



Western Cape  
Government  
Environmental Affairs and  
Development Planning

BETTER TOGETHER.

DIRECTORATE: WASTE MANAGEMENT

ETIENNE ROUX

Etienne.Roux@westerncape.gov.za

**Reference:** 19/2/5/4/B2/29/WL0040/18

The Municipal Manager  
Breede Valley Local Municipality  
Private Bag x3046  
**WORCESTER**  
6849

Tel: (023) 348 2803  
Email: [jmalan@bvm.gov.za](mailto:jmalan@bvm.gov.za)

**For attention:** Mr Johan Malan

**VARIATION OF THE WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT (ACT NO. 59 OF 2008) FOR THE CONTINUED OPERATION OF THE TOUWSRIVER WASTE DISPOSAL FACILITY (WDF) ON PORTION 0 OF PARCEL 16, TOUWSRIVER**

## **WASTE MANAGEMENT LICENCE**

### **A. DECISION**

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereafter "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby vary and replace the existing Waste Management Licence (WML) (Licence No.: 19/2/5/1B2/29/WL0074/14) issued by the Department on 7 November 2014, and issue this WML (hereafter "the Licence") to the abovementioned Licence Holder for the continued operation of the Touwsriver WDF, located on Portion 0 of Parcel 16, Touwsriver.

**B. DESCRIPTION OF THE ACTIVITY:**

The activities for this Facility, as per the Second Edition of the "Minimum Requirements for Waste Disposal by Landfill" of the Department of Water Affairs and Forestry (DWAF, 1998) (now Department of Water and Sanitation (DWS)) (referred to as "Minimum Requirements") and for any new waste cells that will be developed, as per the NEM:WA "National Norms and Standards for Disposal of Waste to Landfill", contained in Government Notice (GN) No. R. 636 (GN No. R. 636) of 23 August 2013, will entail but not be limited to the following:

- (a) Disposal of general waste.
- (b) WDF Site Auditing.
- (c) Gate or weighbridge recording procedures.
- (d) Volume Surveys.
- (e) Collection and processing of other data.
- (f) Leachate and water quality monitoring.
- (g) Gas monitoring.
- (h) Air quality monitoring.
- (i) Monitoring of rehabilitated areas.
- (j) Management of the health of workers.
- (k) The crushing of construction and demolition (C&D) waste and chipping of the green waste.
- (l) The operation of a waste reclamation area.

The following activities listed in the NEM:WA "List of waste management activities that have, or are likely to have a detrimental effect on the environment", GN No. 921 of 29 November 2013, are hereby authorised:

**Category B**

- 4 (8): The disposal of general waste to land covering an area in excess of 200m<sup>2</sup> and with total capacity exceeding 25 000 tons; and
- 4 (10): The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to associated waste management activity).

The granting of this Waste Management Licence is subject to compliance with the conditions set out in Section C.

In this Licence, "Director" means the Director: Waste Management of the Western Cape Department of Environmental Affairs and Development Planning, who may be contacted at the address below:

Director: Waste Management

Department of Environmental Affairs and Development Planning

Private Bag X 9086

**CAPE TOWN**

8000

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the National Department of Water and Sanitation: Western Cape Provincial Operations, who may be contacted at the address below:

Director: Resource Protection and Waste

Department of Water and Sanitation

Private Bag X16

**SANLAMHOF**

7532

**A. LICENCE CONDITIONS**

**LICENCE NUMBER:** 19/2/5/4/B2/29/WL0040/18  
**CLASS:** CLASS B  
**WASTE APPLICATION:** CONTINUED OPERATION OF THE TOUWSRIVER WASTE DISPOSAL FACILITY  
**LOCATION:** PORTION 0 OF PARCEL 16 IN TOUWSRIVER, BREEDE VALLEY MUNICIPAL AREA, WESTERN CAPE  
**LICENCE HOLDER:** BREEDE VALLEY LOCAL MUNICIPALITY  
**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER  
**ADDRESS:** PRIVATE BAG X3046, WORCESTER, 6849

**1. LOCATION**

- 1.1. This Licence authorises the Breede Valley Local Municipality to operate Touwsrivier WDF, Touwsrivier.
- 1.2. The location of the entrance of the Facility must be according to co-ordinates indicated on the WML Application Form dated 14 January 2014 and the WML Application Additional Information Annexure, submitted by the Licence Holder, which is defined as follows:

