Cape Town, South Africa

Wastewater and Industrial Effluent By-law, 2013

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Wastewater and Industrial Effluent By-law, 2013
Contents

1. Definitions 1
2. Duties of owners of property 3
3. Permission to discharge industrial effluent 4
4. Protection of municipal sewers 5
5. Clearing of blocked private sewers 6
6. Powers of authorised officials 6
7. Transportation and Disposal of wastewater or industrial effluent 7
8. Acceptance of wastewater delivered by road transport 7
9. Mechanical food waste and other disposal units 8
10. Charges in respect of industrial effluent 8
11. Compliance notice 8
12. Offences and penalties 9
13. Repeal of by laws 9
14. Short title 9
Schedule 1 9

Cape Town
South Africa

Wastewater and Industrial Effluent By-law, 2013

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To repeal the Wastewater and Industrial Effluent By law, 2006; to ensure consistency with national legislation; and to provide for matters connected therewith.

WHEREAS the Constitution gives everyone the right to an environment that is not harmful to their health and well being, and the right to have the environment protected through reasonable legislative and other measures that prevent pollution and ecological degradation;

WHEREAS the Constitution empowers municipalities to make by laws and to administer the local government matters listed in Part B of Schedules 4 and 5 of the Constitution;

WHEREAS the Water Services Act, 1997 (Act No.108 of 1997) empowers the City to perform functions and to act as a Water Service Authority;

AND WHEREAS the City of Cape Town seeks to enforce its powers of control over activities linked to disposal of wastewater and industrial effluent;

NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows:-

1. Definitions

In this by law, unless the context indicates otherwise –

"**authorised official**" means any employee of the City who is responsible for the performance of any function or the exercise of any power in terms of this by law, and includes any employee of the City delegated to perform any function or exercise any power in the implementation of this by law;

"**City**" means the City of Cape Town established by Government Notice No. 479 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"**combined private sewer**" means a conduit for conveying sewage from two or more immovable properties to a public sewer, septic tank or conservancy tank and includes all things of whatsoever nature necessary in connection therewith;

"**Council**" means –

(a) the Municipal Council of the City established by Provincial Notice 479 of 2000 issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998);

(b) a successor in title;

(c) a structure or person exercising a delegated power or carrying out an instruction where any power in this By law has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000);

"**domestic sewage**" means the wastewater emanating from a domestic dwelling;

"**drain**" means that portion of the drainage installation that conveys sewage within any premises;

"**industrial effluent**" means any liquid whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any industrial trade, manufacturing, mining or chemical process or any laboratory, research, service, or agricultural activity, and includes matter discharged from a waste grinder;

"**illegal disposal**" means the unauthorised burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto any land or water area in the jurisdiction of the City;

"**medical waste**" includes—

(a) any waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, extracted teeth, corpses excluding corpses intended for burial in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

(b) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy and catheter bags; gloves, drip bags, administration lines and tongue depressors;

(c) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides;

(d) pharmaceutical products, which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;

(e) genotoxic chemical waste and radioisotopes from experimental or diagnostic work or any other source;

"**municipal sewer**" means any pipe or conduit under the control of the Council which may be used for the conveyance of wastewater;

"**occupier**" means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"**owner**" means—

(a) the owner of any property or any person in whose name the land on which a building is erected and registered in the deeds office;

(b) any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals in respect of the property; and

(c) any person who is entitled to the benefit of the use of such building or land, or who enjoys such benefit;

(d) the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

(e) the developer or the body corporate in respect of the common property in relation to a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or

(f) the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person in relation to a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986).

