



The National Environmental Management Act No 107 of 1998 (NEMA) states in Section 2 (4) (a) that sustainable development requires the consideration of all relevant factors including the following...

(iv) that waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner;

And in Section 2 (4) (p)

(p) The costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.

The NEMA therefore gives clear instructions on how to manage waste and who should pay for it to prevent pollution and environmental damage.

The National Environmental Management: **Waste Act No 59 of 2008** falls under NEMA and in Section 16 requires the holder of waste to manage waste in the following manner 16. General duty in respect of waste management

(1) A holder of waste must, within the holder's power, take all reasonable measures to-

(a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amounts of waste that are generated;

(b) reduce, re-use, recycle and recover waste;

(c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;

(d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;

(e) prevent any employee or any person under his or her supervision from contravening this Act; and

(f) prevent the waste from being used for an unauthorised purpose.

So the law is clear: waste prevention, reuse, recycling and recovery are mandatory, and waste may only be disposed of in a landfill if it cannot be recycled or recovered.

The Waste Act allows for regulations to be legislated and these include regulations that govern waste management.

The National Norms and Standards for disposal of waste to landfill GRN 636 Government Gazette 36784 published in 2013 gives time frames for restrictions of landfilling certain waste streams.

These restrictions affect certain organic waste types including food waste, fat trap waste, sewage sludge, garden waste and infectious animal carcasses. The relevant section of the regulations has been referenced below:

Section 5 Waste Disposal Restrictions

(1) The following prohibitions and restrictions on the disposal of waste to landfill comes into effect after the time frames indicated for each waste from the date of the regulations coming into operation (2013)

Waste Prohibited or Restricted in terms of Disposal	Compliance Timeframe
(q) Liquid Waste-	Six (6) Years
(i) Waste which has an angle of repose of less than 5 degrees or becomes free-flowing at or below 60 degrees C when it is transported, or is not generally capable of being picked up by a spade or shovel; or	2019
(ii) Waste with a moisture content of >40% or that liberates moisture under pressure in landfill conditions, and which has not been stabilised by treatment	
(t) Disposal of garden waste:	
(i) 25% diversion from the baseline at a particular landfill of separated garden waste	Five (5) years 2018
(ii) 50% diversion from the baseline at a particular landfill of separated garden waste	Ten (10) Years 2023
(u) Infectious animal carcasses and animal waste	Immediate 2013

Therefore as of 2025, all food waste, sewage sludge, fat trap waste, and infectious animal carcasses are banned from landfill and 50% of garden waste.



EXTENDED PRODUCER RESPONSIBILITY

In 2020 extended producer responsibility regulations (EPR) Extended producer responsibility scheme for paper, packaging and

some single use products were published under GN 1187 Government Gazette 43882 to include biodegradable and compostable products.

Under Section 2 and 3 it states:

2. (1) The purpose of this Notice is to require a producer of products or class of products listed in paragraph 4 of this Notice to set up procedures, processes and invest resources to implement the extended producer responsibility measures linked to-

- (a) collection of their products in the post-consumer stage;
- (b) reuse;
- (c) recycling;
- (d) recovery; and
- (e) disposal of their products in the post-consumer stage.

3. This Notice applies to waste which arises from the use by a consumer or an end-user of-

- (1) paper & paper packaging material;
- (2) plastic packaging;
- (3) biodegradable and compostable plastic packaging;
- (4) single-use plastic products;
- (5) single-use compostable plastic products;
- (6) single-use biodegradable plastic products;
- (7) glass packaging; and
- (8) metal packaging containers.

These regulations apply to the following categories of biodegradable or compostable products:

(e) Single-use compostable plastic products:

- (i) Compostable films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
- ii) Compostable injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers; (iii) Compostable blow moulded products: bottles, containers, jars;
- (iv) Compostable extruded products: straws, sheets; and
- (v) Compostable products: trays, punnets, cups, various packaging;

(f) Single-use biodegradable plastic products:

- (i) Biodegradable films/Flexibles: agricultural mulch films, garbage bags, pallet wrap;
- (ii) Biodegradable injection moulded products: cups, tubs, cutlery (knives, forks, spoons), stirrers;
- (iii) Biodegradable blow moulded products: bottles, containers, jars;
- (iv) Biodegradable extruded products: straws, sheets; and
- (v) Compostable products: trays, punnets, cups, and various packaging.

There are currently three Extended Producer Responsibility Organisations (PRO) collecting levies for compostable products to implement collection and recycling programmes. eWASA, Fibre Circle and Polyco. Producers/importers over 10 Tonnes annually are required to register.

Therefore, there is a legal obligation to keep organic waste out of landfills, and waste producers are required to manage their waste in accordance with the law.

FEEDING FOOD WASTE TO PIGS



The South African Pork Quality Assurance and Traceability Standard 4.5 clearly states that “Under no circumstances is kitchen-, ship-, hospital-, canteen-, restaurant-, or any other swill to be fed to pigs” (SAPQAT standards, 2015).

