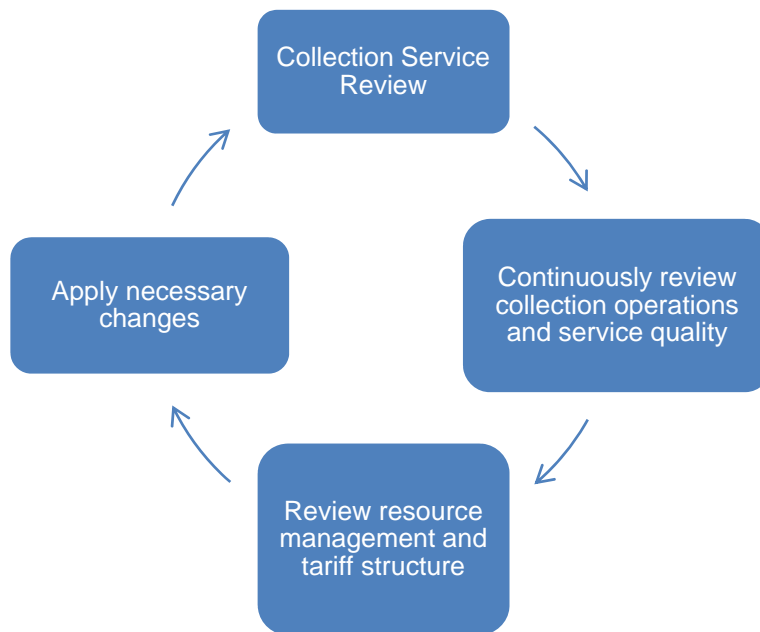


4.6 IMWP GOAL 6: ENSURE SAFE AND INTEGRATED MANAGEMENT OF HAZARDOUS WASTE

Goal 6: Ensure safe and integrated management of hazardous waste						
Objectives/Targets	Actions/Cost Estimates					
	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019 AND ON
Provide education and management options for hazardous wastes. Ensure legal compliance by hazardous waste generators and transporters. Ensure the monitoring of the incoming waste stream at disposal facilities.	The public must be informed about household hazardous waste and the avoidance, reduction and disposal options available to them regarding these wastes. This forms part of Goal 1 of this plan. Provision has been made at the transfer stations to allow household hazardous waste to be offloaded.					
	As part of Goal 2 of this plan, the registration and reporting of hazardous waste generators at the Municipality will allow the Municipality as the service authority to ensure that the waste is stored, transported, treated or disposed as is legally required.					
	Monitoring of waste: It must be ensured that waste management employees are familiar with the latest legislation regarding hazardous waste, the identification thereof and the disposal options that are legal. Employees at waste management facilities must be able to identify the received waste loads and prohibit the disposal or offloading where required. The incoming waste loads at disposal and waste management facilities must be monitored.					

4.7 IMWP GOAL 7: ENSURE SOUND BUDGETING FOR INTEGRATED WASTE MANAGEMENT

Goal 7: Ensure sound budgeting for integrated waste management						
Objectives/Targets	Actions/Cost Estimates					
	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019 AND ON
Ensure that upcoming implementation actions are in the budget. Explore sources of funding.	The Municipality will ensure that there is sufficient provision in the budget for upcoming projects and action items. This can be done with the annual IWMP implementation programme review and project evaluation.					
	The Municipality will explore other sources of funding.					
	The Municipality will as part of Goal 3 ensure that the service delivered is cost efficient.					



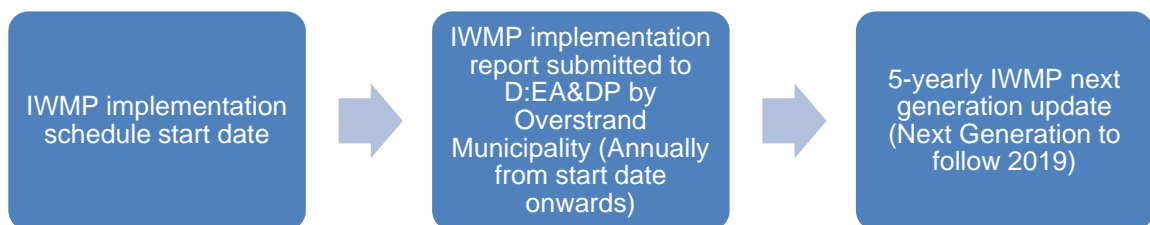
5. IWMP MONITORING AND REVIEW

For the IWMP to be an effective and relevant tool and guide for integrated waste management in the Overstrand Municipality, it will need to be monitored and reviewed. Monitoring relates to the goals and targets set out in the IWMP and whether they are being achieved or pursued. Reviewing relates to the document and the projects themselves which will require regular updates to stay up-to-date, specifically the implementation items of Section 4. The proposed implementation schedule as well as allocated budget may change at any time and these changes, if any, need to be reflected in the reviewed IWMP to avoid confusion.

The following diagram illustrates the initial review cycle when a new IWMP is developed:



The date on which the final IWMP document is approved, must be recorded and will serve as the base date on which further monitoring and review dates are based. This is also the start date of the approved implementation schedule. The following diagram illustrates the review steps that must be followed after the final IWMP is published.



