

CENTRAL WASTE WATER TREATMENT WORKS EFFLUENT DISCHARGE MONITORING FORUM

1. PREAMBLE

1.1. It is recognised that it is a requirement of the Coastal Waters Discharge Permit (CWDP 2013/006/KZN/ETHEKWINI MUNICIPALITY CENTRAL WWTW) issued to eThekweni Water and Sanitation (a department of eThekweni Municipality) in terms of the National Environmental Management Act 1998 (Act No. 107 of 1998), that the Central Waste Water Treatment Works establishes or joins an Effluent Discharge Monitoring Forum (EDMF) that is comprised of the permit holder, interested and affected parties (NGOs, local interest groups etc.) and relevant government institutions.

2. NAME

2.1. The name of the forum shall be the Central Waste Water Treatment Works Effluent Discharge Monitoring Forum (Hereafter referred to as "CWWTW EDMF").

3. GUIDING PRINCIPLES AND CODE OF CONDUCT

- 3.1. All participants shall act in good faith and in the public interest, not in the interests of sectors, organisations, or individuals.
- 3.2. Any party with a conflict of interest shall be excluded e.g. a contractor or service provider to the treatment works (unless specifically requested to provide a presentation), or any representative with narrow or political interests
- 3.3. All proceedings of the forum shall be recorded and made reasonably accessible to the members of the forum.
- 3.4. Recommendations made by the forum shall be undertaken with the aim of building sufficient consensus and shall be arrived at through dialogue and discussion.
- 3.5. All members of the forum shall act in an accountable and responsible manner.
- 3.6. Attempts shall be made to ensure that all relevant issues identified in the forum is addressed with the necessary urgency.
- 3.7. All parties shall have reasonable access to relevant information relating to the work of the forum to facilitate dialogue, discussion and a common understanding.

4. PURPOSE

- 4.1. The primary purpose shall be to ensure that the Central Waste Water Treatment Works is fully compliant with
 - the conditions imposed by any authorisation, licence or permit issued by a competent authority;
 - local, national and international environmental legislation;
 - environmental norms, standards, policies and guidelines;
 - that adverse impacts and pollution to the receiving environment are avoided and/or minimized within acceptable timeframes to acceptable standards; andthat there will be learning in a full transparent manner.
- 4.2. The secondary purposes of the forum are to
 - 4.2.1. provide a forum for monitoring compliance with the conditions of the authorisation, licence or permit;
 - 4.2.2. provide a forum for discussing environmental issues relating to the CWWTW Effluent discharge, raising, addressing and resolving any concerns;

- 4.2.3. create and maintain a communication platform through which information regarding environmental compliance monitoring of the CWWTW is shared and used productively for the advancement of both the industry and the surrounding communities;
- 4.2.4. ensure that there is timeous action on environmental non-compliance and pollution to ensure that the environmental resources as well as the health and safety of the surrounding communities are promoted;
- 4.2.5. take a collective approach in assisting the CWWTW to meet its environmental obligations and objectives and improve their environmental performance;
- 4.2.6. make recommendations on the best approach and tools to be utilized in environmental compliance and improvement;
- 4.2.7. ensure that all stakeholders are adequately informed and consulted about environmental issues associated with the operation of the plant and are afforded fair and adequate opportunity make input;
- 4.2.8. provide relevant information and knowledge to the stakeholders that may otherwise not have become available;
- 4.2.9. assist in verifying data, identifying impacts, alternatives, avoidance, minimisation and mitigation measures for environmental problems associated with the operation of the plant;
- 4.2.10. promote transparency and decision-making based on meaningful involvement of key parties;
- 4.2.11. assist in identifying methods to inform the local community of developments;
- 4.2.12. ensure that the plans, projects, activities and operations of the plant are implemented in a sustainable manner with minimal impact on the environment; and
- 4.2.13. proactively and co-operatively monitor environmental compliance of the plant and make recommendations for improving environmental performance and compliance.

5. MEMBERSHIP

Membership of the Forum shall be open to the following.

