

*Guideline for the designation
of Waste Management Officers
(WMOs) as provided for in
section 10 of the National
Environmental Management:
Waste Act, 2008
(Act No. 59 of 2008)*



environmental affairs

Department:
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REPUBLIC OF SOUTH AFRICA



SALGA
South African Local Government Association

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1. Purpose

To provide guidance to National, Provincial and Local Authorities in the designation of Waste Management Officers as provided for in section 10 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).

2. Introduction

The Minister of Water and Environmental Affairs has, as part of a legal review on environmental management, promulgated the Waste Act, 2008; as a specific environmental management act (SEMA) under the National Environmental Management Act, 1998 (Act No.107 of 1998). The objectives of the NEM: Waste Act are mainly to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to the health and wellbeing of the people by putting measures in place to protect, avoid, reduce, reuse, recycle, treat and dispose waste in an environmentally sound manner. These measures include remediation of contaminated land, preventing pollution and ecological degradation and most importantly, ensuring effective delivery of waste services.

The weakness of most legislative frameworks is mostly due to lack of institutional capacity at government level to implement or enforce legislation. In an effort to address this challenge, the NEM: Waste Act makes provision for institutional and planning matters in chapter 3 (section 10 -13). Of particular importance is the provision for the designation of Waste Management Officers (WMOs) at National, Provincial and Municipality government for the co-ordination of matters that relate to waste management.

Section 10 on designation of WMOs indicates that:

'10. (1) The Minister must designate in writing an officer in the Department as the national waste management officer responsible for co-ordinating matters pertaining to waste management in the national government.

(2) The MEC must designate in writing an officer in the provincial administration as the provincial waste management officer responsible for co-ordinating matters pertaining to waste management in that province.

(3) Each municipality authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a waste management officer from its administration to be responsible for co-ordinating matters pertaining to waste management in that municipality.'

3. Background

In the history of waste management legislation in South Africa, there has been a gap as far as coordination of the implementation of the regulations or legislation is concerned. As a result, most legislative provisions were not sufficiently enforced or implemented in all spheres of government. The Waste Act adopts a new concept by introducing waste management officers' at all three spheres of government who will be responsible for the coordination of the waste management function. This was informed by a series of studies including a study which was conducted by the then Department of Environmental Affairs and Tourism (DEAT) in 2007 titled "Assessment of the status of waste service delivery and capacity at the local government level". The study amongst other things discovered discrepancies in as far as capacity is concerned. It also indicated that the primary obstacle to a sustainable waste management service at a municipal level is the lack of 'in house' capacity to run the service in an efficient and effective manner as well as the lack of knowledge to move the service from an 'end of pipe' scenario to a waste minimisation approach. In order to achieve this objective, there must be a resolve to strengthen the municipality's capacity (DEAT: 2007). The provision for the designation of WMO seeks to contribute to efforts of addressing capacity challenges which does not only affect local government, but affects all spheres of government. The designation of WMOs at all spheres of government will assist in closing communication gaps in the implementation of the Act and provision of waste services to the public.

4. WMO powers

The Waste Act mainly refers to the role of the WMO as coordination of waste activities in their area of jurisdiction and awards the powers to the Minister, MEC and Municipality respectively, to manage various aspects of waste. The WMO will therefore be responsible for coordination of all functions or powers assigned by the Act to the respective authority. This therefore means that where the Act refers to the Minister, the national Waste Management Officer should give support to the Minister to ensure compliance, and this applies also to the MECs of provincial environmental authorities in respect to their designated provincial WMOs and Mayors of respective municipalities with respect to their municipal WMOs.

In addition, the Act awards specific powers to the National and Provincial WMOs under licensing of waste activities, section 58 (1) states that:

58. (1) *A waste management officer may require the holder of a waste management licence to designate a waste management control officer, having*

regard to the size and nature of the waste management activity for which the licence was granted.

Section 66 (2) also awards the powers to the WMO under waste impact reports as follows:

66 (2) A waste management officer may, in writing, require any person to submit a waste impact report in a specified form and within a specified period to the waste management officer if a review of a waste management licence is undertaken in terms of section 53.

These provisions only apply to National and Provincial Department which are licensing authorities for hazardous and general waste activities respectively as outlined in section 43.

5. Duties of WMOs as defined in the Waste Act

The duties of all WMOs is to coordinate matters relating to waste management, which essentially means that the WMO will be a focal point of entry available to the public to address all waste management matters. The Act also puts a responsibility to WMOs to ensure implementation and coordination of the national waste management strategy:

10 (5) Waste management officers must co-ordinate their activities with other waste management activities in the manner set out in the national waste management strategy established in terms of section 6 or determined by the Minister by notice in the Gazette.

The WMO may be required to perform other duties by their respective administration, over and above their stipulated role in this document.