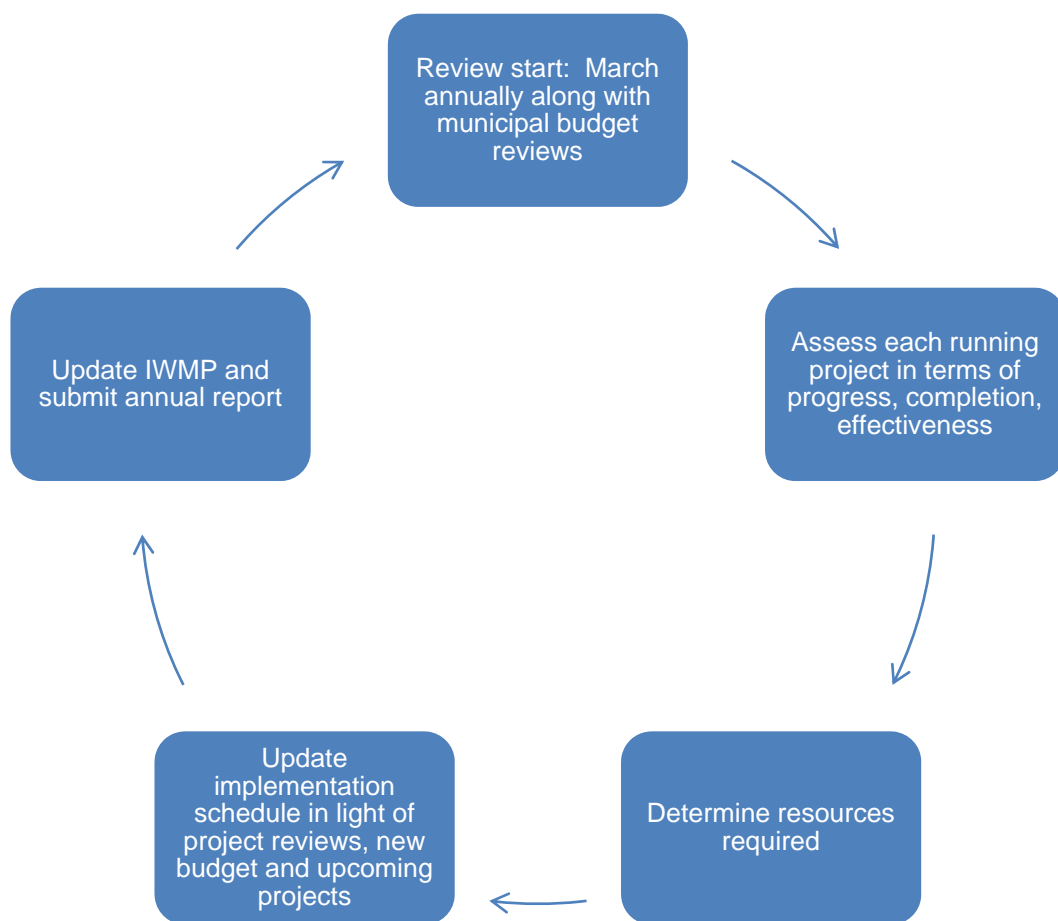
The annual implementation reports will be submitted by the Overstrand Municipality and will be compiled by the Waste Management Officer, or to whom the task is delegated by him. The annual report must contain the approved implementation items and dates of the IWMP and the progress thereof of the past year. Based on the progress and possible new budget allocations, the implementation schedule of the IWMP must be updated and included in the annual report. This new implementation schedule must provide for 3 upcoming years from the report date.

The progress of each task on the implementation schedule, if under way according to the schedule for that year, must be summarised and the estimated completion date must be updated. The reasons for the lack of progress or practical difficulties must be stated along with a summarised action plan to adhere to the schedule as close as possible.

The report must further discuss the effectiveness of completed projects. For example, when a new weighbridge has been commissioned, the collected data must be reported on and added to the IPWIS. Also the participation rates of source separation can be monitored along with the public awareness and education campaign. See **Annexure 4** for an example of a project review form which can be used to track the success and effectiveness of the waste management projects and added to the annual report.

Wherever issues are reported or identified in the projects, these issues must also be evaluated in terms of the relevant legislation and by-laws. It must be stated if there is relevant legislation applicable to the issue and if so, was it the lack of enforcement, for example, that caused the issue. If no relevant legislation exists, it must be noted to adapt the by-laws accordingly in future revisions.

Below is the proposed review cycle of the IWMP and its projects:



6. **CONCLUSIONS AND RECOMMENDATIONS**

6.1 **CONCLUSIONS**

The Project Team, with the assistance of Municipal Officials and private entities, has undertaken an analysis of the current municipal solid waste management activities within Overstrand Municipality.

The analysis has shown that the Overstrand Municipality has through the years committed themselves to the delivery of a collection and disposal service for all its residents. In recent years the more sustainable approach with regard to waste minimisation and reduction, especially in the private sector, has been adopted and is to be expanded in the upcoming years.

The chapters of this Integrated Waste Management Plan describe the way in which the municipality is currently conducting solid waste management and how to strategically move towards a sustainable waste management system whereby the focus will shift to the avoidance and reduction of waste rather than to the disposal thereof. It also lists the strategies of the municipality in terms of waste avoidance, waste reduction and waste disposal.

During the process of the implementation of the municipality's IWMP, and arising from the public consultation process that is forthcoming, further input and/or corrections to the report may come to light that will then be added as a revision to the report.

