



DEPARTMENT AGRICULTURE, CONSERVATION ENVIRONMENT

Directorate: Waste Management

MINUTES OF THE 1ST PUBLIC WORKSHOP

Project Name	Development of Integrated Waste Management Plan Regulations
Project Meeting	Second Public Workshop
Venue	The Pyramid Hotel, Johannesburg
Date	Thursday 13 March 2008
Time	08:30h – 14:00h

MEETING ATTENDEES

REPRESENTATIVE	ORGANISATION	E-MAIL ADDRESS	DESIGNATION
Loyiso Mkwana	GDACE	Loyiso.Mkwana@gauteng.gov.za	Deputy Director: General Waste management
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	Invitations to the next public workshop should be sent directly to waste officials	21 Feb 2008	ESA
	The IWMP regulations must include annual performance management reporting	21 Jan 2008	NCC, JPCE

Discussion Points

Welcome & Opening: Loyiso Mkwana, Deputy Director, General Waste Management.

Apologize for absence of Director, Ms Zingisa Smale, due to flight from UK that was delayed. Welcomes national & municipal & private sector attendees. Participation process not about rubberstamping, but require inputs and comments. Introduce consultants to attendees.

Indicated Gauteng is looking at various options to deal with waste including a waste minimisation programme. Gauteng has identified priority waste streams and is setting reasonable targets and is looking to work with Local and National Government partners to implement planning.

Builders rubble was highlighted as a priority waste stream which it was established constituted some 25% of Gauteng's waste. This waste stream is especially problematic as it is not compressible and that it requires 120 million m3 and will take a considerable number of the 22 years of landfill air space that remains

Acceptance of agenda: Theo Fischer.

Context & Gauteng State of Waste management: Theo Fischer

Gauteng per capita waste production highest of all. Waste minimisation & avoidance receives very little attention - no significant effort. Waste reduction- 50% potential to be recovered, but recycling in Gauteng appears to be below 10%. Composting can further reduce landfill substantially. 87 landfills in Gauteng, less than 20 years airspace left. Not all landfills comply with permit condition and minimum requirements. Lack of capacity, economic constraints, limited refuse removal in poor areas, general lack of enforcement, lack of encouragement for public for waste minimisation and recycling. Historical culture of non payment for services. IWMP should address specific issues, measurable goals, ongoing monitoring of implementation. Effectiveness- doing things right. Efficiency- doing the right things. Need both in waste management.

Motivation for the Regulations: Ms. Eunice Rammbasa (Project Manager)

IWMP's were supposed to be developed in 2001 and implemented in 2003. GDACE developed guidelines in 2004. Guideline was presented and accepted by municipalities, but very few were submitted. Therefore need legal requirement for submission, also specified contents, time frames & revision. Implementation of all programs should be monitored, and there must be an enforcement mechanism.

Project Methodology: Theo Fischer

1. Mobilisation, Inception workshop & Work Plan
2. Situational Analysis Review & drafting of Background info doc
3. 1 st provincial workshop
4. Drafting of first draft
5. 2nd public workshop
6. Refinement of draft regulations
7. Waste act promulgation & gazetting of regulations

Discussion & questions:

Mr Raja from Jhb Metro Police: Waste licensing required for waste collection and transporters – 75% compliance, hope to have 100% by end of 2008.

Suku Mali Westonarea Municipality: Packaging industry should be targeted due to large volume of waste material generated up to 5 layers of packaging material used.

The Fischer indicated that although the Waste Bill makes provision for Extended Producer responsibility (reference to waste tyres and impending extended producer responsibility programme), waste management planning will always (at least partly) remain the responsibility of Local Government.

Loyiso Mkwana: In addition we are looking at various instruments in province, target certain problem waste streams. Challenge of public perception that we might be over-regulating. Also busy with waste minimization program, targeting priority waste streams, looking at available landfills etc. Waiting for national legislation to come into place. Guidelines for handling of builders rubble was published in papers.

Thokozile Zulu??, Community Development, City of JHB: Education of people fundamental to tackling the waste problem. Should bring informal recyclers on board. Waste generation in 2010 should be properly managed.

Sholo Phakedi??, DEAT: Submission & approval will inform province & enable province to align its objectives & plan and compile provincial IWMP.