Location of the entrance of the Facility:

Latitude (S)	Longitude (E)
33°21'2.09"	20°01'28.51"

- 1.3. The location of the Facility must be according to co-ordinates indicated on the WML Application Form dated 14 January 2014 and WML Application Additional Information Annexure submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility:

Number of corners	Latitude (S)	Longitude (E)
A	33°21'00.12"	20°01'28.49"
B	33°21'02.02"	20°01'26.51"
C	33°21'03.46"	20°01'27.23"
D	33°21'03.77"	20°01'28.74"
E	33°21'03.01"	20°01'30.01"

- 1.4. The footprint of the Facility and its associated infrastructure is 4 830 m<sup>2</sup>.
- 1.5. The Surveyor General 21 Digit Code of the Facility is: C08500000000001600000

## **2. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER/ENVIRONMENTAL CONTROL OFFICER**

- 2.1. A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr), prior to any construction activities being undertaken on the Facility. The WMCO/ECO must:
  - 2.1.1 report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Director through the means reasonably available;
  - 2.1.2 identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste;
  - 2.1.3 monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs; and
  - 2.1.4 submit a declaration to the Director upon completion of the construction works that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.

## **3. PERMISSIBLE WASTE**

- 3.1. Any portion of the Facility as demarcated in condition 1.3 may be used for the disposal of general waste. Only waste that is classified as general waste according to the NEM:WA, and any future norms and standards developed by the Department of Environmental Affairs are permitted.
- 3.2. If more than 80m<sup>3</sup> of hazardous waste and/or 100m<sup>3</sup> of general waste is going to be stored at the Facility, the NEM:WA "*National Norms and Standards for the Storage of Waste*", as contained in GN No. 926 of 29 November 2013, must be adhered to.
- 3.3. Any portion of the Facility which has been constructed or developed according to GN No. R 636 and approved in writing by the Director, may be used for the disposal of waste classified as Type 2 Waste according to the NEM:WA "*Waste Classification and Management Regulations*", contained in GN No. R 634, dated 23 August 2013.
- 3.4. The Licence Holder shall take all reasonable steps to ensure that:
  - 3.4.1. no hazardous waste; and
  - 3.4.2. no health care waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007, (Act No. 7 of 2007), be disposed of at the Facility.
- 3.5. The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 3.6. All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.
- 3.7. Organic waste is allowed to be disposed of at the Facility, but must be in accordance with the Organic Waste Diversion Plan, targets and procedures referred to in conditions 19.8 and 19.9 of the Licence.

## **4. CONSTRUCTION**

- 4.1. This Licence must be made binding to the main contractor, as well as individual contractors and should be included in tender documentation for the construction contract.
- 4.2. The Facility or any portion thereof may only be used for the disposal of permissible waste if the Facility or any such portion has been constructed or developed according to the conditions listed under condition 4 of the Licence.