The analysis of the current waste management system has shown the following:

- all formal and informal residential erven are receiving weekly waste collection services
- waste collection services are not available to farms; the farmers offload their waste at the drop-offs, landfills and transfer stations
- collected municipal waste is disposed at the Gansbaai landfill directly or via the various transfer stations and drop-offs. Chipped garden waste is composted at the Karwyderskraal landfill. The Karwyderskraal landfill will receive municipal waste after construction of the new cell in 2015.
- most healthcare risk wastes are managed by private contractors
- recycling is done by private recyclers at the Hermanus and Gansbaai MRFs and source separation is practiced.

The strategic objectives for integrated waste management in Overstrand Municipality can be summarised as follows:

- To ensure that Waste Management in the Overstrand Municipal Area complies with South African and International environmental standards so that it is beneficial to industrial and agricultural growth and the public's right to a clean and healthy environment.
- To minimise the entrance of material of value into the waste stream.
- To reduce all waste so that nothing of value nor anything that can decompose, gets disposed.
- To store, dispose or treat all waste that cannot be avoided nor reduced at licensed facilities with regular operational and environmental monitoring and in accordance with regulatory requirements.

For these strategic objectives to be met, a series of implementation instruments (action plans) will need to be implemented. These implementation instruments as well as time framework within which it should be addressed are described in this report but need to be fully detailed at a later stage. The instruments are the following:

- Public Awareness and Education
- Improving Waste Information Management
- Effective Solid Waste Service Delivery
- Promoting and Ensuring Waste Minimisation
- Improving Regulatory Compliance
- Integrated Management of Hazardous Waste
- Ensuring Sound Budgeting for Integrated Waste Management

The above instruments, through implementation via their action plans, will ensure that waste management in Overstrand Municipality focuses on avoidance and reduction rather than collection and disposal, but simultaneously maintaining the practical balance between the various waste management functions.

Since the highest priority for transforming the current management system is undoubtedly depending on public acceptance and ownership, the Public Awareness and Education instrument will receive preference in the implementing framework.

6.2 RECOMMENDATIONS

A comprehensive analysis and assessment of solid waste management in the Overstrand Municipal area has been done and key strategies have been determined to aim the municipality towards sustainable and integrated waste management.

It is therefore recommended that the next stage of the process of implementing the Integrated Waste Management Plan be proceeded with, that entails the consultation process with the public and the

development of detail action plans and key performance indicators for future monitoring of the municipality's successes in waste management service delivery.

Public Awareness

The first step in educating the public about waste is to make them aware of any new waste management procedures and facilities available to them.

Another reason to focus on educating the public will cause a greater awareness of waste minimisation. This will reduce waste generation rates which will in turn reduce transport volumes and costs. It is important to also provide feedback to the public of the success of their efforts, for example publishing month to month volumes of waste diverted from being landfilled.

To reduce the contamination of recyclables, the source separation strategy can be expanded where feasible.

Waste Collection and Transport

The current collection service and its composition should be reviewed. Part of the Overstrand collection fleet is due for replacement and it must be ensured that the appropriate vehicles are acquired. This can be done by reviewing the function and route of each vehicle. It has been shown that where an appropriate vehicle is used, it can replace several inappropriate vehicles used for the same function.

This possible reduction in fleet size can ultimately reduce labour and transport costs by vast amounts per annum as well as improve efficiency.

Waste reduction

Waste reduction in the Overstrand is very good and diversion rates of over 30% have been achieved. When the required funds are available, this rate can be maintained.

Waste Disposal

It must be ensured that all waste management facilities are regularly audited as stipulated in each waste License. Regular audits will ensure that these facilities are operated correctly and efficiently. Ensuring the correct operations will maximise the results of efforts of waste reduction and recovery and therefore the benefits thereof.

The following items must be included in the Overstrand Municipality IDP:

- The rehabilitation of the Onrus, Hermanus, Hawston, Fisherman's Haven, Voëlklip and Stanford landfills
- The construction of a weighbridge at the Kleinmond transfer station

ANNEXURE 1

D:EA&DP INTEGRATED WASTE MANAGEMENT PLANNING CHECKLIST



INTERGRATED WASTE MANAGEMENT PLANNING

CHECKLIST FOR THELOCAL MUNICIPALITY

FEBRUARY

2014



SECTION 1: GENERIC INFORMATION				
Category of the municipality		A	B	C
Date of Submission				
Name of the municipality				
Section or Department within the municipality responsible for drafting the IWMP				
Contact details of "Responsible Person" in the Municipal Department		Contact details of Alternate contact person from Municipality		
Name:		Name:		
Tel:		Tel:		
Fax:		Fax:		
Cell:		Cell:		
Email:		Email:		

Integrated Waste Management Plan Review Form (IWMP) / Checklist

Please answer the following questions by placing a (X) in the appropriate block. Only submit your IWMP for approval once you have answered YES to all the questions below.