- 5.1. Local residents
- 5.2. Local environmental organisations
- 5.3. Authorities
 - 5.3.1. Local Ward Councillor
 - 5.3.2. eThekweni Environmental Health Branch;
 - 5.3.3. eThekweni Health;
 - 5.3.4. eThekweni Water and Sanitation;
 - 5.3.5. KwaZulu-Natal Department of Environmental Affairs;
 - 5.3.6. Department of Environmental Affairs;
 - 5.3.7. Department of Water and Sanitation.
- 5.4. Consultants
 - 5.4.1. Consultants appointed by eThekweni as required for reporting to the CWWTW EDMF.
- 5.5. Secretariat
 - 5.5.1. Independent facilitator appointed by eThekweni; currently Phelamanga.

6. FUNCTIONS

- 6.1. To make recommendations regarding:
 - 6.1.1. stakeholder groups to be consulted;
 - 6.1.2. methods, content and methodology of consultation.
- 6.2. To make recommendations regarding prevention and mitigation of nuisance caused by:
 - 6.2.1. effluent discharged into the ocean;
 - 6.2.2. other impacts originating from the operation of the CWWTW.

- 6.3. To consider information supplied and make recommendations regarding:
 - 6.3.1. what information should be supplied;
 - 6.3.2. the medium in which, and accessibility of, the information supplied;
 - 6.3.3. ways in which the information can be made accessible to a range of Interested and Affected Parties (I&APs).
- 6.4. To monitor implementation of any recommendations or mitigation measures.

7. MEETINGS

- 7.1. Meetings shall be held a minimum of twice a year; or as agreed by the forum.
- 7.2. Meetings shall be conducted in good faith and with full disclosure by all parties of all relevant information.
- 7.3. A quorum shall consist of six, provided that each of the following groups is represented by at least one member:
 - 7.3.1. Community representatives;
 - 7.3.2. Local organisations;
 - 7.3.3. Authorities;
 - 7.3.4. eThekwini;
 - 7.3.5. The secretariat.
- 7.4. In the event there is no quorum present a meeting may continue if there is consensus from those present. However, no decisions or actions may be confirmed until the next meeting where there is full quorum present.
- 7.5. Participants undertake to:
 - 7.5.1. request only such information that could reasonably be regarded as pertinent;
 - 7.5.2. observe timeframes agreed upon on a case-by-case basis; and
 - 7.5.3. respond as quickly as possible to requests for information or comment.
- 7.6. Participants undertake to treat each other with respect.
- 7.7. No participant shall call into question the bona fides, impair the dignity, or malign any other participant. However, this must not be seen as a constraint on robust but respectful debate.
- 7.8. All “on the record” discussion shall be recorded by way of minutes. Minority opinions will be respected and recorded.
- 7.9. Any confidential information supplied by any stakeholder that is declared by the person delivering it as being confidential and recognised by the meeting as confidential shall be respected and confidentiality maintained.
- 7.10. Decisions, other than those that are the prerogative of an authority, shall be made by consensus. Where consensus is not achieved, a simple majority will suffice. The facilitator may in his or her discretion attempt to achieve consensus through *ad hoc* discussions between forum members.

8. COSTS

- 8.1. eThekwini will appoint a suitably qualified and experienced consultant to provide facilitation and secretariat functions for the Forum and will meet the associated costs.
- 8.2. Individual members will be responsible for the costs associated with their own attendance and participation in the Forum.

9. DURATION OF EFFLUENT DISCHARGE MONITORING FORUM

9.1. The Forum will operate as per the Coastal Waters Discharge Permit for

9.1.1. a period of at least five years; and

9.1.2. may be extended by mutual consent of all the participants.

9.2. Changes to terms of reference:

9.2.1. Any changes to terms shall be agreed by a majority of members, providing that the majority includes at least one member of the groups as listed below:

- Community representatives;
- Local organisations;
- Authorities;
- eThekweni.

9.2.2. All proposed changes shall be circulated to all members of the forum for comment at least two weeks prior to finalisation.