



**REFERENCE:** 19/2/5/4/F1/12/WL0028/18

The Municipal Manager  
Bergrivier Local Municipality  
PO Box 60  
**PIKETBERG**  
7320

Tel: (022) 913 6025

Fax: (022) 913 1406

Email: [breunissenj@bergmun.org.za](mailto:breunissenj@bergmun.org.za)

**For attention:** Mr Jaco Breunissen

**VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE PORTERVILLE WASTE DISPOSAL FACILITY (WDF), ERF 1002, PORTERVILLE**

**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 (hereinafter referred to as "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 (Licence No. 19/2/5/1/F1/12/WL0019/14), and issue this Waste Management Licence to the Bergrivier Local Municipality (hereinafter referred to as 'the Municipality'), for the decommissioning of the Porterville WDF on Erf 1002, Porterville (hereinafter referred to as "the Facility").

## **B. DESCRIPTION OF ACTIVITY**

The activities for decommissioning of the Porterville WDF as per the "*Minimum Requirements for Waste Disposal by Landfill*", 1998, Second Edition, Department of Water Affairs and Forestry (DWAF) (now Department of Water and Sanitation) ("*Minimum Requirements*") and the NEM:WA "*National Norms and Standards for Disposal of Waste to Landfill*" Government Notice (GN) No. R 636 (GN R 636) of 23 August 2013 will entail but not be limited to the following:

- (a) Disposal of general waste
- (b) Storage of waste
- (c) WDF Auditing
- (d) Gate or weighbridge recording procedures
- (e) Volume Surveys
- (f) Collection and processing of other data
- (g) Leachate and water quality monitoring
- (h) Gas monitoring
- (i) Air quality monitoring
- (j) Monitoring of rehabilitated areas
- (k) Attend to the health of workers
- (l) The determination of the total airspace at the WDF
- (m) Remedial design to address identified problem areas
- (n) Final shaping, landscaping and re-vegetation
- (o) Final landfill cover or capping design
- (p) Construct the capping layer to minimum quality and thickness
- (q) Permanent stormwater diversion measures, run-off control and anti-erosion measures
- (r) Any infrastructure relating to the End-use Plan

The following activity 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 (GN No. 921), as amended, is hereby authorised:

### Category A

- 3(14) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

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

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 X9086

**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

**C. LICENCE CONDITIONS**

**LICENCE NUMBER:** 19/2/5/4/F1/12/WL0028/18  
**WASTE APPLICATION:** DECOMMISSIONING OF THE PORTERVILLE WDF  
**LOCATION:** ERF 1002, PORTERVILLE  
**LICENCE HOLDER:** BERGRIVIER LOCAL MUNICIPALITY  
**CONTACT PERSON(S):** MR JACO BREUNISSEN  
**ADDRESS:** PO BOX 60, PIKETBERG, 7320

**1. LOCATION**

1.1 This Licence authorises the Berg River Municipality to decommission the Porterville WDF on Erf 1002, Porterville.

1.2 Location of property on which the Facility is situated:

**Table 1: Location of the Facility**

Latitude (S)	Longitude (E)
33° 02'10.38"	18°59'26.75"

1.3 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 21 January 2014 and Waste Management Licence Application Additional Information Annexure dated 1 April 2014 submitted by the Licence Holder, which is defined as follows:

**Table 2: Footprint of the Facility**

Corner	Latitude (S)	Longitude (E)
Corner 1	33°02'05.62"	18°59'18.75"
Corner 2	33°02'06.01"	18°59'24.08"
Corner 3	33°02'15.35"	18°59'15.4"
Corner 4	33°02'14.76"	18°59'15.4"

1.4 The footprint of the Facility and its associated infrastructure is approximately 40910 m<sup>2</sup>.

1.5 The Surveyor General 21 Digit code of the Facility is as follows: C05800070000100200000.

**2. PERMISSIBLE WASTE**

2.1 Any portion of the Facility which has been constructed or developed according to this Licence, 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, is permitted.

2.2 The Licence Holder shall take all reasonable steps to ensure that:

2.2.1 no hazardous waste; and

- 2.2.2 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.
- 2.3 The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.4 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 condition 20.8 and 20.9 of the Licence.
- 2.5 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 20.9 of the Licence.

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

- 3.1 The waste management activities that are authorised by this Licence 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)/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) dated 1 April 2014.
- 3.3 The WMCO/ECO must:
  - 3.3.1 report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through the means reasonably available;
  - 3.3.2 monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs; and
  - 3.3.3 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.