F.M. Radebe, It is important to see waste in the context of Integrated Environmentronmental Solutions: Must look at waste as secondary product or resource. Recycling, treatment or re-use was highlighted.

Current and Proposed Framework for Gauteng Integrated Waste Management Plan Regulations & Draft Regulations: Phil Snijman

Phil Snijman indicated that there are specific issues that will be covered and that input from stakeholders attending required. Refer to the programme. Continue to 11:00.

As those that have been following the birth of the Waste Bill, they would have noticed provisions are constantly changed including those with respect to the IWMP and provisions for compilation of regulations and submission and of approval of IWMPs.

Phil Snijman refers to the GDACE Project Instruction: To legally require (force) IWMPs to be submitted to GDACE for approval (specified format and contents etc) through drafting of regulations.

Reference was made to the constitution S24 –Environmental right and National Environmental Management Act. The discussion turned to enforcement related matters.

Cooperative governance principle as discussed within the context of enforcement was discussed. Although municipalities can be criminally prosecuted, the general opinion is that such an action will be “legal proceedings” and should be avoided. In addition, NEMA is not binding on the state as far as criminal liability is concerned. There are however other tools such as section 139 of Constitution - if a Municipality does not adhere directives etc can lead to dissolving of the municipality.

A brief discussion of NEMA and the SEMAs, specifically the Waste Bill follows. What does it mean to be a SEMA – it means EMIs can monitor and enforce in terms of powers in NEMA. NEMA Section 31 Compliance Notice, basically an EMI of a certain appointment can issue a compliance notice if a person, which will include a juristic person such as a municipality, does not comply. If the Municipality does not comply, province can step in do the work and send the bill. Non-compliance to such a notice is also a criminal offence, but then NEMA not binding on the state as far as criminal liability is concerned. Enforcement tool for non adherence to the regulations therefore: Issue compliance notice to municipality.

Does SEMA allow criminal prosecution of the state? Some uncertainty in this respect, but indeed seems to be the case. Waste Bill however contains no provisions making the failure to submit an IWMP a criminal offence.

Environment Conservation Act is to be repealed almost in full when Waste Bill comes into operation.

Tabled version of Waste Bill made no provision for submission of IWMP to MEC of Environment but only for the IWMP to be included in IDP (thus not require do be submitted to the MEC Environment for approval as stand alone document)

Newest version of the Waste Bill requires each municipality to submit IWMP for approval to MEC for Environment and further to include it in IDP. The provision further allows 30 days for MEC of Environment to require changes to request compliance and approve. Note that only MEC for Environment can make regulations to Waste Bill but IWMP must also be submitted to MEC for local government as part of IDP.

Note MEC for environment must approve IWMP after which it included in the IDP to Chapter 5 of Municipal Systems Act. National government thus instructs local government to submit to Provincial Government.

Currently the Waste Bill does not prescribe details on when and what format or how frequently IWMPs need to be revised. It is the purpose of Gauteng IWMP regulations is to require timeframes, format, content and so forth.

Loyiso Mkwana put question to Sholo Phaked of DEAT with respect to Waste Bill and its development.

Sholo Phakedi Indicated confirmed that as it stands now the Waste Bill stipulates that an IWMP must be submitted to MEC for environment for approval - after approval it is included into the IDP. Portfolio committee has approved it.

Zandile Khathi Ekurhuleni stated that the IWMP must be submitted to MEC Environment approval while the IDP is to be submitted to MEC for Local Government. It must be noted that the format of IWMP and IDP is different and that the IDP office is not familiar with the format of IWMPs. It is important to realise that there are a lot of procedures for submission of IDPs and that strict timeframes applies to IDP submission and approval.

One potential problem is that there is a different procedure and format for submission of IDPs and IWMPs. Challenge is the different procedures and approval required for the different submissions.

Theo Fischer acknowledged that although he does not have detailed knowledge of IDPs, their preparation and submission, that the differences in format and content of IWMPs and IDPs cannot be of such a nature to prevent information held in the IWMP to be transformed to a format suitable for inclusion into the IDP, specifically if the IWMP is prepared with conversion into an IDP in mind.

Loyiso Makwana stated that Local Authorities are administratively overburdened. He confirmed that the IDP format needs to be considered in setting and development of the IWMP. He also alluded to the importance of timeframes and the synchronisation between IWMP and IDP process, and confirmed that the formatting of the IDP is important. He indicated that preparation of the IWMP need to precede requirements of the IDP so that drafting and revision of IWMP takes cognisance of IDP drafting and revision so as to enable changes in the IWMP to be incorporated in IDP. He confirmed that the IWMP must align with IDP format as far as reasonably practical (so as to streamline the process and to limit double handling of information).

