



KWAZULU-NATAL PROVINCE
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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 59 OF 2019**WATER SERVICES AMENDMENT BYLAWS**

The Msunduzi Municipality, acting in terms of section 98 of the Local Government: Municipal Systems Act, 32 of 2000, read with section 13 of the said Act, hereby amends the Water Services Bylaws, promulgated in Provincial Gazette No 1163 of 24 June 2014 under Municipal Notice No 58 of 2014, as follows:

1. Amendment of Section 1:

Section 1 of the Water Services Bylaws is amended by the insertion of the following definition after the definition of "environmental cost":

"Environmental Medium" means the natural environment, namely, air, land and water, either in the form of surface water, subsurface water or groundwater, or a combination of more than any one of the aforementioned elements;

2. Amendment of section 82(2):

Section 82(2) of the Water Services Bylaws is amended by the insertion of the following subsections after subsection (h):

(i) details of how the applicant intends complying with the requirements of sections 30 and 30A of the National Environment Management Act, 107 of 1998 in relation to incidents and emergency situations;

(j) details and results of previous trade effluent samples as may be requested by the Council.

3. Substitution of section 82(7):

Section 82(7) of the Water Services Bylaws is substituted as follows:

82 (7)(a) *"The Council shall consider every application and any objection thereto and may consult any person or authority it deems necessary for the purpose of considering such application and any objection thereto or representation thereon.*

82(7)(b) *The Council shall decide an application within 60 (sixty) days of the closing date for the lodging of objections or representations, provided that if a hearing is held as contemplated in bylaw 82(9), the Council shall decide an application within 60 (sixty) days of the finalisation of such hearing.*

82(7)(c) *The Council shall include, as part of its decision, written reasons for any decision taken in response to an application for permission to discharge industrial effluent into the sanitation system.*

4. Amendment of section 82(9):

Bylaw 82(9) is amended by substituting the phrase "if it considers it necessary" with the phrase "it he or she considers it necessary".

5. Substitution of section 83 (1):

Section 83 (1) is substituted as follows:

83(1)(a) No person shall discharge or cause or permit to be discharged into the sanitation system any industrial effluent, except with and in terms of the written permission of the Council, and in accordance with all provisions of this permission.

83(1)(b) A person to whom permission has been granted to discharge industrial effluent into the sanitation system of the Council, shall cause such industrial effluent to be analysed and take all other necessary steps to ensure that any industrial effluent it so discharges into the Council's sanitation system complies with the standards and criteria set out in Schedule A or any standards duly relaxed or varied in terms of bylaws 84(2).

83(1)(c) No condition imposed by the Council in terms of section 85(1)(h) shall absolve any person from the duty imposed in terms of section 83(1)(b) above.

6. Amendment of section 85:

Section 85 of the Water Services Bylaws is amended by the insertion of the following subsection:

(i) comply with such other conditions in the written permission as may be necessary to ensure compliance with these bylaws, including but not limited to the number and location of discharge points, the maintenance of pipes and other infrastructure conveying industrial effluent and the providing of results to the Council emanating from the analyses of industrial effluent, as contemplated in bylaw 83(1)(b).

7. Substitution of section 95(1)(a):

Section 95(1) (a) is substituted as follows:

(a) execute work on or inspect premises at any time for the purpose of establishing compliance with the provisions of these bylaws or any conditions imposed in terms of section 85.

8. Substitution of bylaw 109:

Bylaw 109(2) is amended by substituting the phrase "to a fine" with the phrase "to a fine not exceeding R1 million" and by substituting the phrase "not exceeding R50" with the phrase "not exceeding R5000".

9. Title and Commencement:

(1) These bylaws may be referred to as the Water Services Amendment Bylaws, 2019 and shall come into effect on the day of publication.
