



REFERENCE: 19/2/5/4/E1/5/WL0107/17

The Municipal Manager
Cape Agulhas Municipality
P.O. Box 51
BREDASDORP
7280

Tel.: (028) 425 5500
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Attention: Walter Linnert

WASTE MANAGEMENT PERMIT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE OPERATION OF THE BREDASDORP WASTE DISPOSAL FACILITY ON REMAINDER OF ERF 1148 OF BREDASDORP, DIVISION OF BREDASDORP

WASTE MANAGEMENT PERMIT

A. DECISION

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as 'the Department'), in terms of sections 54(1)(a) and (d) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), as amended, hereby replaces the Waste Management Permit with reference No.: 16/2/7/G501/D1/Z1/P329, issued by the then Department of Water Affairs and Forestry (now Department of Water and Sanitation), and the Variation thereof with reference No.: 19/2/5/4/E1/5/WL0130/14, issued by this Department, with this varied Waste Management Permit, issued to the Cape Agulhas Municipality (hereinafter referred to as 'the Municipality'), with effect from the date of expiry of the appeal period set out, or the finalisation of an appeal, as provided for in the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998) National Appeal Regulations, published as Government Notice (GN) No. R. 993 of 8 December 2014, to operate the Waste Disposal Facility (WDF) on remainder of erf 1148 of Bredasdorp, Division of Bredasdorp (hereinafter referred to as 'the Facility').

B. DESCRIPTION OF THE ACTIVITY:

The intended activity of the existing Bredasdorp WDF is for the upgrade and expansion of the current footprint to 23.6ha. It is estimated that the enlargement of the Facility will add another 60 years to the lifetime of the Facility. The upgrade and expansion of the Facility will occur on Erf 1148, on which the Facility is currently located. The fence on the current site will be extended to include the remainder of Erf 1148. The proposed new portion of Erf 1148 will be excavated to a depth of 4m below ground level. It is estimated that the WDF will reach a height of 6m above ground level.

In the event of constructing and operating a Drop-off facility on the above-mentioned facility, the following waste management activities in Category C of the NEM: WA, '*List of waste management activities that have, or are likely to have, a detrimental effect on the environment*', Government Notice No. 921 of 29 November 2013, as amended may be triggered if the volumes are exceeded.

Category C

- 5(1) The storage of general waste at a facility that has the capacity to store in excess of 100m³ of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- 5(2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- 5(3) The storage of waste tyres in a storage area exceeding 500m².

Should these volumes be exceeded then it would be required for the applicant to comply with the NEM: WA, "*the National Norms and Standards for Storage of Waste*", Government Notice No. 926 of 29 November 2013 (GN No. 926).

In this Permit, "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 Permit, "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

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

C. PERMIT CONDITIONS

PERMIT NUMBER: 19/2/5/4/E1/5/WL0107/17
WASTE APPLICATION: OPERATION OF THE BREDASDORP WASTE DISPOSAL FACILITY
LOCATION: REMAINDER OF ERF 1148 OF BREDASDORP, DIVISION OF BREDASDORP
CLASS: B (G:S:B+)
PERMIT HOLDER: CAPE AGULHAS LOCAL MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/
OFFICER
ADDRESS: P.O. BOX 51, BREDASDORP, 7280

1. Location

1.1 This Permit authorises the further development and operation of a waste disposal site on the remainder of erf 1148 of Bredasdorp, Division of Bredasdorp (hereinafter referred to as 'the Facility').

1.2 The location of the entrance to the property, on which the Facility is situated, is as follows:

Table 1-1: Location of the Facility

| Latitude | Longitude |
|---------------|---------------|
| 34°31'18.63"S | 20° 3'59.91"E |

