

Department of Water Affairs and Forestry
Republic of South Africa



**MANAGING FAILING WASTE SERVICES AND
THEIR ENVIRONMENTAL IMPACTS**

TOWARDS COOPERATIVE GOVERNANCE

Produced by :
The project to Manage the Water Quality Effects of Settlements
Department of Water Affairs and Forestry

PREFACE

The underlying causes of pollution of the water resource from urban areas lie with the way the waste, sanitation and stormwater services are operated and maintained by the local authority, and the way these services are used, or sometimes misused, by the community.

The Department of Water Affairs and Forestry has the mandate to protect South Africa's water resources, but local government has the mandate for, and the expertise required to, manage waste, sanitation and stormwater services. More importantly, securing the financial resources required to effectively manage these services lie within local government's ability to recover these costs from consumers.

Effective protection of the water quality impacts of urban areas therefore relies on cooperative governance, and can only be realized by participation from the Department of Water Affairs and Forestry, local government and the affected communities. Moreover, it is critical that all parties do more than pay lip service to the Constitutional requirement for cooperative governance, but that all recognize their joint accountabilities and responsibilities.

This document presents the case for managing the pollution effects of settlements as such a cooperative venture. It places the need to protect water resources, and the need to speed up the delivery of services to the poor, and ensure financial viable local government into perspective.

The intention of the document is to provide a basis for a common understanding of the need to address the problem, but also a common understanding of the challenges facing both local government and the Department of Water Affairs and Forestry. As such it provides a basis for cooperative governance.

INTRODUCTION

Background

In spite of extensive efforts to advertise and disseminate the Department of Water Affairs and Forestry's (DWAF) approaches towards Managing the Water Quality Effects in Settlements, roll out of the approaches has been limited. It has also been difficult to engage both DWAF Water Quality and local government staff in any meaningful dialogue on addressing urban pollution problems.

This document starts this process by providing a basis for cooperative governance. It highlights the respective roles DWAF and local government must play in addressing urban pollution, and builds a common understanding of the challenges faced by these agencies.

Objectives of this document

This document provides a basis for cooperative governance aimed at addressing the impacts of urban pollution on the water resource. It is a product of the project to Manage the Water Quality Effects of settlements ("Dense Settlements" project). It aims to change the way both DWAF and local government perceive and engage urban pollution problems and the provision of sustainable waste services.

More specifically the document;

1. Highlights the impacts of poor water quality and failing services on local government, communities and the water resource.
2. Provides background into the changing environment within local government, and how this influences their engagement of urban pollution problems.
3. Outlines local government's role in the securing South Africa's development, and DWAF's role in ensuring that this growth is sustainable.
4. Recommends approaches towards cooperative governance with respect to the impacts of urban pollution on the water resource.

Using this Note

This document is not a recipe, step-by-step guide, or an agreed procedure, but is only intended to raise awareness of both local government's and DWAF's perspectives, and the need for cooperative governance.

It will help both sides to "speak the same language", and will help secure buy in from all to addressing urban pollution problems.

Not a repeat of the previous material

This note does not repeat previous materials produced by the "Dense Settlements" Project, but is rather a guide to using the materials produced to better effect.

WHY MANAGE URBAN POLLUTION OF THE WATER RESOURCE?

What is local governments role in managing urban pollution?

Pollution of the water resource occurs when waste and stormwater services fail. Services failures are related to both the way in which the services are maintained and operated by the local authority, but also by the way in which communities use these services.

In most cases there is a complex interaction between the local authority's capacity to operate and maintain effective waste services, and the community's use (or misuse) of these services. Sustainable management of the impacts of service failures on the quality of water resources rests on identifying and addressing these underlying interactions.

DWAF's structured-facilitated approach is a means of identifying these underlying causes by interacting with communities and service providers in a structured way.

What services are important?

The services most commonly causing pollution problems are sanitation services, including sewage and sullage disposal, solid waste services, and stormwater services.