- 4.3. The Facility construction must be carried out under the supervision of a WMCO/ ECO who must submit a declaration to the Director upon completion that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.
- 4.4. Construction and further development within the proposed WDF must be carried out under the supervision of a Registered Professional Engineer. The operational cell must adhere to a Class B containment barrier design as described in GN No. R 636, including a lined leachate collection dam. The Licence Holder must submit design drawings to the Director for approval 90 (ninety) days before commencement of the listed waste management activities.
- 4.5. After construction of the Facility or further development within the Facility, the License Holder must notify the Director thereof and the person referred to in condition 4.4 must submit a certificate or alternatively a letter to the Director that the construction of the Facility or further development within the Facility, as proposed by the License Holder and approved by the Director, is in accordance with recognised civil engineering practice and the requirements of this License, before disposal may commence at the Facility. If the Director is satisfied with the construction of the Facility or any further development within the Facility and has given written permission, the License Holder may use the Facility or any further development within the Facility for the disposal of waste.
- 4.6. Should any archaeological artefacts be exposed during excavation, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any artefacts be destroyed. Such an archaeological site must be marked and fenced off, and South African Heritage Resource Agency must be contacted within 48 (forty-eight) hours.
- 4.7. Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500 (five hundred) m of the boundary of a wetland would require a water use licence in terms of section 21 of the National Water Act, 1998 (Act No. 36 of 1998) (NWA).
- 4.8. A 200 (two hundred) m buffer zone must be established around the Facility. This buffer zone must restrict any residential development within 200 (two hundred) m of the Facility. This buffer zone must be established by registering a servitude on the adjacent properties. Notice must be given to adjacent property owners that livestock will graze within the buffer zone at own risk.
- 4.9. For closure, the existing portion of the Facility must be levelled and capped with an appropriate infiltration control cap comprising 200 (two hundred) mm topsoil, 300 (three hundred) mm of compacted clay (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding  $10^{-6}$ cm/sec or have static infiltration less than 0.5m/year, over a compacted waste body shaped to have a slope between 1v:4h (25%) and 1v:50h (2%).
- 4.10. All areas where waste is temporarily stored and handled, excluding the disposal area, must be designed and managed that there is no escape of contaminants into the environment. All runoff, if any, must be prevented from entering local watercourses.
- 4.11. A two-way access road must be constructed with material that creates minimal dust. This access road must also be maintained to facilitate easy access to the Facility and the active cells.
- 4.12. The slope of the sides of the disposal area must be constructed to form part of the 1v:3h sloped berms that is in 2 (two) m vertical steps and maintained in such a manner that erosion is prevented.
- 4.13. The Facility shall be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 4.14. The Licence Holder shall make provision for adequate sanitation facilities at the Facility.
- 4.15. A stormwater management system must be installed to divert and drain all runoff water arising on land adjacent to the Facility. This stormwater system must have the capacity to

maintain a freeboard of a half a metre in the event of a maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in fifty years.

- 4.16. A stormwater management system must be installed to divert and drain all runoff water from the working face of the Facility. This stormwater system must have the capacity to maintain a freeboard of a half a metre in the event of a maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in fifty years and be lined to the satisfaction of the director and Director: RPW, to prevent pollution to groundwater.
- 4.17. Runoff water referred to in condition 4.16 shall comply with the quality requirements as prescribed by the Director together with the Director: RPW, which may be determined from time to time and shall be drained from the Facility in a legal manner.
- 4.18. Runoff water referred to in condition 4.16 which does not comply with the quality requirements applicable in terms of condition 4.17 and all leachate shall, by means of works, which shall be constructed and maintained on a continuous basis by the Licence Holder:
  - 4.18.1 be discharged into any convenient sewer if accepted by the Authority in control of that sewer;
  - 4.18.2 be treated to comply with the aforementioned standard and discharged in a legal manner; and/or
  - 4.18.3 with the written approval of the Director, be evaporated in lined dams as approved by the Director.
- 4.19. The closure and rehabilitation of the Facility may only be carried out after a valid WML in terms of the NEM:WA has been issued for such closure and rehabilitation and this WML must be applied for prior to the airspace reaching its capacity.

## **5. OPERATIONAL**

- 5.1. The EMPr dated 1 April 2014, submitted as part of the Final BAR, is hereby approved and must be implemented together with all the conditions of this Licence.
- 5.2. The EMPr must be included in all contract documentation for all phases of implementation.
- 5.3. Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties will be carried out. A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activities will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 5.4. The Licence Holder must within 6 (six) months of the date of signature of this Licence submit a WDF Airspace Determination Report which estimates the remaining volume of airspace and height of the Facility, as well as estimating the remaining time left for the disposal at the Facility, to the Department for approval in writing. Thereafter, annual reports must be submitted to this Department.
- 5.5. The Licence Holder must within 6 (six) months of the date of signature of this Licence submit the WDF operational design to the Director for approval.
- 5.6. The Licence Holder must submit a detailed Geohydrological Report to the Director and the Director: RPW within 12 (twelve) months from the date of this Licence.
- 5.7. The Licence Holder must notify the Director immediately of any events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.