CHECKLIST QUESTIONS	YES	NO
SECTION 1 INTRODUCTION AND GENERAL DESCRIPTION		
1.1) Does the Intro and general description includes overall aim, strategic goals and scope, of the IWMP?		
1.2) Does the IWMP indicate the geographical coverage of the plan?		
1.3) Does the IWMP indicate the Geo-physical and Geo-hydrological conditions in the municipality?		
SECTION 2 STRATEGIC LINKAGES		
2.1) Does the IWMP show linkages with the WC IWMP?		
2.2) Does the IWMP show linkages with the SDF?		
2.3) Does the IWMP show linkages with the IDP?		
SECTION 3 PUBLIC PARTICIPATION		
3.1) Is there a detailed public participation program included in the IWMP? (i.e. date, location and amount, number of PP session's, type of PP(newspapers, meetings), (participants)		
3.2) Does the IWMP provide proof of PP i.e. attendance registers, comments received and response given?		
SECTION 4 IWMP STATUS QUO OR SITUATION ANALYSIS		
4.1 LEGISLATION		
4.1.1) Does the IWMP identify all existing legislation and policies, which is applicable to integrated waste management including the local municipal by-laws?		

<p>4.1.2) Does the IWMP indicate which existing local government by-laws that influence waste management practices are currently being reviewed or in the process of being reviewed?</p>		
<p>4.1.3) Does the Status Quo identify any international agreements</p>		
<p>4.2 DEMOGRAPHIC PROFILE</p>		
<p>4.2.1) Does the Status Quo indicate the existing demographic profile of the municipality w.r.t total population of the area,</p>		
<p>4.2.2) Does the Status Quo indicate the existing demographic profile of the municipality w.r.t projected population and growth rate of the area,</p>		
<p>4.2.3) Does the Status Quo indicate the existing demographic profile of the municipality w.r.t population distribution</p>		
<p>4.2.4) Does the Status Quo indicate the existing demographic profile of the municipality w.r.t socio-economic categories including income levels</p>		
<p>4.2.5) Does the Status Quo indicate the existing demographic profile of the municipality w.r.t development profiles</p>		
<p>4.3 WASTE MANAGEMENT COST AND FINANCING</p>		
<p>4.3.1) Does the IWMP include a detailed breakdown of current operational and capital budget?</p>		
<p>4.3.2) Does the IWMP include a detailed breakdown of current operational and capital expenditure?</p>		

4.3.3) Does the IWMP indicate the current breakdown of income (e.g. tariffs, fines for waste management)		
4.4 SERVICES AND SERVICE DELIVERY		
4.4.1) Does the IWMP indicate the level of free basic services		
4.4.2) Does the IWMP indicate the level of services to Formal residential houses		
4.4.3) Does the IWMP indicate the level of services to informal settlements.		
4.4.4) Does the IWMP indicate the level of services to farms		
4.4.5) Does the IWMP indicate unserved areas		
4.5 COMPLIANCE AND ENFORCEMENT		
4.5.1) Does the Status Quo identify licensed and unlicensed waste management facilities and has provision been made for the licensing, closure and rehabilitation of these facilities in the IWMP.		
4.5.2) Does the IWMP indicate if landfill sites, recycling, drop-off and buy-back centers are in compliance with license conditions?		

4.5.3) Does the Status Quo provide a summary of waste related complaints (i.e. number and type)		
4.5.4) Does the Status Quo indicate the available annual air space and remaining life expectancy of the waste management facilities.		
4.5.5) Does the Status Quo identify contaminated land (unpermitted landfills prior to ECA) and indicate remediation measures to reduce the risk of harm to health or the environment.		
4.5.6) Does the IWMP address how informal salvaging, if any, on existing landfill facilities are going to be formalized, controlled or eliminated and does the permit/license or environmental authorization make provision for it, or do they indicate if the existing authorizations are to be amended.		
4.6 WASTE CHARACTERISATION		
4.6.1) Does the IWMP include waste generation quantities and types for general and hazardous waste from households		
4.6.2) Does the IWMP include waste generation quantities and types for general and hazardous waste from industry		
4.6.3) Does the IWMP include waste generation quantities and types for general and hazardous waste from business		
4.6.4) Does the IWMP include waste generation quantities and types for general and hazardous waste from Farms		
4.6.5) Does the IWMP include waste generation quantities and types for general and hazardous waste from Other institutions e.g. health care facilities		

4.6.6) Does the IWMP include projected waste generation quantities?		
4.7. WASTE MINIMISATION		
4.7.1) Does the Status Quo indicate any waste minimisation (reuse, recycling, recovery, treatment) initiatives as mandated in the NEM: WA within your municipal area including private sector initiatives?		
4.7.2) Does the IWMP include waste minimisation quantities and types for general and hazardous waste?		
4.8. ORGANISATIONAL STRUCTURE AND STAFF CAPACITY		
4.8.1) In accordance with Chapter 3 of NEMWA has a waste management officer been designated in writing to be responsible for coordinating matters pertaining to waste management in the municipality?		
4.8.2) Does the IWMP indicate the entire waste staff (management, supervisor and labourers) complement including any staff vacancies and plans to fill vacant posts.		
4.9. WASTE AWARENESS AND EDUCATION		
4.9.1) Does the IWMP provide information(campaigns) on waste awareness and education		
4.10 WASTE INFORMATION MANAGEMENT		

4.10.1) Does the IWMP indicate the Status of registration and reporting of waste management facilities on IPWIS.		
4.10.2) Does the IWMP indicate the use of a waste quantification system?		
5. GAP AND NEED ANALYSIS		
5.1) Does the IWMP indicate a gap analysis (analysis and identification of issues, problems or shortcomings or challenges within the municipality w.r.t waste management.		
6. OBJECTIVES AND TARGETS		
6.1) Does the IWMP set short, medium and long-term objectives and targets? If yes, are these objectives specific/measurable/achievable/realistic/time-based (SMART)?		
7. IWMP IMPLEMENTATION		
7.1) Is there a detailed implementation plan identifying activities together with both human and financial resources and timeframes.		
7.2) Does the Implementation plan address how the IWMP will be integrated with the Integrated Development Plan (IDP)?		
8. MONITORING AND REVIEW		
8.1) Does the IWMP introduce mechanisms to monitor the effectiveness of the implementation of the IWMP and to take corrective actions if the targets are not met?		