The service includes the full cycle of waste disposal, from the household, through to the services to remove the waste, transport it to a disposal site, and its safe disposal. Failure, or poor operation and maintenance, at any point in this cycle can result in pollution of water resources.

What are the impacts of failing services on communities?

It has been estimated that some 30 000 people, mostly children, die each year in South Africa due to diarrhoeal diseases. Much of this is due to communities' reliance on untreated and polluted water for drinking purposes, but a significant proportion is due to pollution within densely populated by poorly serviced urban settlements.

Failing waste services encourage flies, which help spread disease, and discourages good practices for waste disposal. This also contributes to the non-payment problem, and builds mistrust between the local authority and the community. This in turn makes it difficult to maintain and operate services in these areas, and results in a pollution cycle.

The health impacts of this pollution cycle are likely to grow as HIV takes hold in these communities, further reducing their ability to fight disease.

What are the impacts on downstream users and local authorities?

Urban pollution increases the costs of treating water to potable standards. These costs must either be passed on the consumer or must be borne by the local authority or bulk water supplier.

Urban pollution also impacts on downstream ecosystems, decreasing biodiversity and affecting ecosystem functioning. This impairs the river's ability to assimilate pollution, resulting in impacts on users far downstream.

Urban pollution can also make water unfit for recreational water use, and is often responsible for the closing down of recreational sites. This too can impact directly on downstream local authorities that rely on income from recreation.

THE CHANGING CONTEXT

Local Government is now more capacitated than ever.

The most significant change in local government since 1994 has been the amalgamation local authorities. While this process has made it difficult to meaningfully engage local government since December 2000, the process has left them more capacitated than ever before.

The recent promulgation of the powers and functions of local government has also given more certainty with respect to local government's role in the provision of services (including waste services). These changes have been accompanied by extensive capacity building for the new councillors and officials.

In addition, the equitable share grant has increased significantly over the last few years. Similarly, the consolidation of the various Municipal Grant mechanisms means that local government can now access more financial support. This has been accompanied with financial management capacity building.

This does not, however, mean that all local governments problems have been addressed, and that local government is now flush with cash. There are still significant demands on local governments financial resources.

Local government is at the apex of our democracy

Local government sits at the apex of our democracy. The responsibility to implement national governments' plans to; entrench equality, improve health, protect the environment, ensure effective service delivery, provide housing, and address poverty, all eventually rests on local government.

The costs of realising these policies must eventually be recovered from the local revenue base. Local government therefore has the direct Constitutional mandate for implementation of much of the new democracy.

This makes it difficult to use direct legal and legislative pressure to secure implementation of pollution management in local government, and cooperation is vital. But more importantly, costly legal action against local government will detract from their ability to deliver on the promise of democracy. This in the long term could be far more damaging to sustainable development.

Local government sees many national legislative requirements as unfunded mandates

National legislation often provides local government with what they perceive as unfunded mandates. These include the fluoridation legislation, water resource management charges, waste discharge charges, the requirements for the disposal of solid waste, and waste discharge standards. The ability of local government to recover the costs of these charges and standards is becoming increasingly compromised, especially for the small local authorities with smaller revenue bases.

SALGA is taking an increasingly assertive stance in addressing these "unfunded mandates".

This will make it difficult to implement any standards, approaches or policies that local government sees as an "unfunded mandate, or any standards that have cost implications for local government, and will make it more critical to ensure cooperative governance.

DWAFs role in local government is increasingly seen as advisory / supporting

DWAF's role with respect to water services is being re-defined, from that of a doer to that of an enabler and regulator. Water and Sanitation Services are now increasingly seen as a shared competency across all three spheres of government, with an emphasis on the role of municipalities as providers. The need to establish a balance between water services and water resources is also receiving attention, along with the relationship between water and sanitation services.