Chapter 5 describes the procedures for submission of IDP. Do you have a specified format or is it only the format of MSME Chapter 5?

Zandile Khathi Ekurhuleni confirmed IDPs have to be submitted in terms of MSME Chapter 5 including KPIs in support there of.

Loyiso Makwana notes that in the past IWMPs were often included as IDPs but there rarely were costs and budgets provided for.

Loyiso Makwana stated that IWMP planning is not to contradict the MSME but the content and frequency of IWMPs is the jurisdiction of MEC Environment

Phil Snijman proceeds to discuss the 40 page legal review. An introduction is made to definitions and basic administrative provisions.

Phil Snijman puts a question to the attendants as to the conflict between National Waste Management Strategy Guidelines for IWMPs and the Waste Bill which requires all Municipalities including Local Municipalities to develop IWMPs as opposed to National Waste Management Strategy Guidelines for

IWMPs which requires Local Municipalities to provide information relating to waste to District Municipalities which are required to compile IWMPs for the District including Local Municipalities.

Phil Snijman raises the question as to whether the Gauteng IWMP regulations should require Local to submit to District?

Susan Stoffberg WRDM??? It was confirmed that District will integrate Local Municipality IWMPs into a District Municipality IWMP

Loyiso Mkwana states that the input into IWMP from Local level to District should be more than just information and it must thus be in the form of an IWMP.

Theo Fischer Indicates that IWMP must be approved by MEC to the Waste Bill. Thus Local IWMP must be approved by MEC Environment before integration into District, highlighting the need for coordinated development and planning at different levels of Local Government to ensure that District Municipality IWMPs are approved by MEC Environment before District Municipality IDP planning and budgeting process commences.

Sholo Phakedi DEAT stated that the District Municipality must work closely with Local so as to anticipate IWMP. He noted that it is sad that District and Local Municipalities in many instances do not cooperate. He indicated that this problem is supposed to be addressed by Environment Coordination Committees where IWMP development should be discussed.

Phil Snijman. Legislation requires all municipalities to submit IWMPs and IDPs – have to follow that prescription, but can also make provision for local to provide info to district.

Zandile Khathi Ekurhuleni. Who is responsible for budgeting for the IWMP? Indicated that there lies a considerable challenge insofar budgets is concerned and stated that Municipal budgets focus on service delivery and although IWMP planning is important funds are not made available. She indicated that politicians have a narrow focus on service delivery and not always on planning.

Loyiso Makwana highlighted problems relating to budgeting for IWMP and the disconnect in council budgeting where IWMP and other waste management items are excluded from the budget on a consistent basis.

Theo Fischer it is important to realise that waste collection and disposal are basic services and although not as glamorous as water provision and electrification they are very much a basic service every citizen of the country should be entitled to. Furthermore, it must be realised that without planning services can not be delivered effectively and consistently and that IWMPs are the vehicles with which waste service delivery is achieved. Indeed politicians in their zeal to demonstrate service delivery should take care not to remove IWMP related items from the budget as by so doing they prevent the delivery of waste related services.

Phil Snijman. Refer regulations 7 and 8. Need to be revised so that it reflects submission to MEC Environment and not MEC local government.

Unknown: The only way it should differ is the version and thickness of the document, an abridged version should be incorporated into IDP.

Theo Fischer requested that comments and questions regarding the format and information to be contained in IWMP should be kept until the presentation on content and format of IWMP information has been undertaken as this will clarify uncertainty and resolve most questions.

Theo Fischer pointed out that Regulation 10 need to be modified to refer to parallel submission by Local Council to MEC Environment and District Municipality for approvals and integration in District IWMP respectively.

Theo Fischer indicated that this will require a change in the title to IWMP Regulations Section dealing on Contents of IWMP plans submitted and need to reflect requirement to be reflected by all local authorities.

Phil Snijman indicated that basic requirements for IWMP will be “a cut and paste” from Waste Bill. Must follow Waste Bill prescriptions- cannot deviate from it, but can add to it.