6. Roles and responsibilities

The information below reflects the generic duties and the list is not exhaustive:

6.1 National WMO

- Organise annual waste management officer's conference.
- Manage the WMO's database.
- Authorisation for listed waste management activities

- Report feedback on agreed goals and targets.
- Provide capacity support where provincial or local government fails to fulfill an executive obligation.
- Conduct national awareness campaigns.
- Develop national Regulations, Norms and Standards and Guidelines in support of the Act.
- Capacity building for provincial and or local government.

6.2 Provincial WMO

- Implementing national waste management strategies.
- Monitor and enforce waste legislation.
- Develop provincial legislation and waste implementation strategies and guidelines.
- Monitor compliance with the plans.
- Coordinate implementation of the Act at provincial level.
- Capacity building for local government.
- Develop and implement Provincial Integrated Waste Management Plan.

6.3 Municipal WMO

- **Policy development and bylaws**
 - a) Tariff policy which adequately addresses indigents, provision of basic services and service levels in terms of waste management services, based on a medium term analysis of operating costs.
 - b) Debt collection and credit control policy.
 - c) Procurement policy.
 - d) Credit control and debt collection bylaws which give effect to waste management services tariff and credit control policies are promulgated.
 - e) Waste management services bylaws which give effect to the tariff policy are promulgated.
- **Financial Planning and Management**
 - a) Ensure that all municipalities understand the full costs of providing waste management services in order to facilitate appropriate service pricing and subsidization.
 - b) Waste management services budget which identifies tariffs and subsidies required for financial sustainability.
 - c) Tariffs determined.

d) Financial statements for waste management services are up to date.

- **Integrated Waste Management Planning and Reporting**

- a) Integrated Waste Management Plan (IWMP) is developed.
- b) IWMP identifies future targets and infrastructure projects and complies with the requirements of the Waste Management Act is adopted by Council.
- c) Through implementation of the IWMPs, facilitate unlocking of the economic value of solid waste leading to participation of private sector, cooperatives and SMMEs in waste management including:
 - i. Collection and transportation.
 - ii. Reuse of building rubble for example to produce bricks and in roads construction
 - iii. Recycling of all recyclable material.
 - iv. Substitution of landfill sites for waste to energy plants.
- d) The annual performance report prepared in terms of section 46 of the Municipal Systems Act contains information on the implementation of the municipal integrated waste management plan.

- **Infrastructure Development**

- a) Project Management Unit in place.
- b) MIG waste services projects are listed in the IDP.
- c) MIG project registrations comply with conditions and criteria.
- d) Project feasibility studies are undertaken for MIG projects.
- e) 3 year Capital Plan is prepared for MIG waste services projects.
- f) 3 year Operational Budget is prepared for MIG waste services projects.
- g) MIG Quarterly Reports are submitted
- h) Implementing Agents in place.

- **Waste Services Provision Arrangements**

- a) WMO must assist municipality to review the effectiveness of institutional arrangement for providing waste management services. The review should be done in accordance with the Municipal Systems Act, Section 78 and adopted by Council.
- b) Municipalities to view solid waste management as a technical service and manage it as such including hiring properly qualifying solid waste management officials.
- c) Where the external mechanisms of providing waste management services are acquired, the following should happen: Service delivery agreements (contracts) should be in place for all service providers within the municipality's area of jurisdiction.

- **Performance Management and Regulatory Capacity**
 - a) Key performance indicators for measuring Service Provider performance including outcomes and impact are set.
 - b) Mechanism in place to monitor Service Providers that include early warning indicator of under-performance.
 - c) Performance of Service Providers is measured and reviewed at least once per year.

- **Health and Hygiene Promotion**
 - a) Health, hygiene and safety promotion programme is established.

- **Asset Management and Legal Matters**
 - a) Asset registers for all waste management services infrastructure are up-to-date.
 - b) Records for insurance of assets are up-to-date (assets may be insured either by municipality or service providers).
 - c) Maintenance plan is in place for all assets.
 - d) All the necessary permits, licenses, exemptions, permissions and approvals in respect of the provisioning of waste services in the municipal area of jurisdiction have been obtained.

- **Service Authority Structural and Organisational Issues (Capacity Building)**
 - a) Waste Management Authority function is provided for within the municipal organogram.
 - b) Waste Management Authority functional areas addressed in job descriptions.

7. Delegation of powers

10 (4) A power delegated or a duty assigned to a waste management officer by virtue of subsection (1), (2) or (3) may be sub-delegated or further assigned by that officer to another official in the service of the same administration, subject to such limitations or conditions as may be determined by the Minister, MEC or municipality, respectively.

The delegation of power will be a prerogative of the WMO to ensure that their functions are performed optimally, however, the responsibility and accountability still remains with the designated WMO.