Score:

Percentage:

ANNEXURE 2

OVERSTRAND SOLID WASTE BY-LAWS

OVERSTRAND MUNICIPALITY**INTEGRATED WASTE MANAGEMENT BY-LAW, 2013**

To regulate the provision of solid waste services in the area of jurisdiction of the Overstrand Municipality and to provide for matters connected therewith.

Be it enacted by the Municipal Council of the Overstrand Municipality, in terms of Section 156(2) of the National Constitution read with Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as follows:-

**CHAPTER 1
GENERAL PROVISIONS**

1. Definitions and interpretation
2. Principles
3. Main objects
4. Duties and obligations

**CHAPTER 2
INTEGRATED WASTE MANAGEMENT**

5. Waste management plans
6. Waste information system
7. Waste minimisation and recycling
8. Waste management activities

**CHAPTER 3
COLLECTION OF REFUSE**

9. Levels of service
10. Agreement of service
11. Frequency
12. Volume
13. Receptacles
14. Communal collection
15. Collection in rural areas
16. Recycling
17. Accumulation of waste

**CHAPTER 4
HANDLING DIFFERENT TYPES OF WASTE**

**Part 1
Garden Waste**

- 18. Composting
- 19. Disposal of garden waste

**Part 2
Bulky Waste**

- 20. Removal and disposal

**Part 3
Building Waste**

- 21. Plans and inspection
- 22. Generation and storage
- 23. Removal and disposal

**Part 4
Special Industrial, Health Care and Hazardous Waste**

- 24. Notification and verification
- 25. Storage
- 26. Collection and disposal

**Part 5
Industrial Waste and Special Waste**

- 27. Storage
- 28. Collection and disposal

**Part 6
Tyres, Disused Vehicles or Machinery and Scrap Metal**

- 29. Storage and disposal

**Part 7
Recyclable Waste**

- 30. Storage, collection and disposal

**Part 8
Agriculture and Farm Waste**

- 31. Disposal

**CHAPTER 5
TRANSPORTATION AND DISPOSAL**

**Part 1
Transportation of Waste**

- 32. Safe transportation
- 33. No wastage or spillage
- 34. Legal Compliance

**Part 2
Waste Disposal**

- 35. Permitted use
- 36. Liabilities
- 37. Conduct at facilities
- 38. Accepting waste from others

**CHAPTER 6
LITTERING AND DUMPING**

- 39. Provision of facilities for litter
- 40. Littering and dumping
- 41. Burning of waste
- 42. Abandoned objects

**CHAPTER 7
EXTERNAL SERVICE PROVIDERS**

**Part 1
Accredited Service Providers of Commercial Services**

- 43. Accreditation application
- 44. Terms and conditions of accreditation
- 45. Renewal of accreditation
- 46. Suspension and revocation of accreditation
- 47. Accreditation exemptions
- 48. Consumer responsibilities

**Part 2
Municipal Service Providers**

- 49. Outsourcing of services
- 50. Consumer charter

**CHAPTER 8
GENERAL**

- 51. Ownership
- 52. Access to premises

**CHAPTER 9
ENFORCEMENT AND LEGAL SERVICES**

- 53. Compliance with this by-law and other laws
- 54. Authorisation of an official

55. Functions and powers of an authorised official
56. Service of notices and documents
57. Compliance notices
58. Power of entry and inspection
59. Using force to enter
60. Liabilities and compensation
61. False statement or information
62. Appeals
63. Offences
64. Penalties
65. Application of this by-law
66. Repeal of by-laws
67. Short title and commencement

SCHEDULE:

By-laws repealed (*Schedule "A"*)

CHAPTER 1 GENERAL PROVISIONS

Definitions and interpretation

1. In this By-law and the Schedule thereto, words used in the masculine gender include the feminine, the singular includes the plural and vice versa; in the event of a conflict between die English and Afrikaans versions of this By-law, the English version shall be decisive; and unless the context otherwise indicates:

“accredited service provider” means a person or entity accredited by and registered with the Municipality and having obtained an authorisation to collect and transport specified types of waste in the municipal area;

“agricultural and farm waste” means all waste generated on farms as part of agricultural processes or through ordinary domestic and business activities and may include different types of waste;

“animal proof container” means an approved waste container which protects the contents from problem animals, as required by the Municipality in specific areas;

“applicable charge” means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the Municipality from time to time;

“approved” in the context of bins, bin liners, refuse bags, containers, receptacles and wrappers, means approved by the Municipality or an accredited service provider for the collection and storage of waste;

“approved business waste container” means a receptacle with a storage capacity of 240 litre or any other approved container prescribed by the Municipality;

“approved domestic waste container” means a receptacle with a storage capacity of 240 litres or any other approved container prescribed by the Municipality including a refuse bag until 30 June 2015;

