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2008-06-07
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NORTH WEST PROVINCIAL LEGISLATURE

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NEGOTIATING MANDATE

NATIONAL ENVIRONMENTAL MANAGEMENT WASTE BILL [B39-2007]

(Report by the North West Portfolio Committee on Agriculture, Conservation
& Environment on public consultations on the National Environmental
Management Waste Bill [B39-2007])

05 June 2008

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TERMS OF REFERENCE

The above mentioned Bill was referred to the Portfolio Committee for consideration as a matter of priority.

BRIEFING

On the 15 May 2008 Hon. Moatshe, NCOP permanent delegate briefed the members of the Portfolio Committee on Agriculture, Conservation and Environment on the above Bill. Present at the briefing session were representatives from the Provincial Department of Agriculture, Conservation and Environment, as well as a legal advisor from the Legislature.

CONSIDERATION

The portfolio Committee conducted public hearings in Be-Rolong, Ba Tshidi Hall Mafikeng – and Huhudi Hall, Vryburg on the 23 May 2008.

QUESTIONS AND COMMENTS FROM THE PUBLIC

- How is an individual punished for waste mismanagement according to the Bill
- Licenses – when will they be issued, how and when
- What is meant by significant (uninhibited) waste generation
- What happens to the current people who are collecting waste
- What happens when you recycle tyres or bottles
- Licensing creates problems in communities collectors dumping in their yards and this creates smell.
- Does the Bill talk about empowerment for people who want to do this job.

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- Alien plant --how is the department dealing with these in the Bill.

5 RESPONSES TO QUESTIONS

- Fine for an individual offender will not exceed R10 Million or 10 years in prison.
- Recycling --there are regulations stipulating how and where one can dump waste
Department will always be willing to give advice.
- Exemptions and appeal are stipulated in the bill - only when a given situation allows.
- Significant waste meals means too much waste generated.
- A license goes with situations around where it will be used.
- All waste generators must be responsible for their actions
- Ideally we should be having a waste management officer in all government levels.
- Collectors must report to Municipalities or the Department.
- If a person wants a license they should approach the department and will be advised accordingly.
- Aliens plants --must be removed to protect environment and when disposed must be disposed in a manner that will not affect other people.

SUMMARY OF INPUTS FROM THE PUBLIC

- There should be some global warming clause in the Bill that link waste disposal to global warming and other climatic changes
- All relevant stakeholders should be compelled to do campaigns on waste matters
- Graveyards deserved to be mentioned somewhere in the Bill
- There should be some specification as to what will happen to scavengers, so that their right and source of livelihoods are protected
- Municipalities are not efficient when dealing with waste matters; some are irresponsible hence the bill must cater for fining municipalities who do not comply with the law.

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- Municipalities should be allowed to appoint local waste accounting officers
- Bills should be translated into the language that local people use so that they would be able to read them
- The penalty section should specify who will be fined what, ordinary people can't be expected to pay the 10 Million
- Municipalities should be compelled to develop effective waste management strategies
- MMC should be given powers just like the Minister and the MEC, because waste sites are located at local level
- Municipalities need to be given more powers than national government, and capacitated to deal with this issue.

CONCLUSION

The Chairpersons thanked the people for attending. People were further encouraged to make their submissions in writing. They were given assurances that all their submissions would be considered before the Bill can be made into law.

RESOLUTION

The Portfolio Committee having considered the Bill resolved to accept and support the Bill with the Amendments. This constitutes the negotiating mandate on the National Environmental Management Waste Bill [B39-2007]



Hon. F Modise

Speaker North West Provincial Legislature

**NEGOTIATING MANDATE OF THE NATIONAL
ENVIRONMENTAL MANAGEMENT: WASTE BILL
[B39B-2007] (NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *National Environmental Management: Waste Bill [B39B-2007]* (NCOP), as resolved by the House on 29 May 2008.

The Western Cape Provincial Parliament, having considered the subject of the *National Environmental Management: Waste Bill [B39B-2007]* (NCOP), referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendments:

Clause 29

On page 21, in line 27, after "Minister" to insert "and the MEC".

Clause 35

On page 23, in line 43, to omit paragraph 2.

Clause 69

On page 37, after line 46, to insert the following paragraph:

(dd) the development of a strategy in terms of which unpermitted waste disposal sites which exist when this Act commences must be dealt with; for the transfer of functions in this regard from the Department to provincial departments; and for the funding of that process;

Additional Comments:

A major concern was expressed relating to the Financial Implications for the State, as depicted in the memorandum, point 3, as set out in the table under 3.2:

- It is proposed that only on average an additional amount R1.3 million and R0.3 million is needed for provincial environmental departments and municipalities. Given that municipalities' mandates have extended to include waste minimization and that provinces would be acquiring additional functions relating to waste management licensing functions and remediation functions, the proposed financial implications is certainly under-costed.

As an example, if provinces should carry out the function around the licensing of waste disposal facilities properly and ensure that municipalities comply with their licences relating to waste disposal facilities (landfills), then municipalities would require a substantial amount of funds to improve, operate and rehabilitate their landfills.

- Operational costs amount to more than R60/ton.
- It will take a conservative amount of R1.2 million to get one waste disposal site up to standard (i.e. comply with their section 20 of ECA permit);
- Closure and rehabilitation of small waste disposal sites could conservatively amount to R2 million per site.
- If waste disposal sites are closed, more transfer stations are needed – a transfer station cost about R600 000 to be built;
- Operational costs on a large or hazardous waste disposal site amount to approximately R7-10 million.
- As the department close more landfills (there is on average 5 year landfill airspace left on most landfills in the Western Cape) then more transfer stations and drop-off facilities would be opened, implying that provincial administrative obligations would increase.
- The department has to increase its recycling efforts, consequently recovery and recycling facilities such as drop-offs, buy-back centres, material recovery facilities would increase. These facilities would need to be licensed by provincial departments and compliance monitoring, enforcement and auditing would need to be carried out on a regular basis.

**S E BYNEVELDT
SPEAKER
29 MAY 2008**

Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
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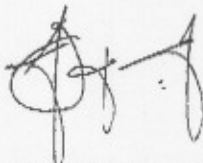
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