8. Profile of the WMO

The Act places a coordinating role on the WMO, which naturally means that the WMO does not have to be a specialist waste management practitioner, but will have to ensure that specialist are available in the administration or are appointed on a temporary basis, to perform the functions assigned to their respective administration. However, due to the fact that the WMO will have to ensure effective implementation of the national waste management strategy, some level of understanding of the issues will be a necessity. As a guide in the designation of such an officer, it is recommended that they should have the following credentials:

- A person who is specifically responsible for waste management in the national, provincial or municipality. The WMO may in addition to their role, assume other responsibilities as directed by their authority.
- A middle to senior management level.
- A person who has broad knowledge of waste management and related matters.
- A person who can be mandated to represent their respective administration in meetings with other WMO and be mandated to take a position and/or decisions
- A person who has sufficient authority to make decisions on day to day waste management issues
- A person may be a full time/ contract employee of the national, provincial or municipal administration.
- A person who will be accessible to the public at all times, when not available, he/she must ensure that the delegated person is available to address matters.

The relevant administration must ensure that the WMO should not be:

- A person who is not involved in waste management in some way
- A person who due to other functions assigned to them, will not be available to fully meet the requirements of the Act
- A junior official who is unlikely to be provided with adequate mandate to meet the requirements of the Act
- A WMO may not be consultant, but may appoint consultants to perform some of the duties assigned to them

The relevant authority may decide to change the WMO as deemed necessary, but should ensure that an alternative is designated in writing within one month of such a decision. They may, however, not have more than one WMO at a time to ensure accountability.

9. Rank of the WMO

The rank of the WMO will differ from province to province and from municipality to municipality depending on their institutional structure. This is because the designation of the WMO does not necessarily have to be a new appointment, but a designation of a person who is already in the employ of the administration. For example, at national level, the WMO will be the Chief Director responsible for Pollution and Waste Management, who is the focal point for all waste related matters. In this regard, the provinces may designate a Director responsible for waste management and Mayors may designate a reasonably senior official such as municipal manager or manager responsible for waste management respectively.

9.1 Designation in writing

The Waste Act indicates that the WMO should be designated in writing (section 10). The designation should be done by the Minister at national level, MEC at provincial level and the Mayor at municipality level. The following is an example of a designation letter which must be printed on the official letter head:

I, **Bomo Edith Edna Molewa**, in my capacity as the Minister of Water and Environmental Affairs, hereby designate _____, Chief Director: Pollution and Waste Management as the National Waste Management Officer in terms of section 10 (1) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

Signed at _____ on the ____ day of _____ 2011

I _____ in my capacity as a Chief Director: Pollution and Waste Management accept the designation as national Waste Management Officer.

Signed at _____ on the ____ day of _____ 2011

Bomo Edith Edna Molewa, MP
Minister of Water and Environmental Affairs

NB: The designation will be valid for as long the official holds office or the designating authority decides otherwise and designate another official in writing.

10. National database of WMOs

The designated WMO, upon receipt of such designation, should ensure that they register on the national database of WMO within 30 days after designation. Registration forms should be forwarded to the National WMO who will establish a database and update it on a continuous basis. The designated WMO should submit an official letter of appointment and acceptance together with the form below. Such a database will be made available on the South African Waste Information Center website and also available on request by any member of the public. The following information must be furnished and can be faxed to (012 322 5515) or e-mailed to info@sawic.org.za :

Surname	
Full names	
Title	
Gender	
Portfolio	
Province	
Municipality name	
Postal address	
Physical address	
Tel	
Fax	
Cell	
E-mail	

11. Coordination and Cooperation

The Waste Act does not make provision for any formal structure to be established under this Act, other than the structures established under the National Environmental Management Act, 1998 (Act No. 107 of 1998). It is however proposed that each provincial WMO should establish a Provincial Waste Management Forum which will consist of all municipal WMOs in the province. This forum will generally be responsible for coordination and information sharing on waste management matters in the province. To necessitate cross-pollination of information between the provincial and municipal authorities, who in turn need to provide feedback to the national structures i.e. MINTECH Working Group II.

The national WMO may be invited as and when deemed necessary, but will not be a standing member of the forum. The provincial WMO will decide on the frequency of meeting, the terms of reference, the standing agenda items and the

venues for such meetings as well as any structure and form of such meetings. The provincial WMO must also be the secretariat of all the meetings and keep record of all proceedings. The districts may elect to also have their own forums as informed by their varying circumstances. At national level, the existing Working Group II and MINTECH structures will be used as National Waste management forum therefore no additional structure will be established. The national WMO shall convene a Waste Management Officers' Khoro on an annual basis, which will be a two day conference of all WMOs in the country and be responsible for setting the theme for each year.

12. Review of the guideline

This guideline will be reviewed after three year of implementation to ensure that it addresses challenges and changes in the waste management fraternity and to incorporate inputs from the stakeholders.

13. References

Department of Environmental Affairs and Tourism. 2007. *Assessment of the status of waste service delivery and capacity at the local government level*. Chief Directorate: Pollution and Waste Management. Pretoria.

Department of Environmental Affairs and Tourism. 2006. *Specifications for Air Quality Officers*. Chief Directorate Air Quality Management and Climate Change. Pretoria.

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