“authorised official” means a waste management officer or other person in the employ of the Municipality, authorised by the Municipality for the purposes of this By-law, or if the Municipality has appointed a municipal service provider to perform municipal services, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that municipal service provider by the Municipality in terms of section 81(2) of the Systems Act or another applicable law;

“building waste” means waste produced during the construction, alteration, repair or demolition of any structure both manmade or natural, and includes rubble, earth, vegetation, wood and rock displaced during such construction, alteration, repair or demolition but excludes hazardous waste and garden waste;

“bulky waste” means waste which can be classified as domestic or business waste but which, by virtue of its mass, shape, size or quantity, cannot easily be accumulated in or removed from an approved container;

“business waste” means waste, other than hazardous waste, health care waste, building waste, industrial waste, garden waste, bulky waste, special waste and special industrial waste generated on

premises used for non-residential purposes and at residential premises where commercial activities are being conducted;

“by-product” means a substance that is produced as part of a process that is primarily intended to produce another substance or product and that has the characteristics of an equivalent virgin product or material;

“clean building waste” means the inert waste produced during the construction, alteration, repair or demolition of any structure both manmade or natural thus including rubble but excluding building materials such as cement bags, paint holders, window frames, carpets as well as earth, vegetation, wood and rock that are displaced during such construction, alteration, repair or demolition processes;

“collection” means the act of collecting domestic or business waste at the place of generation or storage by the Municipality or an accredited service provider and removal has a similar meaning;

“commercial services” means any waste management service, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste excluding municipal services rendered by the Municipality;

“dailies” means putrescible business waste generated by hotels, restaurants, food shops, hospitals and canteens that must be collected on a more frequent basis, often a daily basis, to prevent the waste from decomposing and presenting a nuisance, environmental or health risk;

“damage to the environment” means any pollution, degradation or harm to the environment whether visible or not;

“DEA” means the national Department of Environmental Affairs;

“DEA&DP” means the provincial Department of Environmental Affairs and Development Planning;

“domestic hazardous waste” means hazardous waste generated in a household in minimum quantities consistent with the home use of materials such as paints and solvents, automotive wastes, pesticides, electronics, aerosols, cleaning agents, batteries, fluorescent lamps and refrigerant containing appliances;

“domestic health care waste” means health care waste generated in a household in minimum quantities consistent with the home use of materials for medical purposes and includes waste such as syringes, unused medicines and pills, used bandages, that could cause a health hazard when not appropriately disposed of;

“domestic waste” means waste that emanates from premises used wholly or mainly for--

- (a) residential purposes, such as a dwelling house, flat, boarding house, old age home or group development;
- (b) educational, sport or recreational purposes;
- (c) purposes of public worship, including a hall or other building used for religious purposes, and includes domestic health care waste and domestic hazardous waste but excludes hazardous waste, business waste, building waste, garden waste, bulky waste, special waste, liquid matter or night soil;

“dump” means placing waste anywhere other than in an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Municipality;

“**DWA**” means the National Department of Water Affairs;

“**ECA**” means the Environment Conservation Act, 1989 (Act 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

“**EIA**” means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time;

“**enforcement notice**” means any notice issued by an authorised official under this By-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 57;

“**environment**” means the individual parts and total sum of all elements, properties, conditions and the like making up the surroundings within which living organisms exist and any part or combination of the interrelationships among and between them;

“**environmental emergency**” means any situation that has caused or may cause serious harm to human health or damage to the environment, irrespective of whether the potential for harm or damage is immediate or delayed;

“**environmental restoration cost**” means the full cost of all measures necessary to restore the environment to its condition prior to an incident which caused damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

“**event waste**” means waste that originates from the activities related to an event that is held in the municipal area;

“**e-waste**” means electric and electronic equipment waste such as lighting equipment, circuit boards, mobile phones, computers, television sets and audio visual equipment that are still mainly treated as domestic or business waste but with a high need and potential for recycling;

“**garden services activities**” means the provision of gardening services including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, to any domestic, business, commercial, education and training, recreational, institutional or industrial premises;

“**garden waste**” means organic waste which emanates from domestic gardening activities, including grass cuttings, leaves, plants, flowers, branches, tree stumps and other similar waste;

“**general waste**” means waste that does not pose an immediate hazard or threat to health or to the environment, and includes domestic waste; business waste; building waste; inert waste and garden waste;

“**group development**” means a high density residential development with common property and/or facilities and which is managed by a home owners’ association, body corporate or other managing body;

“**hazardous chemical substance**” means any toxic, harmful, corrosive, irritant or asphyxiant substance, or a mixture of such substances for which-

- (a) an occupational exposure limit is prescribed;
- (b) an occupational exposure limit is not prescribed but which creates a hazard to health and the environment;

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics thereof, have a detrimental impact on health and the environment;

“health care risk waste” means all hazardous waste generated at any health care facility such as a frail care centre, hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;

“health care waste” means all waste generated by or derived from medical care or medical research including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;

“holder of waste” means any person or entity that imports, generates, collects, handles, accumulates, stores, transports, transfers, processes, treats, trades, exports, recovers, recycles, re-uses or disposes of waste including sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

“industrial waste” means waste generated as a result of manufacturing, industrial, fabricating, processing, dismantling or maintenance activities and may include waste generated by commercial agricultural, mining or power plant activities but does not include any other category of waste;