1.3 The boundaries of the Facility must be according to the co-ordinates as follows:

Table 1-2: Footprint of the Facility

| Corner Points | Latitude | Longitude |
|---------------|---------------|--------------|
| A | 34°31'18.63"S | 20°3'59.91"E |
| B | 34°31'12.13"S | 20°4'4.29"E |
| C | 34°31'10.93"S | 20°4'7.03"E |
| D | 34°31'7.74"S | 20°4'12.64"E |
| E | 34°31'7.84"S | 20°4'25.97"E |
| F | 34°31'20.12"S | 20°4'31.86"E |
| G | 34°31'23.10"S | 20°4'11.19"E |
| H | 34°31'22.97"S | 20°4'10.32"E |
| I | 34°31'22.71"S | 20°4'9.20"E |
| J | 34°31'22.36"S | 20°4'8.06"E |
| K | 34°31'21.85"S | 20°4'6.90"E |
| L | 34°31'20.90"S | 20°4'4.96"E |
| M | 34°31'20.64"S | 20°4'4.97"E |
| N | 34°31'20.57"S | 20°4'4.29"E |

| Corner Points | Latitude | Longitude |
|---------------|---------------|-------------|
| O | 34°31'19.70"S | 20°4'2.51"E |
| P | 34°31'18.98"S | 20°4'0.85"E |

- 1.4 The footprint of the Facility and its associated infrastructure is approximately 23.6ha.
- 1.5 The Surveyor General 21 Digit code of the Facility is as follows: C01100030000114800000.

2. Permissible Waste

- 2.1 Any portion of the Facility which has been constructed or developed according to condition 4 of this Permit, may be used for the disposal of general waste. Only waste that is classified as general waste, according to the NEM: WA, or any current and future Norms and Standards developed by the Department of Environmental Affairs, is permitted.
- 2.2 If more than 80m³ of hazardous waste is going to be stored at the Facility, registration form must be completed, and the waste must be stored in accordance with the relevant NEM: WA, National Norms and Standards for the Storage of Waste (GN No. 926).
- 2.3 The Permit Holder shall take all reasonable steps to ensure that:
- 2.3.1 no hazardous waste; and
 - 2.3.2 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.
- 2.4 The Permit Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.5 All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Permit.
- 2.6 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 16.6 and 16.7 of the Permit.

3. Appointment of Waste Management Control Officer/Environmental Control Officer

- 3.1 The waste management activities that are authorised by this Permit, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 3.2 A Waste Management Control Officer (WMCO) or 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 Permit.
- 3.3 The WMCO/ ECO must:
- 3.3.1 report any non-compliance with any Permit conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available;
 - 3.3.2 identify and submit potential measures to the Permit Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and
 - 3.3.3 monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering designs.

- 4. Construction**
- 4.1 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 condition 4 of this Permit.
- 4.2 Further development within the Facility must be carried out under the supervision of a suitably qualified person proposed by the Permit Holder and approved by the Director and the Director: RPW.
- 4.3 Should a portion of the Facility be further developed, the Permit Holder must notify the Director and the Director: RPW of such a development within the Facility and the person referred to in condition 4.2 must submit a certificate or alternatively a letter to the Director and the Director: RPW that the construction of that development within the Facility, as proposed by the Permit Holder and approved by the Director and the Director: RPW, is in accordance with recognised civil engineering practice before disposal may commence on that portion within the Facility. The completed construction works of the development within the Facility must be inspected by an official of the Department and the person referred to in condition 4.2. If the Director and the Director: RPW is satisfied with the construction of that further development within the Facility and has given written permission, the Permit Holder may use that portion of the Facility for the disposal of waste.
- 4.4 The extended disposal area must have the containment barrier requirements as stipulated in the NEM: WA Government Notice No. 636 National Norms and Standards for the Disposal of Waste to Landfill dated 23 August 2013.
- 4.5 The Permit Holder shall take all reasonable steps, such as suitable zoning and/or written agreements with adjacent landowners, to establish and maintain an unbuilt area or "buffer zone" of 500 metres between the Facility and the nearest residential area.
- 4.6 Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the Facility in a legal manner, all runoff water arising on land adjacent to the Facility, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of once in fifty years (hereinafter referred to as the 'estimated maximum precipitation'). Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 4.7 Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the working face of the Facility, all runoff water arising on the Facility, which could be expected as a result of the estimated maximum precipitation and to prevent such runoff water from coming into contact with leachate from the Facility. Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 4.8 Runoff water referred to in condition 4.7 shall comply with the quality requirements of the Director: RPW and shall be drained from the Facility in a legal manner.
- 4.9 Runoff water referred to in condition 4.7 which does not comply with the quality requirements applicable in terms of condition 4.8 and all sporadic leachate from the Facility shall, by means of works which must be constructed and maintained on a continuous basis by the Permit Holder –
- 4.9.1 be treated to comply with the aforementioned standard and discharged in a legal manner; and/or,
- 4.9.2 with the written approval of the Director and the Director: RPW be evaporated in dams and/or be evaporated by spraying over those portions of the Facility which comply with the requirements set in terms of condition 4.2.
- 4.10 The Facility shall be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 4.11 The maximum height of the Facility above ground level shall not exceed 6 (six) metres.