"**private sewer installation**" means a system situated on any private premises which is utilized in connection with the reception, storage, treatment or conveyance of sewage to a connecting point on such premises, and drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of, or which are ancillary to such system, and “drainage installation” has the same meaning;

"**private system of conveyance**" means any pipe or conduit constructed on a private property which is under the control of the property owner and which is utilized for the conveyance of either domestic or industrial effluent";

"**sampling chamber**" means a wastewater access chamber which may be used for maintenance, sampling and inspection with or without man entry, and may include a standard concrete manhole, a cleanout, a dead end manhole or a sampling pot in any location in a sewage collection system that requires access;

"**sewer**" means an underground conduit which conveys wastewater

"**sewer installation**" means the pipes and fittings which are used or intended to be used in connection with the conveyance of wastewater

"**stormwater**" means water resulting from natural precipitation and/or the accumulation thereof and includes groundwater and spring water ordinarily conveyed by the stormwater system, as well as sea water within estuaries, but excludes water in a drinking water or wastewater reticulation system;

"**waste disposal facility**" means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;

"**waste generator**" means–

(a) a person responsible for the generation of wastewater;

(b) an owner of premises upon which such wastewater is generated; or

(c) a person transporting such wastewater.

"**waste grinder**" means any mechanically operated device which grinds and flushes matter into the wastewater system or removes from vegetables or other foodstuffs, peels, skins, scales or other matter for discharge directly or indirectly into the wastewater system, and includes effluent from a food waste grinder;

"**waste treatment facility**" means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste;

"**wastewater**" means any liquid waste, whether or not containing matter in solution or suspension, and includes domestic liquid waste and industrial effluent, but excludes storm water; and

"**wastewater system**" means the structures, sewers, pipes, valves, pumps, meters or other appurtenances under the control of the Council which may be used for the conveyance or disposal of wastewater.

DUTIES AND PROHIBITED ACTS

2. Duties of owners of property

(1) Every owner of property must–

(a) construct or reconstruct a private sewer installation on the premises to comply with the requirements of the Council;

(b) connect a private sewer installation to the municipal sewer, whether directly or indirectly as required by the Council;

(c) enlarge the capacity of a private sewer installation to accommodate a greater discharge;

(d) submit and implement a waste management plan, including a waste minimization schedule which includes a chemical management plan or any other plan the City deems necessary;

(e) construct a suitable sampling chamber on the industrial effluent discharge line of any operation.

(2) No owner of property may allow –

(a) the ingress of groundwater or stormwater into a private sewer installation on his or her premises except with the written consent and written conditions of the Council;

(b) the seepage of wastewater from a private sewer installation on his or her premises;

(c) industrial effluent to mix with domestic sewage on his or her premises before the industrial effluent sampling chamber, in respect of an industrial site established after the date of commencement of this by law.

(3) Every owner of property must take adequate measures on his or her premises to prevent the ingress and seepage referred to in subsection (2).

(4) The owner must ensure that–

(a) industrial effluent which is likely to contain grease, oil, or fat or inorganic solid matter in suspension, must be passed through a suitable treatment facility, as may be required by Council, before it is allowed to enter any sewer; and

(b) any cleaning agent used on the premises for any activity may not form stable emulsions or solidify in the system.

3. Permission to discharge industrial effluent

(1) Any person who wishes to construct, cause to be constructed a building for purposes of using such building as trade premises, must, in writing, apply for –

(a) approval of such building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977); and

(b) permission to discharge industrial effluent into the sewer or any wastewater system in the form prescribed by the City.

(2) Any person who acquires a building for purposes of using such building as trade premises, must, in writing, apply for permission to discharge industrial effluent into the sewer or any wastewater system in the form prescribed by the City.

(3) The City may –

(a) permit the discharge of industrial effluent into the sewer if the capacity and condition of the sewer system is sufficient and suitable for the conveyance, effective treatment and lawful disposal thereof;

(b) impose conditions which must be complied with prior to being permitted to discharge effluent into the sewer;

(c) limit the times during which owners may discharge industrial effluent into the sewer

(4) Except with the written permission of the City, which may include the imposing of conditions, no person may–

(a) increase or vary the quantity, nature, content or composition of any industrial effluent discharged into the sewer; or

(b) contravene or allow to be contravened any condition imposed by the City when written permission was granted to discharge industrial effluent.

(5) Council may, by written notification to the owner, review, amend, modify or revoke any permission given or any conditions imposed on the discharge of all or part of such effluent into the sewer.