“inert waste” means waste that—

- (a) does not undergo any significant physical, chemical or biological transformation after disposal;
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;

“infectious waste” means waste which is generated during diagnosis, treatment or immunization of humans or animals, in the research pertaining to this, in the manufacturing or testing of biological agents including blood products, cultures, pathological waste, sharp objects, human and animal anatomical waste and isolation waste that contain or may contain infectious substances;

“integrated waste management plan” means an integrated waste management plan required by the Municipality in terms of this By-law or that is required in terms of any other applicable legislation;

“interest” means a levy with the same legal property as service fees and calculated in terms of this By-law on all amounts in arrears in respect of prescribed fees for waste management services at a standard rate equal to an interest rate as determined by the Customer Care, Credit Control and Debt Collection Policy of the Municipality;

“IPWIS” means the Integrated Pollutant and Waste Information System of the Western Cape Government as established in accordance with the national and provincial legislative and policy framework including NEM:WA;

“level of service” means the frequency of municipal service and the type of service point;

“litter” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste disposal facility or a waste handling facility;

“material recovery” means any process where material is removed from the waste stream with the purpose to re-use, recycle or treat the material so removed;

“minimisation” means the steps that are taken by the Municipality, residents, businesses and industries to avoid and reduce the amount and toxicity of waste generated and disposed of;

“Minister” means the Minister of the Department of Environmental Affairs;

“Municipality” means –

- (a) the Overstrand Municipality established in terms of Section 12 of the Structures Act by Provincial Notice No. P.N. 488/2000 or its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of this By-law and legislation applicable to local government; or
- (b) a municipal service provider fulfilling a responsibility under this By-law, assigned to it in terms of section 81(2) of the Systems Act or any other law, as the case may be;

“municipal service” means the municipal service relating to the collection of waste, including domestic waste, business waste and dairies and related waste activities provided by the Municipality or a municipal service provider on behalf of the Municipality, in accordance with this By-law;

“NEMA” means the National Environmental Management Act, 1998 (Act 107 of 1998);

“NEM:WA” means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she so occupies, and includes:

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; or
- (e) the owner of those premises;

“owner” includes:

- (a) the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and

- (d) in the case of premises for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, the lessee thereof;
- (e) in relation to
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;
- (f) the person who has purchased immovable property from the Municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the Municipality;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means any change in the environment caused by –

- (a) substances; or
- (b) radioactive or other waves; or
- (c) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

"premises" means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial or residential purposes;

"prescribed" means, determined by resolution of the Municipal Council from time to time;

"prescribed fee" means a fee including a tariff or charge determined by the Municipal Council by resolution;

"prescribed tariff" means a schedule of prescribed fees as entailed in the Municipality's Tariff By-laws;

"priority waste" means waste declared to be such by the Municipality or in terms of national or provincial legislation and may call for emergency measures to be taken by the Municipality;

"problem animal areas" means areas identified from time to time by the Municipality where animals behave in a way that creates problems;

"public notice" means notice to the public in a manner determined by the Municipality;

"public place" includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden, park, sports ground, enclosed space vested in a Municipality, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“receptacle” means an approved container for the purpose of temporary storage of domestic waste or business waste until removal thereof by the Municipality or an accredited service provider;

“recovery” means a process where waste is reclaimed, which process could involve the separation of waste from a waste stream for further use;

“recyclable waste” means waste that could be separated from the waste stream and set aside for purposes of re-use or recycling;

“recycling” means a process where recovered waste is further processed as a product or raw material;

“refuse” means domestic waste and business waste which is of such a size and form that it could be deposited in an approved domestic waste container or an approved business waste container or any other matter which in the opinion of the Municipality constitutes refuse;

“refuse bag” means a plastic bag at least 22 micron thick with dimensions of 750mm x 950mm or as otherwise prescribed by the Municipality and the same applies to a bin liner;

“safety data sheet” means the information sheet to be completed by all generators of hazardous waste in accordance with relevant regulations and the latest edition of SANS 10234 – Globally Harmonised System of Classification and Labelling of Chemicals GHS and to be in the possession of all holders of waste that handles such hazardous waste;

“SANS” means South African National Standard;

“special industrial waste” means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

“special waste” means a non-hazardous industrial waste that may include a number of waste types which has physical or chemical characteristics, or both, that requires special handling at a waste disposal facility such as contaminated soil, raw animal manure, dead animals and any other material determined to be special waste by the Municipality;

“storage” means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“sustainable development” means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“tariff” means the annually revised user charge for the provision of the municipal service, determined and promulgated by the Municipality through its Tariff By-laws in terms of the Systems Act;

“transport” means the movement of waste from one place to another;

“waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for the purposes of production
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sectors, but—
 - (i) a by-product is not considered waste; and
 - (ii) any portion of waste, once re-used, recycled and recovered ceases to be waste;

“waste disposal facility” means any site or premise which receives waste for treatment or disposal thereof, and which is operated in terms of a license obtained from a statutory regulatory authority;

“waste handling facility” means any site or premise that receives, accumulates, handles, recycles, sorts and temporarily stores or treats waste prior to its transfer for final disposal and is operated in terms of a license obtained from a statutory regulatory authority;

“waste information system” means IPWIS ;

“waste management activity” means any one or more of the activities, as listed in and from time to time amended by NEM:WA, that a holder of waste may be involved in;