### **4. MANAGEMENT**

- 4.1 The EMPr for the decommissioning of the Facility, submitted as part of the final Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 4.2 An application for the amendment to the EMPr must be submitted to the Licensing Authority 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 Licensing Authority.
- 4.3 The closure and rehabilitation of the Facility must be managed by a fit and proper person who is competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 4.4 A copy of this Licence and the EMPr must be kept at or near 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. 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. This must be kept at or near the place where those duties will be carried out.

- 4.5 The Licence Holder must ensure that the intended end-use of the Facility is properly implemented and that the landscaping of the Facility, the drainage system and vegetation form part of the development to ensure the successful implementation of the intended end-use plan.
- 4.6 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

## **5. DECOMMISSION PHASE**

- 5.1 The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan, to the Licensing Authority for approval 30 days prior to construction for decommissioning of the Facility.
- 5.2 Decommissioning of the Facility must be considered in accordance with the proposed Closure Report for the Facility in the EMPr, final BAR as prepared by AECOM dated 1 April 2014 and in accordance with the conditions of this Licence.
- 5.3 The Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil, 450mm of Compacted Clay Layer ("CCL") (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%). An alternative to the 450mm CCL of specified performance clay is acceptable in which the 450 mm CCL is replaced with 450mm random soil compacted fill over a Geosynthetic Clay Layer.
- 5.4 Construction within the Facility must be carried out under the supervision of a Registered Professional Engineer.
- 5.5 The closure of the Facility must be constructed in accordance with recognised civil engineering practices, to ensure that it remains stable.
- 5.6 The Facility, or any portion thereof must be covered and must be maintained in such a way that:
  - 5.6.1 the formation of pools due to rain is prevented;
  - 5.6.2 free surface runoff of rain-water is ensured;
  - 5.6.3 contamination of stormwater is prevented;
  - 5.6.4 no objects or material which may hamper the rehabilitation of the Facility are present; and
  - 5.6.5 little or no erosion occurs.
- 5.7 The leachate collection system must be put in place and monitored for 18 (eighteen) months if leachate generation is anticipated as mitigated on page 19 of the EMPr.
- 5.8 The Licence Holder shall:
  - 5.8.1 retain the responsibility for the Facility, and ensure its monitoring after decommissioning of the Facility is in accordance with the Minimum Requirements and any relevant Norms and Standards that may replace the Minimum Requirements;
  - 5.8.2 prevent and monitor any nuisances such as flies, dust, exposed waste, and bad odours every 6 (six) months and keep the monitoring results in terms of condition 12; and

- 5.8.3 attend to any complaints from the public and 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 12 and 14.

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

- 6.1 Weatherproof, durable and legible notices in at least 3 (three) official languages applicable to 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 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 metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown waste.
- 6.3 The Licence Holder shall ensure effective access at the Facility and that no illegal dumping occurs.
- 6.4 The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.5 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 keep the roads free of waste.

## **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 on 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. WATER QUALITY MANAGEMENT**

- 8.1 Works constructed in compliance with condition 5 must be of such a capacity as to maintain a freeboard of half a meter and to accommodate:
- 8.1.1 all stormwater runoff, 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 1:50 (one in fifty) years; and
- 8.1.2 all expected leachate.
- 8.2 Works constructed in compliance with condition 8, must, on a continuous basis, be properly maintained.
- 8.3 All runoff water (storm water) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with condition 5.

- 8.4 Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Facility but must be diverted to and discharged into the nearest storm water channel.
- 8.5 Sporadic leachate from the Facility may only be discharged into any convenient sewer if accepted by the authority responsible for that sewer.

## **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 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 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 outlets that discharge to the natural environment and adjacent to the Facility at locations selected in conjunction with the Director: RPW and at such a frequency as determined by the Director: RPW.

### **9.2 DETECTION MONITORING**

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

### **9.3 INVESTIGATIVE MONITORING**

- 9.3.1 If, in the opinion of the Director and Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 9.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme for the water quality variables as agreed by the Director and Director: RPW.

### **9.4 FURTHER INVESTIGATION**

- 9.4.1 If, in the opinion of the Director and Director: RPW, groundwater, surface water and/or air pollution have occurred or may possibly occur, the Licence Holder shall conduct the necessary investigations and implement additional monitoring and rehabilitation measures which shall be to the satisfaction of the Director and Director: RPW.