4. Protection of municipal sewers

(1) Except with the written consent of Council and subject to conditions imposed, no person may–

(a) construct, erect or lay any building, structure or other thing over or in such a position or in such a manner so as to interfere with or endanger any municipal sewer;

(b) excavate, open up or remove the ground above, next to, under or near any municipal sewer;

(c) damage, endanger or destroy or do any act likely to damage, endanger or destroy any municipal sewer;

(d) make any opening in any municipal sewer, or abstract, divert or cause to be abstracted or diverted any sewage therefrom;

(e) discharge, permit to enter or put into any municipal sewer–

(i) any storm water;

(ii) any steam or any liquid excluding domestic wastewater, with a temperature higher than 40 C or any liquid which has a pH value of less than five comma five or greater than twelve;

(iii) any petrol, oil, greases, waxes, fat or pesticides, insecticides or paints;

(iv) any refuse or waste resulting from any industrial, trade, manufacturing or chemical process, or any medical waste;

(v) any gas or any substance which gives off, or is liable to give off explosive, poisonous or inflammable gases or vapours, or which which has an Abel's open cup flashpoint of less than 60 C or which contains volatile flammable solvents or solvents immiscible with water, or which may by itself or in combination with any other substances–

(aa) unreasonably cause a nuisance, endanger the health of or injure to any person;

(bb) interfere with the free flow of sewage and injuriously affect any sewer or wastewater works or land connected with any sewer or with the conveyance, treatment, purification, disposal or re use of wastewater; or

(cc) in any way prejudice the disposal or re use of wastewater effluent after treatment or purification or lead to an effluent which does not meet the requirements imposed herein;

(f) discharge any substance other than industrial effluent into a separate private system of conveyance; and

(g) in the case where a separate private system of conveyance for industrial effluent is installed, discharge industrial effluent into any other sewer.

(2) If any person contravenes subsection (1), the City may notify and instruct the person responsible to, within a specified timeframe –

(a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid;

(b) fill in and make good any ground excavated or removed; repair and make good any damage;

(c) remove anything discharged, permitted to enter or put into a sewer or public

(d) drain ; and

(e) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any municipal sewer.

(3) If a person fails to comply with an instruction issued in terms of subsection (2), the Council may take such steps as it may deem necessary to rectify the matter at the cost of the owner

(4) Council may, at the cost of the owner, immediately disconnect any private sewer installation from the municipal sewer system, which in any way endangers or injuriously affects –

(a) any sewer or any works or land connected with any sewer; or

(b) the conveyance , treatment, purification and disposal or re use of wastewater.

(5) In contemplation of subsection (4), Council may require such owner to make arrangements as may be necessary for the –

(a) safe disposal of wastewater on the premises of such owner;

(b) transportation of wastewater to a waste treatment facility or other suitable place approved by the Council; or

(c) cleaning, repairing, reconstruction, replacement, repositioning or any other reasonable step that the City may require

(6) If the owner fails to make the necessary arrangements as contemplated in subsection (5) and fails to comply with the direction given in a compliance notice, the City may at the expense of the owner, take whatever action it deems necessary to reasonably –

(a) prevent or mitigate imminent environmental damage; or

(b) remedy any environmental damage by the owner.

5. Clearing of blocked private sewers

(1) The City must deliver a written notice containing a stipulated timeframe in which the owner must clear blockages, maintain or replace private sewer or sewer installation.

(2) The City may arrange for the clearing of a blocked private sewer and private sewer installation, at the cost of the owner –

(a) after the timeframe in the written notice has elapsed, and

(b) where such owner of premises fails to clear a blocked private sewer or sewer installation.

(3) Subject to subsection (2), the City may arrange for the maintenance or replacement of a combined private sewer if the owners fail to maintain and replace such sewer –

(a) after the timeframes in notice have elapsed;

(b) at the cost of all the owners of immovable properties served by such combined private sewer; and

(c) where there is more than one owner, proportionally fix the cost of maintenance or replacement of the combined private sewer.