DANGERS OF FEEDING FOOD WASTE TO PIGS

Food waste can contain viruses that cause diseases in animals and these viruses are often not destroyed by: chilling, freezing, cooking or curing.

Diseases that can be spread by feeding food waste containing mammalian meat and dairy products to pigs include:

- Foot-and-mouth disease
- African Swine Fever
- Classical Swine Fever
- Aujeszky's Disease
- Swine Vesicular Disease
- Prion diseases and
- Transmissible Gastroenteritis.

PIG FOOD ALERT

Foods that are banned

Meat, meat products and any food that is served on the same plate or that has come into contact with meat is prohibited feed, and must not be fed or supplied for feeding to pigs.

Food that cannot be fed to pigs includes:

- salad and vegetables that have been served with meat
- butcher's shop waste
- pies, pasties, deli foods — including bacon, cheese and salads that contain meat.

NATIONAL WASTE MANAGEMENT STRATEGY

The provincial regulations, which apply to landfills, have introduced additional regulations for the landfilling of organic waste, with the goal of diverting 50% of waste by 2022 and 100% by 2027. This means that from 2023, 50% of organic waste generated based on the 2018 baseline (food waste, garden waste, sewage sludge, paper waste, agricultural waste, fat trap waste, wood waste, etc.) must be diverted from landfills to alternative processing facilities.

Landfill permit conditions have been modified to achieve this diversion through organic waste diversion plans.



LANDFILL PERMIT CONDITIONS

"2.6. Organic waste is allowed to be disposed of at the Facility, but must be in accordance with the Organic Diversion Plan, targets and procedures referred to in condition 18.10 and 18.11 of the Licence.

- 18.10. The Licence Holder must submit an Organic Waste Diversion Plan to the Director 90 (ninety) days after the issue of this Licence and annually thereafter.

- 18.11. The information within the Organic Waste Diversion Plan must:

- o Provide a status quo of current organic waste sources and volumes disposed at municipal WDFs, and current rates and procedures of organic waste diversion from WDFs; and

- o Set annual targets and identify procedures from 2018 that will be implemented to meet these targets for the diversion of organic waste from municipal WDF, in order to reach a 50% diversion by the year 2022 and 100% diversion by the year 2027"

In light of this provincial landfill ban on organic waste, the City of Cape Town decided to enforce Section 10 of the Integrated Waste Management By-Law (2009), which requires waste generators to submit integrated waste management plans to the City describing how waste will be diverted, with a focus on organic waste.

CITY OF CAPE TOWN INTEGRATED WASTE MANAGEMENT PLAN

10.(1) An integrated waste management plan must be submitted by the waste generators listed in subsection (10) in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.

(2) An integrated waste management plan must include –

- (a) an assessment of the quantity and type of waste that will be generated;
- (b) a description of the services required to store, collect, transport and dispose of such waste;
- (c) a description of how they intend separating recyclable and non-recyclable material at the point of source;
- (d) the waste minimisation and pollution prevention plans of such waste generator;
- (e) the impact or potential impact on the environment of the waste created by them;
- (f) the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
- (g) targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.

The following notice was sent by the City of Cape Town to organic waste generators requiring them to submit plans for organic waste diversion.

NOTICE TO ALL ORGANIC WASTE GENERATORS TO SUBMIT AN INTEGRATED WASTE MANAGEMENT (IWM) PLAN

The Western Cape Government has instructed all organic waste generators to divert 50% of their organic waste away from landfills by 2022, and 100% by 2027. In order to meet these obligations, the City requires all organic waste generators in the hospitality and food manufacturing and processing industries to submit IWM plans to the City for consideration and approval by 31 August 2022.

IWM plans must indicate how you propose to reduce organic waste disposed to landfill, and how you intend to progressively phase out the landfilling of all organic waste by 2027. This instruction is given in terms of the City's Integrated Waste Management By-law (2009), and enables the director to instruct any waste generator to submit an IWM plan within a stipulated time.

Please refer to Integrated Waste Management By-law for further context and information about IWM plans.

ORGANIC WASTE OPTIONS

Cape Town has a very robust private organic waste processing sector offering many alternatives to landfilling. Contact the following non-profit organisations who have a list of all their members offering the different processing solutions: ORASA (Organic Recycling Association of South Africa), SAMIRO (South African Mass Insect Rearing Association), as well as SABIA (Southern African Biogas Industry Association).

Green Cape's Waste: Market Intelligence report 2021

(https://www.greencape.co.za/assets/2021_DIGITAL_WASTE-MIR.pdf) gives great insight into the 2021 organic waste management status in Cape Town.

SUBMISSION OF IWM PLANS

Go to the solid waste accreditation site to submit your IWM plan online:

<http://web1.capetown.gov.za/web1/swma/>

Application forms are available on the City's website: <https://www.capetown.gov.za/City-Connect/Register/Business-and-trade/Register-as-an-accredited-waste-services-provider>

Submit any enquiries to: waste.accreditation@capetown.gov.za

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CTA89/2022



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