"Water and Sanitation Services" (WSS) includes all aspects of the disposal of sullage and sewage waste, from the household to the point of discharge into the water resource, and most urban pollution problems are related to failing WSS. One of the key issues is, therefore, to define DWAFs role as an "enabler and regulator" with respect to urban pollution management. This role must allow local government to deliver basic services as one of the critical priorities of government as a whole, but to assist them to do this in an environmentally sustainable manner.

DWAF is seen as a major source of water information

Local councillors are increasingly in a position to influence and prioritise the activities. In this respect, a recent study among councillors identified the following;

- ◆ Councillors preferred to get information and capacity building via workshops.
- ◆ Councillors saw regional DWAF offices as their primary source of information on water services and pollution related issues.
- ◆ Councillors often did not know who to contact for information.

In this respect;

- ◆ DWAF regional water quality management should try to arrange workshops for councillors with respect to urban pollution management. This should preferably be done in cooperation with water services people or regional SALGA offices.
- ◆ Enquiries on failing water services, made to regional offices, should be routed to water quality management staff.
- ◆ Closer ties should be forged with regional water services staff in DWAF.
- ◆ Councillors should be informed of who to contact with respect to failing sanitation / pollution issues.

Local government is not just another water user

Local government is often perceived as just another water user, both from a consumptive, but also from a discharge perspective. However, local government is an equal "sphere" of government with particular responsibilities with respect to service provision, and for eradicating poverty. Demands made on local government with respect to complying to standards or to address pollution problems could divert resources from these other pressing national priorities.

Moreover, local government is not "profit making", as such the polluter pays principle in effect means that the local ratepayers "pay". As such, significant local government investment in pollution abatement is unlikely without support from the ratepayers. More importantly, making the poor pay in local authorities dominated by poor communities is difficult and questionable.

**The
cooperation
imperative**

Local government's priorities often conflict with the need to protect the water resource. This lies at the heart of the "sustainable development" dilemma. If we do not help local government address poverty and provide sustainable services, we may lose the capacity to address any pollution problems in future.

However, if we ignore the impact of urban pollution on the water resource, we will impact on the sustainable use of the resource. Ultimately, local government will also have to bear the costs of treating increasingly poor water quality to potable standards.

This is a strategic dilemma that is unlikely to be able to be addressed effectively on a case-by-case basis. As such, in the longer term urban pollution can only be addressed by improving cooperation based on a mutual understanding of the problems.

ENGAGING URBAN POLLUTION PROBLEMS IN A COOPERATIVE WAY – LOCAL GOVERNMENT’S ROLE

Local government as a waste services provider

Local government is responsible for providing services to the South African consumer. These services include waste, water, health and sanitation services, all of which can directly impact on the water resource. As the provider of services, local government directly addresses the worst deprivations of poverty. This is, and should remain, their primary goal, and pollution abatement should not detract from this.

However, well maintained and operated services, that are used to best effect by the community, also reduces the costs of providing health services and of ongoing repairs.

Establishing financially viable local government businesses

One of the major thrusts in support to local government is to assist them to establish financially viable “local government business”. This means focusing on a providing customer orientated service in a cost effective manner.

The “structured-facilitated” approach (see the final section of this document) is based on ensuring that the services are used to the best effect by the community, and are supplied to best effect by the Local Authority. This process, therefore, helps local government provide financially viable services. Local government should consequently see this as one of their business tools.

The role of councillors

Local councillors are the primary interface between the community and government as a whole (not only local government). In this respect this means they should, and are expected to, focus on activities that improve the quality of life for all South Africans. Councillors should therefore play an increasing role in prioritising work in local government.

Cynically, one could say their role is to be re-elected – which is in effect the essence of democracy. But practically, this means they should promote visible and direct interventions that improve the quality of life in the poorest areas. Councillors should therefore be engaging tools like the Dense Settlements strategy as tried and tested ways of addressing the most pressing problems in densely populated urban areas.