(4) Where it is established that a private sewer installation or combined private sewer became blocked as a result of a defect or a blockage in the municipal sewer, no costs will be recovered from any owner.

6. Powers of authorised officials

(1) An authorised official, may at all reasonable times, after identification, enter any premises for the purposes of–

(a) carrying out an investigation about the quality of the wastewater discharged;

(b) carrying out any function or duty of the City in terms of this by law; or

(c) determining whether the provisions of this by law are complied with.

(2) Subject to section 11(4), the authorised official may issue a compliance notice to any person contravening the provisions of this by Law and may require the submission of an action plan to prevent the re occurrence of the contravention within a stipulated time frame.

(3) An authorised official must take all reasonable steps to prevent any damage to such property or premises when exercising any function or performing any duty in terms of this By law.

(4) The City shall not be liable for any damage caused to any property or premises by any action or omission of an authorised official when reasonably exercising any function or performing any duty in terms of this by law.

(5) Subject to chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the City may impound any transportation vehicle of a waste generator where it is reasonable for the City to conclude that such vehicle was used for the illegal disposal of any waste.

7. Transportation and Disposal of wastewater or industrial effluent

(1) Where no municipal sewer is available for the discharge of wastewater, no person may dispose of wastewater unless –

(a) an authorized official has approved the method of transportation and imposed such conditions as it may deem necessary for the transportation of such wastewater;

(b) the waste generator takes the necessary precautions and measures to prevent the spillage, leakage or seepage from any container of such wastewater or its by products during transportation; and

(c) such wastewater is disposed of in a waste treatment or disposal facility that is approved by the City.

(2) The person in charge of an approved waste disposal facility as contemplated in subsection (1), must provide written proof of acceptance for the disposal of wastewater and the by products thereof to the relevant waste generator and to the City; and

(3) The waste generator must, for at least one year after the date of such disposal of such wastewater and its by products –

(a) retain the written proof of acceptance to dispose wastewater and its by products; and

(b) upon request, make available for inspection by an authorised official such written proof of acceptance.

8. Acceptance of wastewater delivered by road transport

(1) No person may, using road transportation, deliver waste to be discharged at a waste treatment or disposal facility of the City, unless with the written permission of an authorised official of the City.

(2) The written permission of the authorised official may contain additional conditions for the acceptance of wastewater delivered for disposal at a waste treatment or disposal facility of the City.

(3) An authorised official must, in accordance with the prescribed tariff charges, assess and implement the charges for any sewage delivered to any waste treatment or disposal facility of the City.

(4) The waste generator must –

(a) arrange the time of delivery of wastewater for disposal prior to such road transport delivery; and

(b) to the satisfaction of the authorised official prior to the discharge of wastewater

(i) establish the nature and composition of the wastewater; and

(ii) establish that the wastewater to be disposed of complies with the standards as prescribed in this by law.

(5) The authorised official may, after delivering a compliance notice, withdraw any written permission to discharge wastewater delivered in terms of this section if the permit holder –

(a) contravenes any provisions of this by law or any condition imposed in terms of any permission granted to such person;

(b) fails to ensure that the wastewater so delivered complies with the standards prescribed in this by law, as applicable, or in the written permit;

(c) fails to comply with any notice served by an authorised official on such person; or

(d) fails to pay the assessed charges in respect of any wastewater delivered to the waste treatment or disposal facility of the City.

9. Mechanical food waste and other disposal units

The City may by written notice, require the owner of any premises on which a food waste disposal unit or a garbage grinder has been installed to, within a specified period of time, remove, repair or replace such unit or grinder if such unit or grinder is functioning inefficiently or is impairing the proper functioning of the municipal sewer.

10. Charges in respect of industrial effluent

Any person who has been granted consent to discharge, or permits the discharge of industrial effluent into a municipal sewer, must pay to the City, a charge calculated in accordance with Schedule 1 of this by law and the Tariff by law of the City.

11. Compliance notice

(1) The City may serve a compliance notice on any person acting in contravention of this By law.