- 5.8. An application for the amendment to the EMPr must be submitted to the Director if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Director.
- 5.9. The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 5.10. The Licence Holder shall take all reasonable steps to ensure the Facility is operated in a manner which shall prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise.
- 5.11. Any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the causes of the complaints within a reasonable timeframe to the satisfaction of the Director and record it in terms of condition 12.
- 5.12. The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environmental Conservation Act, 1989 (Act No. 73 of 1989).
- 5.13. Waste disposed of at the Facility shall be compacted and covered on a daily basis with a minimum of 150 (one hundred and fifty) mm of soil or other material approved by the Director.
- 5.14. The Licence Holder must ensure that a stockpile of at least three (3) weeks of suitable cover material is available at all times.
- 5.15. The topsoil must be stockpiled separately to be used for the final capping processes.
- 5.16. Areas that will not be used for waste disposal for longer than a year must be covered with a minimum of at least 200 (two hundred) mm of suitable cover material.
- 5.17. The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 5.18. Waste may not be burned at the Facility.
- 5.19. The skips or bins used for temporary storage must be clearly marked to indicate the different types of waste which can be accepted.
- 5.20. All waste outside the Facility, as specified in condition 1.3, must be removed and disposed at the Facility on a daily basis.
- 5.21. An Emergency Response Plan (ERP) must be developed, and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire evacuations, injury on duty, accidents, and procedures caused by unexpected hazardous waste ending up at the Facility.
- 5.22. The Licence Holder must ensure that the provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) are met to ensure the health and safety of all staff.
- 5.23. All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn on the Facility.
- 5.24. All invasive alien vegetation must be removed annually.
- 5.25. Fugitive dust emissions must be mitigated through wet suppression methods.
- 5.26. A special wet weather waste cell must be constructed to handle general waste other than the domestic waste received on a daily basis. This special waste cell must also be accessible during inclement weather conditions or any emergency incidents.
- 5.27. The Licence Holder must set targets to recover recyclables at the Facility as part of an overall strategy to divert waste from being disposed of at waste disposal facilities.
- 5.28. The Licence Holder must manage landfill gas in terms of the standards specified in the "*Minimum Requirements*". A gas monitoring and/or extraction system must be implemented when required or indicated by the Director.



- 5.29. All sumps for water or gas monitoring on the Facility must be routinely inspected and cleaned.

## **6. FACILITY SECURITY AND ACCESS CONTROL**

- 6.1. Weatherproof, durable and legible notices must be displayed at each entrance in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry, state the hours of operation, include the types of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 6.2. The Facility shall be fenced to a minimum height of 1.8 (one point eight) m, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown paper and plastic materials.
- 6.3. The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.4. The Licence Holder shall take all reasonable steps to maintain service roads in a condition which ensures unimpeded access to the Facility for vehicles transporting waste and to keep the roads free of waste.
- 6.5. The Licence Holder shall ensure effective access control during the operational, closed or rehabilitated Facility and that no illegal dumping occurs.

## **7. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 7.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring at the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 7.2. Should the investigation carried out as per condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **8. MONITORING METHODS AND PARAMETERS**

- 8.1. The Licence Holder must carry out all tests required in terms of this Licence in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008).
- 8.2. The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Director and Director: RPW, specifying that the method to be used is at least equivalent to the SABS method.
- 8.3. The Licence Holder must put in place a monitoring and measurement plan that must amongst others include:
- 8.3.1 tonnage received, recycled, reclaimed and transferred;
- 8.3.2 waste types and sources;
- 8.3.3 air quality monitoring; and
- 8.3.4 an annual topographical survey submitted to the Director in the form of an Airspace Determination Report, which must estimate the remaining volume of airspace on the Facility and the remaining lifetime for the disposal of waste at the Facility.

## **9. MONITORING**

### **9.1. WATER MONITORING**

- 9.1.1 The Licence Holder must establish and maintain a ground water monitoring plan with at least 1 (one) upstream and 1 (one) downstream borehole, within 3 (three) months of obtaining this licence and submit the plan to the Director and the Director: RPW for approval, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 9.1.2 Monitoring boreholes must be equipped with lockable caps. The Director and the Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 9.1.3 Surface water monitoring must be performed in all storm water drains outlets that discharges to the natural environment and adjacent to the Facility at locations selected in conjunction with and at same frequency as prescribed by the Water Quality Monitoring Protocol approved by the Director: RPW through the Western Cape Provincial Government.