- 4.12 The slope of the sides of the Facility shall be constructed in such a manner that little or no erosion occurs.
- 4.13 The Permit Holder shall make provision for adequate sanitation facilities on the Facility.

5. Access Control

- 5.1 Weatherproof, durable and legible notices in at least 3 (three) official languages applicable in the area, shall be displayed at each entrance to the Facility. These notices shall prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the Permit Holder and the person responsible for the operation of the Facility.
- 5.2 The Facility shall be fenced and/or secured to reasonably prevent unauthorised entry.
- 5.3 The Permit 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.
- 5.4 The Permit Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 5.5 The Permit Holder shall ensure effective access control.
- 5.6 The Permit Holder shall take all reasonable steps to prevent the disposal of waste on the Facility for which the Facility has not been approved.

6. Facility Management and Operations

- 6.1 The Permit Holder shall retain the responsibility for the Facility, and its monitoring after decommissioning of the facility is according to the Minimum Requirements and any relevant Norms and Standards that may replace the Minimum Requirements and ensure that:
- 6.1.1 the presence of any nuisances such as dust, flies, exposed waste, and bad odours must be monitored on a regular basis and monitoring results are kept in terms of condition 11;
 - 6.1.2 any complaints from the public must be attended to by the Permit Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Department and record it in terms of conditions 11 and 12; and
 - 6.1.3 no waste is burned at the Facility.
- 6.2 The Permit Holder must ensure that all roads at the Facility are maintained to allow access to all areas by vehicle.
- 6.3 Waste disposed of at the Facility must be compacted and covered on a daily basis with a minimum of 150mm of soil or other material approved by the Director.
- 6.4 Areas that will not be used for waste disposal for longer than a year must be covered with a minimum of at least 200mm of suitable cover material.
- 6.5 The Permit Holder must ensure the health and safety of workers and employees on the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 6.6 The waste body must be progressively constructed towards a pre-determined end-shape, as informed by the airspace determination study referred to in condition 16.8.
- 6.7 The types of waste accepted for disposal must comply with the NEM: WA, National Norms and Standard for disposal of waste to landfill of 23 August 2013.

- 6.8 The Permit Holder must take all reasonable steps to ensure the Facility is operated in a manner which must prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise.
- 6.9 Reclamation of waste may not occur at the Facility.
- 6.10 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.
- 6.11 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).

7. **Monitoring**

7.1 Water Quality Monitoring

- 7.1.1 The Permit Holder must establish and maintain a ground water monitoring borehole network with at least 1 (one) upstream and 2 (two) downstream boreholes, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 7.1.2 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.

7.2 Detection monitoring

- 7.2.1 Monitoring for groundwater and surface water shall be conducted for the water quality variable as agreed to by and at such frequency as determined by the Director and the Director: RPW.

7.3 Investigative monitoring

- 7.3.1 If, in the opinion of the Director, a water quality variable listed as referred to in condition 7.2, shows an increasing trend, the Permit Holder must initiate a monthly monitoring programme.

7.4 Further investigation

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

8. **Auditing**

8.1 Internal Audits

- 8.1.1 Internal audits must be conducted quarterly (four times per year) by the Permit Holder and on each audit occasion an official report must be compiled by the relevant auditor in the format specified by the Director as per condition 8.3**Error! Reference source not found.** to report the findings of the audits, which must be made available to the external auditor specified in condition 8.2.1 and the Department (if requested), according to condition 8.4.2.

8.2 External Audits

- 8.2.1 The Permit Holder must appoint an independent external auditor to audit the Facility annually (once per year) and this auditor must compile an audit report in the format specified by the Director as per condition 8.3**Error! Reference source not found.**, documenting the findings of the audit, which must be submitted to the Department within 30 (thirty) days, from the date on which the external auditor finalised the report.