The role of officials

Local government officials are increasingly seen as “giving effect to council resolutions”. However, these officials are faced with the practical problems of providing these services. It is, therefore, important for officials to actively identify and seek advice on practical means of providing sustainable services that can significantly improve the lives of the urban poor. Officials can and should also provide a valuable interface between council and DWAF.

ENGAGING URBAN POLLUTION PROBLEMS IN A COOPERATIVE WAY – DWAF’S ROLE

DWAF as a regulator with respect to protection of the water resource.

DWAFs role, and more specifically the role of the Waste Discharge and Disposal component, is to protect the water resource ultimately to ensure sustainable development. This means that the balance between development and protection of the resource lies at the heart this component’s functioning. DWAF’s role in this regard is therefore highly strategic, and effectively entails finding the balance between short-term development goals, and the longer-term sustainability prerogatives.

Local government, has the immediate priority for development and services provision to the poor, and is therefore not in a position to take the strategic view. DWAF’s role as a regulator with respect to protection of the water resource is therefore to advise local government with respect to the strategic implications of services failure and pollution. But also to work with local government to find the most appropriate balance between these strategic needs and the immediate demands from the poor.

DWAF’s ownership and capacity with respect to the approaches

The Dense Settlements project was situated within the Department of Water Affairs and Forestry. The materials and the capacity building with respect to the use of these materials have primarily been disseminated within the regional DWAF offices. Therefore, it is important that the DWAF regional offices take a proactive role in engaging local government and informing both councillors and officials of the approaches.

More importantly, DWAF regional staff should support the process of implementing the approaches in a facilitative and advisory role.

SUMMARY

Urban pollution management is about managing waste services

Managing urban pollution is about managing waste services, and not only about protecting the environment.

Waste services include water and sanitation services, solid waste removal and cleansing services, and include the whole cycle – from the point of collection at or near the home – to the final disposal. Failing services and the consequent pollution, points to problems somewhere in this cycle.

Ultimately, addressing urban pollution will help provide better services, and will help the consumers use the services better. But this is clearly local government's responsibility and ultimately they are the only agency that can priorities their needs in this respect.

Taking a facilitating and advisory role.

DWAF regional staff should, (at least until more formal agreements to cooperate have been developed), take an advisory and facilitating role. The approach should focus on assisting local government provide effective sustainable waste services, that also reduce pollution. But also to provide the strategic "sustainable development" perspective.

It is important that DWAF is not seen to be "waving the big stick" and that urban pollution management is not about enforcement but is about co-operative governance.

Appropriate levels of services

The experience in the dense settlements project is that its not the level of services, but rather the way that services are used by the consumers, and managed by the service provider that results in pollution. The approach is therefore not about dictating appropriate levels of services. But that some advice could be offered on what types of services are more likely to fail as a result of a lack of funds to maintain the service, or as a result of inappropriate use of the services.

Helping local government save money and improve quality of life

It is important to emphasise that the approach helps to find the root causes of pollution. While this may be time consuming it does lead to more sustainable solutions. Ultimately this saves money, and reduced maintenance costs. It is important to draw the links between the actual pollution problem and the increased costs to the local authority.

It is also important to emphasise that finding the root causes of the problem will lead to sustainable improvements in the quality of life for consumers.

The consequences of services failure

It is important to emphasise the consequences of services failure, over and above the impacts on the environment. This could include health related problems for the consumers, as well as a reluctance to pay for the services. Involvement of the community in finding the solution, using the structured-facilitated approach also improves local authority - consumer relationships.

The Dense Settlements approach is not only about informal areas

There has been a perception that the dense settlements work was only about working in informal areas. However, the structured-facilitated approach developed helps address most pollution problems in urban areas. This includes working with communities and local government to address overloading problems at treatment works, finding the root causes of failing pump stations, and problems with the management of solid waste disposal sites.

The essence of the approach is to help communities and local government, and DWAF approach these problems in a structured cooperative way.

MAKING THE BEST USE OF THE MATERIALS PROVIDED





