

BCMM COUNCILLORS' WORKSHOP

OVERVIEW OF THE

INTEGRATED WASTE MANAGEMENT BY-LAW

13 APRIL 2021



BUFFALO CITY
METROPOLITAN MUNICIPALITY

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DEFINITIONS, OBJECTIVES & PRINCIPLES



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- **Definitions** of the words or expressions is the same as in the National Environmental Management: Waste Act 59 of 2008 as well as in the Municipal Systems Act 32 of 2000.
- **Objectives** of the bylaw is among others to give effect to the constitutional right regulating waste management in the country and the municipality. It also aims to promote and ensure effective waste services delivery.



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- **Principles** of the bylaw are in accordance to the National Environmental Management: Waste Act 59 of 2008 and the National Waste Management Strategy by promoting:
 - waste management hierarchy approach encouraging waste diversion from landfill disposal towards recycling, reuse, reduce, recovery and treatment of waste.
 - Participation of municipal residents in promoting responsible citizenship by ensuring acceptable waste management practices within their residential environments and entire metro.
 - Sustainable development and environmental justice



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- **Principles of the bylaw also call for:**
 - **General duty of care** whereby every person or persons working under his or her direction conducting activities that generate waste must ensure that waste generated is managed in accordance to the requirements of the Waste Act and all the relevant regulations.



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SERVICE PROVIDERS

- As per the Municipal Systems Act or any other relevant legislation, the City may assign a Service Provider through a **service delivery agreement** to discharge waste services but **the City remains accountable** and bound by the provisions of the bylaws even in those circumstances.



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PROVISION OF WASTE SERVICES



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STORAGE & RECEPTACLES

- Any **person or owner of premises** where waste is generated must ensure that such **waste is stored in receptacles provided or approved by the municipality.**
- The receptacle must be covered, stored in the yard, away from the public, waste must not cause pollution, nuisance, odour and breeding of vectors.
- The receptacles must be stored in such a way that it can not be tampered with by animals and that leakages or spillages are prevented.



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COLLECTION & TRANSPORTATION

- **The City may collect waste as follows:**
 - Waste is stored in approved receptacles,
 - in accordance to collection schedule. If outside collection schedule i.e. per request by a person, this would be done at a fixed tariff prior to collection
- **The City can also:**
 - Set maximum quantities of waste that will be collected
 - Identify waste streams that may be collected.



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- **In cases where any person is transporting the waste within the City the following must be ensured:**
 - Transporter must be registered with the City and adhere to registration conditions.
 - Receptacle must be of adequate size and design for the waste to be transported
 - Receptacle and transport must be clean and sanitised at all times.
 - Vehicle must be solely for that purpose.
 - No waste must be detached, fall or leak. Pollution or nuisances must be prevented
 - Waste must deposited at a licenced transfer station, recycling and / or disposal facility to accept such waste.



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TRANSFER STATIONS

- The City realizes the importance of transfer stations as part of the waste management system to minimize the trips to the landfill sites and enhancement of diversion of waste to beneficial uses like recycling, composting etc.
- The City is currently upgrading the transfer stations so that they comply with legal requirements.
- As the coastal region is furthest from the landfill site, the City has started by upgrading the Kidds Beach and Kaysers Beach transfer stations.
- The City is also developing mini transfer stations / drop off points at the wards level for garden waste, building waste and with time recyclable waste will be accepted on these sites.
- The appropriate waste transfer station must be utilised as directed by the City.
- The waste holder must observe the operational procedures of such facilities as directed by the City.



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WASTE DISPOSAL

- The City has 2 permitted landfill sites: Roundhill and King Williams Town (KWT) landfill sites.
- The City has rehabilitated Roundhill site to more than 80% compliance. In the 2021/ 2022 financial year the City will continue upgrade of KWT landfill site towards compliance.
- To ensure continuous compliance the City is establishing transfer stations and mini transfer stations to minimise waste going to landfill sites, improve their compliance.
- The waste disposal sites (landfill sites) must be utilised as directed by the City.
- The waste holder / users of the sites must observe the operational procedures of such facilities as directed by the City.
- Private waste disposal site within the City must comply with all the relevant legislation and local norms and standards governing waste management .



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RECYCLING OF WASTE

- A person undertaking reduction, reuse, recycling or waste recovery including buy back centre, scrap dealing or a formal recycling group must:
 - notify the City in writing of such an activity.
 - adhere to the national or provincial relevant legislation, e.g. separate and provide receptacles for the recyclables.
 - The provided receptacles may not be used for other purposes other than recyclables.
 - The City has done waste characterization and found that about 40% of BCMM waste is packaging waste, therefore recycling is encouraged.
 - The City has partnered with BCMDA to initiate recycling programme, e.g. construction of buy-back centre.