### **9.2. BACKGROUND MONITORING**

- 9.2.1 Samples from the borehole as required above, where the groundwater in the borehole is at an expected higher hydraulic pressure level than the hydraulic pressure level of the groundwater under the Facility, shall be considered as background monitoring. Background groundwater monitoring shall be conducted during each monitoring occasion in terms of conditions 9.3, 9.4 or 9.5 for the water quality variables as agreed by the Director and the Director: RPW.

### **9.3. DETECTION MONITORING**

- 9.3.1 Monitoring shall be conducted on a biannual (twice per year) basis during late summer and late winter to capture seasonal variation, for the water quality variables as agreed by the Department and the Director: RPW.

### **9.4. INVESTIGATIVE MONITORING**

- 9.4.1 If, in the opinion of the Director or/and the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 9.3, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

### **9.5. POST-CLOSURE MONITORING**

- 9.5.1 Groundwater monitoring by the Licence Holder, in accordance with condition 9, shall commence immediately upon closure of the Facility and be maintained for a period of 30 (thirty) years, or such lesser period as may be determined by the Director: RPW.

### **9.6. FURTHER INVESTIGATION**

- 9.6.1 If, in the opinion of the Director and/ or the Director: RPW, groundwater and/or surface water pollution have occurred or may possibly occur, the Licence Holder must conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director and/ or the Director: RPW.

## **10. AUDITING**

### **10.1. INTERNAL AUDITS**

10.1.1 Internal audits must be conducted quarterly (four times a year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in condition 10.2 and the internal audit report must be submitted to the Director.

### **10.2. EXTERNAL AUDITS**

10.2.1 The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report documenting the findings of the audit.

10.2.2 The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.

10.2.3 The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Licence conditions, and must specify target dates for the implementation of the recommendations by the Licence Holder.

10.2.4 The external audit report must be submitted to the Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 11 below, within 3 (three) months, from the date on which the external auditor finalised the report.

10.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.

10.2.6 Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.

### **10.3 DEPARTMENTAL AUDITS AND INSPECTIONS**

10.3.1 The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director.

10.3.2 The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.

10.3.3 The findings of these audits or inspections may be made available to the Licence Holder and Residents Monitoring Committee within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

## **11 MONITORING COMMITTEE**

11.1 The Licence Holder must take all reasonable steps to establish and maintain the continued functioning of the Touwsriver WDF Environmental Monitoring Committee (in this Licence referred to as the "Monitoring Committee") for the normal operative lifetime of the Facility.

11.2 The Monitoring Committee shall be representative of relevant interested and affected persons (I&APs) and may consist of at least the following persons:

11.2.1 Licence Holder and/or his appointed consultant(s) or advisor(s);

11.2.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;

11.2.3 representative(s) of the Provincial Government responsible for waste management and environmental functions; and

- 11.2.4 at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the invitation to attend the Monitoring Committee to I&APs of each meeting. least 3 (three) persons/parties, or their representatives elected by the local residents.
- 11.3 The Monitoring Committee shall meet at least once every 6 (six) months and not later than 30 (thirty) days after the yearly external audit report specified in condition 10.2 has been submitted according to condition 10.2.4.
- 11.4 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and must ensure the distribution of these minutes to all members of the Monitoring Committee within 14 (fourteen) days after the meeting.

## **12 RECORD KEEPING**

- 12.1 The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 12.2 All records required or resulting from activities required by this Licence must:
  - 12.2.1 be legible;
  - 12.2.2 be made available to anyone who may request them and should form part of the any audit report;
  - 12.2.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 12.2.4 be retained in accordance with documented procedures which are approved by the Department; and
  - 12.2.5 be made available upon the request of the Director.
- 12.3 The Licence Holder shall record all borehole data and chemical analysis in a format agreed upon in writing between the Director and the Director: RPW, the Licence Holder, and a relevant specialist if so required.

## **13 REPORTING**

- 13.1 The Licence Holder must, within 24 (twenty four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused any pollution.
- 13.2 The Licence Holder must within 14 (fourteen) days, or such time specified by the Director, from the occurrence or detection of any incident referred to in condition 13.1 submit an action plan, which must include a detailed time schedule and resource allocation signed off by management to the satisfaction of the Director, of measures taken to:
  - 13.2.1 correct the impact resulting from the incident;
  - 13.2.2 prevent the incident from causing any further impact; and
  - 13.2.3 prevent a recurrence of a similar incident.
- 13.3 In the event that measures have not been implemented within 21 (twenty one) days of the incident referred to in condition 13.1 to address impacts caused by the incident, or that the measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 13.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 13.5 The Department must be notified within 7 (seven) days of any changes to the management of the Facility, including the name of the incoming person, together with evidence that such person has the required technical competence.

