT'S REALLY A SHAME TO HAVE  
ALL THAT WASTEFUL PACKAGING...



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Thank You

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