Phil Snijman continued to discuss annual performance reports and what they should contain is specified in the Waste Bill. Regulations will address this matter but may be made explicit that you must report back on each issue or factor contained in the IWMP

Zandile Khathi of Ekurhuleni indicate that IDPs are reviewed annually but IDP plans have a 5 period as opposed to IWMP regulation

Theo Fischer Indicates that reporting annual performance review includes the identification of shortfall in achieving performance targets and as such serves as an interim revision. He continued by indicating that where significant change in economic growth urbanisation or improvement in waste management is realised then formal revision of the IWMP may be required more frequently.

Loyiso Mkwana sought to clarify the difference between performance review and revision of IDP and IWMP

Zandile Khathi of Ekurhuleni gives example of IDP targets and the way in which performance review serves to revise targets without revising the IDP document.

Sholo Phakedi DEAT concurs that where significant change takes place that a revision may be required.

Phil Snijman Section 31 compliance notice can be issued by senior EMI at province.

Suku Mali Westonaria indicates that Municipal managers can be directed and held criminally liable in terms of Labour act and enquires why this cannot be undertaken in terms Waste Bill and of proposed regulations.

Sholo Phakedi DEAT indicated that the reality is that Municipal managers are given political mandates. Cooperate governance is “sweetheart and devil” at the same time. Continuous communication at various levels of government is necessary. Minmec serves to allow province MEC and national ministers whereas the mayoral committees should serve as forum to discuss amongst others IWMPs and other planning related matters.

Loyiso Mkwana raises issue of limits of regulations to provision of Waste Act and indicates the need for something that Province can use as a lever. He continues and makes reference to EMIs and action taken with respect to non-compliance in private industry and the perceived double standards that this brings about.

Phil Snijman ponders the matter and comes to realise that it is possible to issue a compliance notice to both Municipality and to Municipal manager and although the Municipality cannot be criminally prosecuted, criminal prosecution of the Municipal manager can thus be achieved in terms of NEMA.

Theo Fischer suggests that this enforcement procedure be incorporated in the Regulations.

Phil Snijman indicates that this is basic and need not be formalised – no purpose in restating the provisions of NEMA.

Theo Fischer indicates that although it may seem elementary, the lack of enforcement on Local Authority level and uncertainty as to what course of action warrants inclusion in the guidelines to the Regulations.

Loyiso Mkwana confirms that Municipal Manager has been given issued NEMA directive but could not state who this was as matter is sub judice.

Phil Snijman requests information on IDP approval and budget from the audience.

Zandile Khathi of Ekurhuleni indicates the process commences with reviewing of the IDP in November, the documents are made publicly available and is advertised in newspapers and websites and 30 day comment is submitted along with budget in May.

Phil Snijman refers to timeframes. Waste Act and its date of approval was discussed hypothetically approved in 2009???

Loyiso Mkwana confirms that the cycle and IDP revision should trigger IWMP revision. If we say the Waste Bill is promulgated in 2009 as was implied by P Snijman, what does that mean regarding the preparation and submission of IWMPs if they are to be integrated as IDPs? When would the IWMP need to be ready for review by GDACE and when is it required for IDP processes?

Zandile Khathi of Ekurhuleni indicated that after local government elections. Between Feb and March then goes to council by May when it goes to the MEC

Sholo Phakedi DEAT highlights the fact that province need to review IWMP within 30 days.

Theo Fischer indicates that GDACE may then receive 20 odd IWMPs 30 days before the IWMPs are to be integrated into the IDP process and that coordination and that adequate planning for correction and augmentation of Local and District Municipality IWMPs will need to be catered for.

Loyiso Mkwana indicates that IWMP is to be submitted to MEC for Environment 6 months before IDP process. Regulations must be linked with IDP process. Guideline to be updated and requirements will be emplaced in annexures which can be changed without changing the substance of the regulations.

Loyiso Mkwana continued that in the few cases where IWMPs were included in the IDP it was a "Good wish document" lacking any budgetary provision. These (IWMP) Regulations need to stipulate that financial provision is to be made. Thus IWMP Regulations must be taken cognisance of in the budgeting cycle. He then indicated that the workshop should proceed and that the issue of the timeframes is thus put aside but this will have to be attended to and incorporated in Regulations.