- 8.2.2 The audit report must specifically state whether conditions of this Permit 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.
 - 8.2.3 The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Permit conditions and must specify target dates for the implementation of the recommendations by the Permit Holder.
 - 8.2.4 The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the 'Monitoring Committee'), provided in condition 9.1 below, within 3 (three) months, from the date on which the external auditor finalised the report.
- 8.3 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department and be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 8.4 Departmental Audits and Inspections
- 8.4.1 The Department and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and the Director: RPW may decide, or to have the Facility audited or inspected.
 - 8.4.2 The Permit Holder must make any records or documentation available to the Director and the Director: RPW upon request, as well as any other information the Director and the Director: RPW may require.
 - 8.4.3 The findings of these audits or inspections shall be made available to the Permit Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

9. Monitoring Committee

- 9.1 The Permit Holder must establish a Monitoring Committee for the normal operative lifetime of the Facility.
- 9.2 The Permit Holder must take the necessary steps to establish, maintain and ensure the continued functioning of a Monitoring Committee for the normal operative lifetime of the Facility and for a period of at least two years after the closure of the Facility, or such longer period as may be determined by the Director.
- 9.3 The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
- 9.3.1 Permit Holder and/or his/her appointed consultant(s) or advisor(s);
 - 9.3.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 9.3.3 representative(s) of this Department; and
 - 9.3.4 at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the Monitoring Committee to interested and affected parties of each meeting.
- 9.4 The Monitoring Committee must meet annually (once per year) and no later than 3 (three) months after the finalisation of the external audit report was conducted in terms of condition 8.2.1, and submitted in terms of condition 8.2.4.
- 9.5 The Permit Holder must keep minutes of all the Monitoring Committee meetings and distribute these minutes to all members of the Monitoring Committee within 30 (thirty) days after the meeting.

10. Monitoring Methods and Parameters

- 10.1 The Permit Holder shall carry out all tests 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), to analyse the samples taken under the monitoring programmes specified in condition 7.2.
- 10.2 The Permit Holder may only use another method of analysis if written proof is submitted to the Director and the Director: RPW, that the method is at least equivalent to the SABS method.
- 10.3 The Permit Holder must put in place a monitoring and measurement plan that must inter alia include:
- 10.3.1 mass (in tonnes or kilograms) received,
 - 10.3.2 treated and transferred;
 - 10.3.3 waste types and sources;
 - 10.3.4 air quality monitoring; and
 - 10.3.5 an annual (once per year) 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.

11. Record Keeping

- 11.1 The Permit Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 11.2 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 11.5.
- 11.3 All records required or resulting from activities required by this Permit must:
- 11.3.1 be legible;
 - 11.3.2 be made available and should form part of any audit report;
 - 11.3.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 11.3.4 be retained in accordance with documented procedures which are approved by the Department; and be made available upon the request of the Director and/or the Director: RPW.
- 11.4 The Permit Holder shall record all borehole data and chemical analysis in a format agreed upon in writing between the Director and the Director: RPW, the Permit Holder, and a relevant specialist if so required. The information must also be included into a trend report, which must contain a graphical presentation of all results obtained previously at any specific point, as well as an interpretation and discussion of the results of each monitoring occasion.
- 11.5 The Permit 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.

12. Reporting of Incidents

- 12.1 The Permit Holder shall, within 48 (forty-eight) hours after becoming aware thereof, notify the Director and the Director: RPW of any sporadic leachate generated on account of unusual circumstances on the Facility.

- 12.2 The Permit Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility, which has the potential to cause disruption in the normal operation of the Facility, or has caused water pollution, pollution of the environment, health risks or nuisance conditions.
- 12.3 The Permit Holder must, within 14 (fourteen) days, or a shorter period of time, if specified by the Director, from the occurrence or detection of any incident referred to in condition 12.2, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Director of measures taken to:
- 12.3.1 correct the impact resulting from the incident; and
 - 12.3.2 prevent the incident from causing any further impact; and prevent a recurrence of a similar incident.
- 12.4 In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in condition 12.2, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Permit Holder.
- 12.5 The Permit Holder or duly appointed person must keep an incident report and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.