(2) The compliance notice is deemed to be sufficiently and effectively served on such person –

(a) when it has been delivered to him or her personally;

(b) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 16 years;

(c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;

(d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or

(e) if his or her address and that of an agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

(3) When a compliance notice as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner of such immovable property, as the case may be.

(4) The compliance notice must –

(a) specify the contravention;

(b) specify the timeframes in which the contravention must be remedied; and

(c) inform such person that the City may, after the expiration of the timeframe specified in the compliance notice, remedy the cause of the contravention at the cost of such person.

(5) Any costs incurred by the City in the course of remedying the cause of the contravention as contemplated in subsection (4) may be recoverable in terms of the Credit Control and Debt Collection By laws of the City.

12. Offences and penalties

(1) Any person who –

(a) contravenes any provision in this by law or fails to comply with any condition imposed in terms thereof;

(b) threatens, resists, interferes with or obstructs an authorised official in the exercise or performance of his or her duties or functions in terms of this by law, or

(c) deliberately furnishes false or misleading information to an authorized official,

(d) dispose of waste at a facility or any other private or public place which is not authorised to accept such waste,

commits an offence and is liable to a fine or, on conviction, to a term of imprisonment not exceeding 12 months, or to both such fine and such imprisonment.

(2) In addition to the penalties prescribed in this by law, a person who commits an offence referred to in subsections (a) to (d) is liable to such charges as the City may assess as the full cost as a result of that offence, including the environmental cost incurred by the Council and in accordance with the Schedule hereto.

13. Repeal of by laws

The Wastewater and Industrial Effluent By law, 2006 (PG 6378; LA18367), is hereby repealed

14. Short title

This by law is called the City of Cape Town: Wastewater and Industrial Effluent By law, 2013.

Schedule 1

Maximum limits of permitted discharges

Section A: General		Not less than	Not to exceed
1.	Temperature at point of entry	\0. °C	40. °C
2.	Electrical conductivity at 25 °C		500. mS/m
3.	pH Value at 25 °C	5.5	12.0

Section A: General		Not less than	Not to exceed
4.	Chemical oxygen demand		5 000 mg/l

Section B: Chemical substances other than heavy metals – maximum concentrations		
1.	Settleable solids (60 minutes)	50 ml/l
2.	Suspended solids	1 000 mg/l
3.	Total dissolved solids at 105 °C	4 000 mg/l
4.	Chloride as C	1 500 mg/l
5.	Total sulphates as SO4	1 500 mg/l
6.	Total phosphates as P	25 mg/l
7.	Total cyanides as CN	20 mg/l
8.	Total sulphides as S	50 mg/l
9.	Phenol index	50 mg/l
10.	Total sugars and starches as glucose	1 500 mg/l
11.	Oils, greases, waxes and fat	400 mg/l
12.	Sodium as Na	1 000 mg/l

Section C: Metals and inorganic content – maximum concentrations Group 1		
1.	Total iron as Fe	50 mg/l
2.	Total chromium as Cr	10 mg/l
3.	Total copper as Cu	20 mg/l

Section C: Metals and inorganic content – maximum concentrations Group 1		
4.	Total zinc as Zn	30 mg/l
Total collective concentration of all metals in Group 1 shall not exceed 50 mg/l		

Section C: Metals and inorganic content – maximum concentrations Group 2		
5.	Total arsenic as A	5 mg/l
6.	Total boron as B	5 mg/l
7.	Total lead as Pb	5 mg/l
8.	Total selenium as Se	5 mg/l
9.	Total mercury as Hg	5 mg/l
10.	Total titanium as Ti	5 mg/l
11.	Total cadmium as Cd	5 mg/l
12.	Total nickel as Ni	5 mg/l
Total collective concentration of all metals and inorganic constituents in Group 2 shall not exceed 20 mg/l		

Section D: Prohibited radioactive materials

Any radioactive wastes or isotopes of such nature or in such concentration as do not meet the requirements laid down by the Council for Nuclear Safety referred to in section 24 of the Nuclear Energy Act (Act 92 of 1982) as amended.