- 13.6 The Department must be notified within 14 (fourteen) days of the following changes:
- 13.6.1 Licence Holder's trading name, registered name or registered office address;
  - 13.6.2 particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - 13.6.3 steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.7 All audit reports (internal and external) must be submitted to the Director within thirty (30) days from the date on which the auditor finalised the audit.
- 13.8 The Licence Holder must register and report all waste volumes or masses received, recovered, disposed of or stored to the Department's Integrated Pollutant and Waste Information System (IPWIS), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>, as required by the Department.

#### **14 OTHER REPORTS**

- 14.1 The information required in terms of condition 12, shall be submitted to the Director within a period of one year from the date of issuing of this Licence and annually (once a year) thereafter.
- 14.2 The information required in terms of condition 9 must be reported to the Director, and the Director: RPW, within a period of 60 (sixty) days following the analysis of the samples. The information must also be included into a trend report, which must contain a graphical representation of all results obtained previously at any specific point, as well as an interpretation and discussion of the results of each monitoring occasion.

#### **15 REHABILITATION AND CLOSURE OF THE FACILITY**

- 15.1 The Licence Holder shall, at least 60 (sixty) days prior to the intended closure of the Facility, notify the Director by registered mail of such closure and submit final rehabilitation plans for approval.
- 15.2 Immediately following the cessation of operations, with the intention to close the Facility, the surface of the Facility shall be covered in such a way that:
- 15.2.1 the formation of pools due to rain is prevented;
  - 15.2.2 free surface runoff of rain-water is ensured; and
  - 15.2.3 no objects or materials which may hamper the rehabilitation of the Facility are present.
- 15.3 The Licence Holder shall rehabilitate the Facility in accordance with a rehabilitation plan, which shall be submitted by the Licence Holder and which shall be to the satisfaction of the Director.

#### **16 LEASING AND ALIENATION OF THE SITE**

- 16.1 Should the Licence Holder want to alienate or lease the Facility, he/she must notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction. Should the approval be granted, the subsequent Licence Holder shall remain liable to compliance with all Licence conditions.

#### **17 TRANSFER OF THE WASTE MANAGEMENT LICENCE**

- 17.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM:WA, 2008.

17.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

## **18 COMMENCEMENT**

18.1 The activities hereby licensed may not commence within 20 (twenty) days of the date of signature of this Licence.

18.2 Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorised activities, he/she may not commence with the activities until authorised by the Director in writing.

18.3 After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.

18.4 This activity must commence within a period of 5 (five) years from the date of issue. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for a WML must be made in order for the activity to be undertaken.

18.5 If the proponent anticipates that commencement of the activity would not occur within 5 (five) year period, he/she must apply and show good cause for an extension of the Licence 6 (six) months prior to its expiry date.

## **19 GENERAL**

19.1 This Licence shall not be transferable unless such transfer is subject to condition 17 above.

19.2 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.

19.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.

19.4 This Licence is valid until the waste disposal airspace capacity has been reached as determined in condition 5.4. The Licence may be reviewed at any time before that date. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and/or changing legislation, the Licence can be amended or withdrawn or the validity thereof be extended.

19.5 Should the Licence Holder want to conduct the waste management activity beyond the airspace capacity, the Licence Holder must apply for a review of the Licence 1 (one) year before the expiry date.

19.6 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in section 67(1) of the NEM:WA.

19.7 In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the NWA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

19.8 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.

19.9 The information within the Organic Waste Diversion Plan must:

- 19.9.1 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
- 19.9.2 set annual targets and identify procedures from 2018 that will be implemented to meet these targets for the diversion of organic waste from municipal WDFs, in order to reach a 50% diversion by the year 2022 and 100% diversion by the year 2027.

### **C. APPEAL OF LICENCE**

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
  - 1.2 An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
    - 1.2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
    - 1.2.2 submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
  - 1.3 An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
    - 1.3.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
    - 1.3.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
  - 1.4 The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 2 This appeal and responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
**CAPE TOWN**  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr J. de Villiers  
Room 809  
8th Floor Utilitas Building  
1 Dorp Street  
**CAPE TOWN**  
8001

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.