13. Rehabilitation and Closure of the Site

- 13.1 The Permit Holder shall, at least 180 (one hundred and eighty) days prior to the intended closure of the Facility, notify the Director by registered mail of such closure and submit final rehabilitation plans for his approval as well as further direction to be provide by the Director and Director: RPW for requirements to decommission this waste disposal facility.

14. Leasing and Alienation of the Facility

- 14.1 Should the Permit Holder want to alienate or lease the Facility, he/she shall notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction.

15. Transfer of Permit

- 15.1 Should the Permit Holder want to transfer holdership of this Permit, he/she must apply in terms of section 52 of the NEM: WA.
- 15.2 Any subsequent Permit Holder shall be bound by the conditions of this Permit.

16. General

- 16.1 The Permit Holder must immediately apply for the rezoning of the Facility for waste disposal purposes. Should the Permit Holder be unsuccessful in rezoning the Facility for waste disposal purposes within a period of 1 (one) year from the date of issuing of this Permit, a written motivation must be provided to the Director defining the reasons why the application for rezoning failed. The Director shall then take an appropriate decision regarding the future of the Facility.
- 16.2 This Permit shall not be transferable unless such transfer is subject to compliance with condition 15.1.

- 16.3 This Permit shall not be construed as exempting the Permit Holder from compliance with the provisions of the Health Act, 1977 (Act 61 of 2003), the Water Act, 1956 (Act 36 of 1998) or any other applicable act, ordinance, regulation or by-law.
- 16.4 The Permit Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 16.5 Transgression of any condition of this Permit could result in the suspension of the Permit by this Director.
- 16.6 The Permit Holder must submit an Organic Waste Diversion Plan to the Director within 90 (ninety) days of the date of this Permit and annually thereafter.
- 16.7 The information within the Organic Waste Diversion Plan must:
- 16.7.1 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
 - 16.7.2 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.
- 16.8 The Permit Holder must annually together with the 'external audit report' as per condition 8.2.1, submit a Waste Disposal Facility Airspace Determination Report which estimates the remaining volume of airspace on the Facility and the estimated remaining time left for the disposal at the Facility.

D. APPEAL OF PERMIT

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
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:
 - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 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.
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:
 - 3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 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.
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.
5. The appeal and the 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 (Tel: 021 483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.
6. 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 or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Permit 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: 22-08-2018

CC: (1) Malise Noe: (DWS: Resource Protection and Waste) Fax to E-mail: (086) 634 5998 / E-mail: NoeM@dws.gov.za

ANNEXURE I

REASONS FOR VARIATION OF THE DECISION (APPEALABLE)

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

The Department reviewed original Permit according to section 54(1)(a) and (d), respectively, of the NEM: WA states:

“(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”.

The review and subsequent non-substantive variation of the decision was performed in order to align the Bredasdorp Waste Management Permit conditions with current waste legislation, by replacing the existing Waste Management Permit with reference No.: 16/2/7/G501/D1/Z1/P329, and Variation thereof with reference No.: 19/2/5/4/E1/5/WL0130/14, with this Waste Management Permit.

Only these latent changes are appealable during the appeals window period.

REASONS FOR THE DECISION FOR A VARIATION OF THE DEPARTMENT OF WATER AFFAIRS AND FORESTRY PERMIT (NOT APPEALABLE)

The significance of stipulating the footprint co-ordinates in this variation waste management Permit is to manage and control the potential impacts of the Facility within its perimeters. The Department of Water Affairs and Forestry Permit did not state any co-ordinates and the licensing authority could not regulate the footprint. The fact that the Bredasdorp WDF is intended to serve as a regional WDF for the Cape Agulhas Municipality made the extended footprint co-ordinates more significant in terms of the capacity to receive more waste volumes.

This substantive amendment to extend the footprint of this Facility was well communicated to the State Organs which assisted in making the decision.

The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the Department of Water Affairs and Forestry permit.

The impacts associated with the Facility have been identified and are addressed in the Motivation Report and Permit Application prepared by Toens & Partners cc (Geological & Hydrogeological Consultants) (April 1997) as well as the Extension Report prepared by Jan Palm Consulting Engineers (April 2006).).

Please note that the original Waste Management Permit conditions and variation thereof, as included in this PERMIT are not appealable.

END