Theo Fischer drew a basic flow diagram of IWMP submission from Local to District level for integration and from Local to Provincial for approval and District to Provincial for approval. He indicated that the IWMP regulations will include a diagram setting out the timeline for revision of IWMPs taking cognisance of review and approval periods so ensure alignment of IWMP and IDP planning.

Sholo Phakedi DEAT raised a question regarding the contents of the IWMP and highlighted the need to clarify information on by laws, and regulatory framework for waste management, and waste management organograms.

Theo Fischer again requested that comments and questions regarding the format and information to be contained in IWMP should be kept until the presentation on content and format of IWMP information has been undertaken as this will clarify uncertainty and resolve most questions.

Annexures to Regulations and Information and Format of Information Required: Theo Fischer

Theo Fischer presented annexures developed by Jan Palm Engineering the format within which information is required and simplicity which will allow standardisation across the province, ease of information exchange and integration from Local to District Level and from District and Metro level to Provincial IWMP.

He indicated that IWMP annexures need to be supplied in specified format but that this needs to be augmented by supporting information demonstrating how the information was compiled or arrived at.

Questions:

Elias Mashuko of Nokeng indicated that the IWMP annexures need to more comprehensively and explicitly require provision of information regarding the generators, volumes generated, transporters, and treatment facilities managing health care waste over and above any hazardous waste handled, transported or disposed by Local Authorities.

Elias Mashuko of Nokeng indicated that the annexures need to more comprehensively and explicitly require provision of information with respect to the Gauteng priority waste streams that are formally targeted through the waste minimisation programme.

Thokozile Zulu. Commented on the Waste Organ gram and indicated that it did not make provision for the following aspects relating to waste management:

- IT and GIS relating to waste information
- Internal auditing
- Enforcement
- Management and executive directors

Zandile Khathi of Ekurhuleni indicated that the IWMP requirement does not provide for:

- illegal dumping and areas of prolific illegal dumping
- communal disposal sites and services
- strategy for illegal dumping

Theo Fischer indicated that the annexures perhaps need to include the requirement for a strategy on illegal dumping including compliance monitoring and enforcement?

Theo Fischer indicated that the annexures perhaps need to include the requirement for a strategy on capacity building and education??

Zandile Khathiof Ekurhuleni indicated that all services to be financed in budget and that the annexures do not comprehensively provide for all expenditure items including the closure and rehabilitation of old sites. Can we add other items to annexures?

Theo Fischer indicated that this is a valuable point raised points out that the IWMP annexures are minimum standards and suggests that the annexures by amended to include over and above what is required presently to prompt local authority to exhaustively list all expenditure and income items.

Unknown: Financial support by province. Should we report budget shortfall to province?

Theo Fischer indicated that annexure should prompt local authorities to formally indicate budgetary shortfall but indicated but that through analysis of IWMP required information submitted that this information may also be used to estimate budgetary shortfalls.

Unknown: Enquired about incinerators? Indicated that status quo analysis list must include incinerators as disposal method.

Theo Fischer indicates that the section on Status quo of disposal sites must possibly be split into Landfills and Other Disposal sites (including incinerators, treatment plants etc)- this section particularly has been designed primarily with landfill sites in mind – it is further needed to add air quality monitoring as item as well.

Way forward : Eunice Rammbasa

Further discussions with stakeholders to follow. Due date for comments by stakeholders is 27 March to service provider. Submission of final draft after incorporation of comments is 3 April. Further period for comments until 10 April. Incorporation of further comments by 13 April. Final submission to GDACE will be 17 April. Will then have to wait for Waste Act to be passed.

Closing remarks: Loyiso Mkwana

Difficult process, thank you to all for input & attendance. Hope that these regulations will change the picture. Please engage with us openly. Thanks to Theo and Phil, day has been a success.

Meeting ends at 14h00.



ATTENDANCE REGISTER OF THE 2ND PUBLIC WORKSHOP

Project Name	Development of Integrated Waste Management Plan Regulations
Project Meeting	First Public Workshop
Venue	The Pyramid Hotel, Johannesburg
Date	Thursday 29 November 2007
Time	10:00h – 14:30h

MEETING ATTENDEES

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ATTENDANCE REGISTER OF THE 2ND PUBLIC WORKSHOP

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ATTENDANCE REGISTER OF THE 2ND PUBLIC WORKSHOP

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ATTENDANCE REGISTER OF THE 2ND PUBLIC WORKSHOP

MEETING ATTENDEES

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