“waste management officer” means a person designated by the Municipality to be responsible for co-ordinating matters pertaining to waste management for the Municipality;

“waste management plan” means a waste management plan required by the Municipality in terms of this By-law and NEM:WA;

“waste management services” means services that relate to any one or more of the waste management activities;

“waste manifest documents” means the control documents containing information as legally prescribed and maintained by the holders of waste involved; which documents must accompany each load of hazardous waste from point of generation to final management of it;

“waste removal system” means a system by means of which refuse is removed and disposed of by the Municipality;

“waste tyre” means a new, used, retreaded, or un-roadworthy tyre, not suitable to be retreaded, repaired or sold as a part worn tyre and not fit for its original intended use and the storage, stockpiling and disposal;

“working day” means a day other than a Saturday, Sunday or public holiday but in the context of the Municipality’s waste handling and waste disposal facilities it includes all calendar days except Sundays, religious public holidays and New Year’s Day or as determined by the Municipality.

Principles

2. (1) The Municipality has the responsibility to ensure that all waste generated within the municipal area is—
 - (a) collected, disposed of or recovered in accordance with this By-law; and

- (b) such collection, disposal or recovery takes account of the waste management hierarchy outlined in subsection (2).
- (2) The principle underpinning this By-law is the establishment of a waste management hierarchy in the following order of priority—
 - (a) avoidance, minimisation and reduction of waste;
 - (b) re-use of waste;
 - (c) recycling, re-claiming, reprocessing and treatment of waste; and
 - (d) disposal of waste.
- (3) An official authorised in terms of this By-law must as is reasonably possible, take the hierarchy specified in subsection (2) into account.

Main objects

- 3. (1) The main objects of this By-law are—
 - (a) to regulate the collection, handling, storage, transport, recycling, treatment and disposal of waste;
 - (b) to regulate the pursuance of an integrated waste management approach;
 - (c) to regulate the provision of municipal services by a municipal service provider and commercial services by accredited service providers; and
 - (d) to enhance sustainable development.
- (2) In pursuing the main objects of this By-law, the Municipality shall, within its financial and administrative capacity—
 - (a) endeavour to ensure local community involvement in local waste planning;
 - (b) endeavour to minimise the consumption of natural resources;
 - (c) promote the recycling and re-use of waste;
 - (d) encourage waste separation to facilitate re-use and recycling;
 - (e) promote the effective resourcing, planning and delivery of municipal services and commercial services;
 - (f) endeavour to achieve integrated waste management, planning and services in a local context;
 - (g) promote and ensure environmentally responsible municipal services and commercial services; and
 - (h) endeavour to ensure compliance with the provisions of this By-law.

Duties and obligations

- 4. (1) A holder of waste must take all reasonable measures to:
 - (a) reduce or avoid waste generation and minimise the toxicity of waste generated;
 - (b) re-use, recycle and recover waste;
 - (c) dispose waste in an environmentally sound manner;
 - (d) manage waste in a manner not endangering health or the environment and cause no nuisance related to sight, noise or odour;
 - (e) prevent waste from being used for an unauthorised purpose including the prevention of persons under his supervision from contravening this By-law;
- (2) A person who sells a product which may be used by the public and is likely to result in the generation of hazardous waste must take all reasonable steps to inform the public of the impact of that waste on health and the environment.
- (3) Any person subject to the duties and obligations imposed in subsections (1) and (2) may be required by the Municipality or an authorised official to take measures to ensure compliance

with these duties and obligations, which measures may be to—

- (a) investigate, assess and evaluate the impact on the environment;
- (b) 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 causing significant pollution or degradation of the environment;
- (c) cease, modify or control any act, activity or process causing the pollution or degradation;
- (d) contain or prevent the movement of pollutants or the cause of degradation;
- (e) eliminate any source of the pollution or degradation;
- (f) remedy the effects of the pollution or degradation.

CHAPTER 2

INTEGRATED WASTE MANAGEMENT

Waste management plans

5. (1) The Municipality shall—
 - (a) establish, review and revise its integrated waste management plan in accordance with the prescriptions of national legislation;
 - (b) annually report on the implementation of its integrated waste management plan; and
 - (c) follow prescribed processes of community consultation in terms of subsections (1)(a) and (b).
- (2) All events organised and hosted in the municipal area must at least one month prior to the event taking place submit to the Municipality a waste management plan that includes the waste management services to be provided and such other information as required by the Municipality.
- (3) The Municipality may grant conditional exemption in terms of subsection (2) depending on the size, nature and duration of the event;
- (4) An owner or occupier or any other person responsible for a new development must submit to the Municipality an integrated waste management plan including such information as the Municipality requires prior to the start of the development and also during the development, if so requested by the Municipality.
- (5) The Municipality shall require a holder of waste involved in a waste management activity listed in terms of section 19 of NEM:WA to submit its integrated waste management plan to the Municipality within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.
- (6) The Municipality may require from any other holder of waste excluding domestic waste to submit within a reasonable time and thereafter at intervals determined by the Municipality an integrated waste management plan containing such information as the Municipality deems necessary or, if applicable, a copy of its industry waste management plan as required by national legislation.
- (7) If an integrated waste management plan as referred to in subsections (4), (5) or (6) is in any way changed or amended, the holder of waste must submit such changed or amended plan to the Municipality immediately after the amendment has been made.