**D. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Licence shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully,



**EDDIE HANEKOM**

**DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION: 01-08-2018**

Cc: (1) Mr Noe Malise (DWS: Resource Protection and Waste)  
(2) Ms Wilna Moolman (DWS: Resource Protection and Waste)

Email: [NoeM@dws.gov.za](mailto:NoeM@dws.gov.za)  
Email: [MoolmanW@dws.gov.za](mailto:MoolmanW@dws.gov.za)

## **ANNEXURE I**

### **REASONS FOR THE DECISION (APPEALABLE)**

The reasons for the Licence decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:

1. The Department conducted a review of selected Permits/WMLs as per Section 53 (1) of the NEM:WA, as amended, which states that: "A licensing authority must review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary". The proposed variation was in line with Section 54 (1) (a) and (d) of the NEM:WA, which states that: "(1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence-  
  
(a) if it is necessary or desirable to prevent pollution; (and)  
  
(d) to make a non-substantive amendment".
2. The review and subsequent non-substantive amendment was conducted in order to align the Touwsriver WDF licence conditions with current waste legislation and replace the existing Licence (Licence No.: 19/2/5/1/B2/29/WL0074/14) issued by the Department on 2 July 2014, and issue this Licence.

### **REASONS FOR THE ORIGINAL DECISION (NOT APPEALABLE)**

The reasons for the licence decision as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence are explained below.

- (a) The information contained in the Application Form for a Waste Management Licence dated 14 January 2014;
- (b) The Basic Assessment Report (BAR) dated 1 April 2014, compiled by AECOM (Pty) Ltd., including the Waste Management Licence Application Additional Information Annexure;
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) Relevant information contained in the Departmental information base; and
- (e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.

A summary of the issues which, in the Department's view were of the most significance, are set out below.

## **Environment**

The Facility is being used for the disposal of garden and C&D waste. A small informal settlement is located within 500m to the north. There are no buildings on the site. The site was historically covered by Matjiesfontein Shale Renosterveld but has become severely degraded and there does not appear to be any natural vegetation remaining on the site. No specialist studies have been conducted to determine the impact of the continued operation of the Facility on the environment.

### **Application for permission to switch between a Basic Assessment and Scoping and Environmental Impact Reporting ("S & EIR) process**

The applicant requested the application be switched from an S & EIR to a BAR in terms of sub-regulation 20 (4) of Government Notice No. R543 of the EIA regulations.

The permission was granted because of the following:

- (a) The waste disposal facility is existing;
- (b) The Facility is classified as a communal with lesser impact than a larger waste disposal facility;
- (c) The Facility is existing and no site selection processes were done which typically occur and are assessed as part of the S & EIR process, and
- (d) The volumes of waste being disposed is low and is classified as general.

## **ALTERNATIVES**

No alternatives were investigated as the application is for the continued operation of an existing operational waste disposal facility.

## **PUBLIC PARTICIPATION PROCESS (PPP)**

The PPP comprised of the following:

- (a) 40-day I&AP Registration and public review and comment period on draft BAR (17 February 2014 to 28 March 2014);
- (b) Engagements were held with several stakeholders between 20 February 2014 and 7 March 2014;
- (c) Advertisements were placed in the "Standard" on 30 January 2014, in "Die Burger" on 24 January 2014 and other local newspapers on 12 to 18 January 2014 and 17 February 2014, respectively;
- (d) Fixing of notice board at the Touwsrivier Waste Disposal Facility and at the Breede Valley Municipality: Touwsrivier Office on 23 January 2014;
- (e) Notification sent to registered I&AP's via sms and email on 17 February 2014 and copy made available at the Touwsrivier public library of final BAR from 1 April 2014 for review for 21 days; and
- (f) Submission of the final BAR to the Department on 1 April 2014.

Authorities Consultation:

- (a) Cape Nature; and
- (b) Department of Water Affairs (DWA) regional office, Western Cape.

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities objected to the commencement of the activity. Where possible and relevant, the conditions imposed by Cape Nature and DWA have been included in the Waste Management Licence.

\_\_\_\_\_  
END