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WASTE INFORMATION

- A person undertaking activities identified in the National Waste Information system must present to the City a proof that they are registered and reporting the required information onto that system.
- The City may also require information on any facility on waste management in order to facilitate effective waste management within the City.
- The City has installed weighbridge facilities in the landfill sites to obtain details on volumes of waste received, waste generators except households will be required to report on the waste they generate on a monthly basis.



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REGISTRATION OF WASTE TRANSPORTERS

- A person undertaking waste transportation for gain must register with the City and observe all the registration requirements in terms of e.g. fees, renewal intervals, types, minimum standards to be complied with and thresholds of waste transported.



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REGISTRATION OF WASTE TRANSPORTERS

- A person undertaking waste transportation for gain must register with the City and observe all the registration requirements in terms of e.g. application forms, fees, renewal intervals, types, minimum standards to be adhered to.



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LISTED WASTE MANAGEMENT ACTIVITIES

- A person undertaking waste management activity listed per Section 19 of the Waste Act 59 of 2008 must provide proof of compliance with the requirements of a licence issued by the competent authority.
- Any person intending to conduct such activities must inform the City in writing at least 60 days before commencement of the activity, e.g. construction of a shopping mall, telephone towers, incineration plant, stadiums, mining activities etc.



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GENERAL PROVISIONS



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GENERAL PROVISIONS

- The bylaw also makes provisions for among others the following:
 - Facilities for prohibition of litter – receptacles for litter must be provided
 - Prohibition of burning of waste – waste burning in public or private place. Only licenced incineration is allowed.
 - Prohibition of nuisance
 - Prohibition of harm, damages
 - Unauthorised disposal / illegal dumping – no person is allowed to accumulate, deposit waste whether for gain or not in a drain, roadside, public footway including private land.



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GENERAL PROVISIONS

The bylaw also makes provisions for among others the following:

- Liability to pay applicable tariffs- owner of the premises wherein the City is providing is liable for payment of prescribed tariffs and is not exempt from such due to non-usage or partial use thereof.
- On site disposal, whereby the City can declare an area for onsite disposal where a waste service is not already provided.
- Storage, collection, composting and disposal of garden waste e.g. composting must not cause nuisances like odours, vermin and health risks.



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GENERAL PROVISIONS – BULKY WASTE

- The bylaw also makes provisions for among others the following:
 - Collection and disposal of bulky waste – a generator of this waste must ensure that this waste is collected, recycled and disposed of in a designated facility, in a case where it is removed by the City, the owner must pay for such service.



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GENERAL PROVISIONS – BUILDING WASTE

- The bylaw also makes provisions for among others the following:
 - Owner must ensure that all waste and containers are kept in their premises, if blown away must be promptly retrieved.
 - Owner may apply and pay the City for the removal services of the said waste.
 - If owner requested placing of the receptacle in a demarcated area outside their premises the receptacle must be covered at all times, must have chevron or reflectors and ensure that it does not cause harm or nuisance.



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GENERAL PROVISIONS – HAZARDOUS WASTE

- The bylaw also makes provisions for among others the following:
 - Generator of hazardous waste, industrial or health care risk waste must contract an accredited service provider to collect and dispose of such waste and ensure that the facility where that waste is disposed of is authorized to accept such waste



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ADMINISTRATIVE MATTERS, COMPLIANCE AND ENFORCEMENT

The By Law also provides for :

- Appeals – any person whose rights are affected by a decision taken in terms of this by law may appeal against that decision through a notice in terms of Municipal Systems Act of 2000 to the City Manager within 21 days of that decision.
- Offences - any person who fails to comply with any provisions of this by law is guilty or shall be guilty of an offence



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ADMINISTRATIVE MATTERS, COMPLIANCE AND ENFORCEMENT

- Penalties – any person who contravenes the provision of this by law is guilty of an offence and liable to imprisonment for a period of not exceeding 15 years or to a fine or both.
- Repeal of the By Laws – any by law relating to waste management within the city is repealed from the date of promulgation of these by laws
- Review of the By Laws – reviewed after every 3 years



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Conclusion & Way Forward

- **Following promulgation of the bylaw, the City will undertake the following:**
 - Designation of Peace Officers to ensure compliance and enforcement of the bylaw.
 - Community awareness raising on the requirements of the bylaw.



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Thank
you