## **10. MONITORING METHODS AND PARAMETERS**

- 10.1 The Licence Holder must carry out all tests required in terms of condition 9 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).



- 10.2 The Licence Holder may only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to and accepted by the Director and Director: RPW.
- 10.3 The Licence Holder must put in place a monitoring and measurement plan that must inter alia include:
  - 10.3.1 mass (in tonnes or kilograms) received, recycled, reclaimed, treated and transferred;
  - 10.3.2 waste types and sources;
  - 10.3.3 air quality monitoring; and
  - 10.3.4 an annual (once a 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. AUDITING**

### **11.1 INTERNAL AUDITS**

- 11.1.1 Internal audits must be conducted quarterly (four times per 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 11.2.1 and the Department (if requested).

### **11.2 EXTERNAL AUDITS**

- 11.2.1 The Licence Holder must appoint an independent external auditor to audit the Facility biennially (every two years) and the auditor must compile an audit report documenting the findings of the audit for submission to the Department.
- 11.2.2 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.
- 11.2.3 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.
- 11.2.4 The external audit report must be submitted to the Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 14 below, within 3 (three) months, from the date on which the external auditor finalised the report.
- 11.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 11.2.6 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

### **11.3 DEPARTMENTAL AUDITS AND INSPECTIONS**

- 11.3.1 The Department and/or the Director: RPW reserve the right to audit and inspect the Facility at any time and at such a frequency as the Director and/or Director: RPW may decide, or to have the Facility audited or inspected.

- 11.3.2 The Licence 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 Director: RPW may require.
- 11.3.3 The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

## **12. RECORD KEEPING**

- 12.1 The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 12.2 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 12.5.
- 12.3 All records required or resulting from activities required by this Licence must:
  - 12.3.1 be legible;
  - 12.3.2 be made available and should form part of the external audit report;
  - 12.3.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 12.3.4 be retained in accordance with documented procedures which are approved by the Department; and
  - 12.3.5 be made available upon the request of the Director and/or Director: RPW.
- 12.4 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.
- 12.5 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.

## **13. MONITORING COMMITTEE**

- 13.1 The Licence 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 2 (two) years after the closure of the Facility, or such longer period as may be determined by the Director.
- 13.2 The Monitoring Committee shall be representative of relevant interested and affected parties and may consist of at least 3 (three) of the following representatives:
  - 13.2.1 Licence Holder and/or his/her appointed consultant(s) or advisor(s);
  - 13.2.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
  - 13.2.3 representative(s) of this Department; and
  - 13.2.4 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 and residents of each meeting.

13.3 The Monitoring Committee shall meet annually (once a year), and no later than 3 (three) months after the finalisation of the external audit was conducted in terms of condition 11.2.1, and submitted in terms of condition 11.2.4.

13.4 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 30 (thirty) days after the meeting.

## **14. REPORTING**

14.1 The Licence 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.

14.2 The Licence Holder must, within 14 (fourteen) days, or as specified by the Director from the occurrence or detection of any incident referred to in condition 14.1, 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:

14.2.1 correct the impact resulting from the incident;

14.2.2 prevent the incident from causing any further impact; and

14.2.3 prevent a recurrence of a similar incident.

14.3 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 14.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.

14.4 The Licence 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.

14.5 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.

14.6 The Department must be notified within 14 (fourteen) days of the following changes:

14.6.1 Licence Holder's trading name, registered name or registered office address;

14.6.2 particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and

14.6.3 steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.

14.7 All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

14.8 The Department must be notified without delay in the case of the following:

14.8.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;

14.8.2 the breach of conditions of this licence; and

14.8.3 any significant adverse environmental and health effects.

- 14.9 Prior written notification must be given to the Director of the following events and within the specified timeframes:
- 14.9.1 as soon as practicable prior to the permanent cessation of any operational activities;
  - 14.9.2 partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
  - 14.9.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under conditions 14.8.1 and 14.8.2 above.

## **15. OPERATIONAL**

- 15.1 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.
- 15.2 If more than 80m<sup>3</sup> of hazardous waste is going to be stored at the Facility, registration in terms of the relevant NEM:WA National Norms and Standards for the Storage of Waste (Government Notice No. 926 of 29 November 2013) must be adhered to.
- 15.3 Waste may not be burned at the Facility.
- 15.4 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.
- 15.5 The Licence Holder must ensure that a stockpile of at least 3 (three) weeks of suitable cover material is available at all times.
- 15.6 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.
- 15.7 The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 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.
- 15.8 Reclamation of waste may occur at the Facility at the discretion of the Licence Holder, but may not take place on the landfill body and the Licence Holder must adhere to the NEM:WA "National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste" GN No. 1093 of 11 October 2017. In addition, the NEM:WA "Norms and Standards for Storage of Waste" GN No. 926 of November 2013 and "Waste Tyre Regulations" GN R149 of 29 September 2017, and any subsequent waste tyre regulations must be adhered to where applicable.
- 15.9 All persons reclaiming waste must be wearing suitable personal protection equipment.
- 15.10 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).

## **16. LEASING AND ALIENATION OF THE FACILITY**

- 16.1 Should the Licence 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.

## **17. TRANSFER OF 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.
- 17.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

## **18. COMMENCEMENT**

- 18.1 The activities hereby licenced 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 decommissioning phase must commence by 7 August 2019. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for Licence 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 by 7 August 2019, he/she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to its expiry date.

## **19. GENERAL**

- 19.1 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act No. 61 of 2003), the National Water Act (NWA), 1998 (Act No. 36 of 1998) or any applicable act, ordinance, regulation or by-law.
- 19.2 Transgression of any condition of this Licence could result in the suspension of the Licence by the Department.
- 19.3 This Licence is valid until 7 August 2024. The Licence may be reviewed any time after commencement. 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 extended.
- 19.4 Should the Licence Holder want to conduct the waste management activity beyond 7 August 2024, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 19.5 Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in section 67(1) of the NEM:WA, 2008.
- 19.6 In terms of section 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), and section 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 understand 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 environmental acceptable manner.

- 19.7 The Licence Holder must submit an Organic Waste Diversion Plan to the Director 90 days after the date of issue of this Licence and annually thereafter.
- 19.8 The information within the Organic Waste Diversion Plan must:
- 19.8.1 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
- 19.8.2 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.
- 19.9 The Licence may be reviewed at any time before the waste disposal airspace capacity is reached. 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.

#### **D. APPEAL OF LICENCE**

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 of 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&AP's, 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's 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 Jaap de Villiers  
Room 809  
8<sup>th</sup> 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).

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, Email [Jaap.DeVilliers@westerncape.gov.za](mailto: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 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: 17-04-2018**

CC (1): Malise Noe (DWS: Resource Protection and Waste)

CC (2): Wilna Moolman (DWS: Compliance Monitoring Institutions)

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

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



## **ANNEXURE I**

### **A. 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, 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".
2. 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".*

3. The review and subsequent non-substantive amendment was conducted in order to align the Porterville Licence conditions with current waste legislation and repeal the existing Licence (Ref: (Ref.: 19/2/5/1/F1/12/WL0019/14) issued by the Department, and issue this Licence.

### **B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (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 21 January 2014.
- (b) The BAR received 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.
- (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 general waste. The Facility itself was cleared of all vegetation when the Facility was established and therefore no natural vegetation remains on site. A low income residential area is located 600m north of the site. The non-perennial river flows within

2km from the site. The watercourse only flows during the winter period during heavy rain. There is no risk of inundation during flood events. The site falls under the Malmesbury Shale Group that consists of a mixture of shale and Table Mountain sandstone. The soil is at a restricted depth and associated with rockiness which is Lithosols (shallow soils on hard, weathering rock) are predominantly found within the area.

## **DEVIATION**

The applicant requested a deviation from Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010 which would grant permission for deviation from listing the site alternatives as the Facility is already an existing WDF. The Department granted the requested deviation.

## **ALTERNATIVES**

The following alternatives were considered:

### **Site Alternatives**

No site alternatives have been assessed as the activity focuses on the closure of the existing Facility.

### **Activity Alternatives**

There are no direct activity alternatives as the process will involve the closure of the current Facility.

### **Design Alternatives**

The project will entail the closure and rehabilitation of an existing waste disposal facility, where the approval of the Closure Report will determine the design.

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

The PPP comprised of the following:

- (a) Advertisements were placed on 12 to 18 January 2014 and 17 February 2014 in the following newspapers: The Cape Argus, Die Burger and Swartland Gazette etc.
- (b) Fixing of notice board at the Porterville Waste Disposal Facility and at the Information Centre (Porterville) on 24 January 2014;
- (c) 40-day I&AP Registration and public review and comment period on draft BAR (17 February 2014 to 28 March 2014); and
- (d) 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\_\_\_\_\_