



REFERENCE: 19/2/5/4/B2/3/WL0041/18

The Municipal Manager
Breede Valley Local Municipality
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For attention: Mr Johan Malan

VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DE DOORNS WASTE DISPOSAL FACILITY (WDF), PORTION 5 OF THE FARM KEURBOSCH KLOOF NO. 179, DE DOORNS

WASTE MANAGEMENT LICENCE

A. DECISION

I, Belinda Langenhoven, in my capacity as the Acting 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.: 19/2/5/1/B2/3/WL0026/14) 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 De Doorns WDF (hereafter "the Facility") on Portion 5 of the Farm Keurbosch Kloof No. 179, De Doorns.

B. DESCRIPTION OF THE ACTIVITY:

The activities for this G:C:B/Class B 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

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 200m² and with a total capacity exceeding 25 000 tons.

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 WML 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

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/B2/3/WL0041/18
CLASS: CLASS B (G:C:B-)
WASTE APPLICATION: FURTHER OPERATION OF THE DE DOORNS WDF
LOCATION: PORTION 5 OF THE FARM KEURBOSCH KLOOF NO. 179, DE DOORNS
LICENCE HOLDER: BREEDE VALLEY 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 the Facility on Portion 5 of the Farm Keurbosch Kloof No. 179, De Doorns.
- 1.2 The location of the entrance of Facility must be according to co-ordinates indicated on the WML Application Form dated 13 January 2014 and WML Application Additional Information Annexure dated 1 April 2014, submitted by the Licence Holder, which is defined as follows:

Latitude (S)	Longitude (E)
33°29'02.913"	19°41'42.786"

- 1.3. The boundaries of the Facility must be according to co-ordinates indicated on the WML Application Form dated 13 January 2014 and WML Application Additional Information Annexure dated 1 April 2014, submitted by the Licence Holder, which is defined as follows:

Corners	Latitude (S)	Longitude (E)
A	33°29'06.3"	19°41'37.8"
B	33°29'06.9"	19°41'38.6"
C	33°29'00.6"	19°41'43.5"
D	33°29'02.6"	19°41'37.1"

- 1.4 The footprint of the Facility and its associated infrastructure is approximately 21 730m².
- 1.5 The Surveyor General 21 Digit Code of the Facility is: C0850000000017900005

2. PERMISSIBLE WASTE

- 2.1 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, are permitted.
- 2.2 If more than 80m³ of hazardous waste and/or 100m³ 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.
- 2.3 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 R 634, dated 23 August 2013.
- 2.4 The License holder must take all steps to ensure that:
 - 2.4.1 no hazardous waste; and
 - 2.4.2 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.
- 2.5 All hazardous waste is removed from the Facility prior to commencing of capping of the Facility.
- 2.6 The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.7 All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.
- 2.8 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 18.8 and 18.9.

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, prior to any construction activities being undertaken on the Facility. The WMCO/ECO must:
 - 3.2.1 report any non-compliance with any Licence conditions or requirements or provisions of the NEM:WA to the Director through the means reasonably available;
 - 3.2.2 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;
 - 3.2.3 monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs, and

- 3.2.4 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.

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 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.
- 4.3 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.
- 4.4 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 hours.
- 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 4.2 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 recognized 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 All areas where waste is temporarily stored and handled, excluding the disposal area, must be designed and managed such that there is no escape of contaminants into the environment. All runoff, if any, must be prevented from entering local watercourses.
- 4.7 The Facility must be constructed in accordance with recognized civil engineering practice to ensure that it remains stable.
- 4.8 A 200 (two hundred) m buffer zone must be established around the Facility, this buffer zone must restrict any residential and light industrial 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 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.
- 4.10 Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500 (five hundred) m from 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).

- 4.11 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.
- 4.12 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 1:50 (once in fifty) years and must be lined to the satisfaction of the Director and the Director: RPW to prevent pollution to groundwater.
- 4.13 Runoff water referred to in condition 4.12 shall comply with the quality requirements as prescribed by the Director and the Director: RPW, which may be determined from time to time and shall be drained from the Facility in a legal manner.
- 4.14 Runoff water referred to in condition 4.12 which does not comply with the quality requirements applicable in terms of condition 4.13 and all sporadic leachate from the Facility shall be constructed and maintained on a continuous basis by the Licence Holder:
 - 4.14.1 be treated to comply with the aforementioned standard and discharged in a legal manner, and/or
 - 4.14.2 with the written approval of the Director, be evaporated in lined dams as approved by the Director; and/or
 - 4.14.3 be discharged into any convenient sewer if accepted by the authority in control of that sewer.
- 4.15 For closure, the existing portion of the Facility must be levelled and capped with an appropriate infiltration control cap comprising 200mm topsoil, 300mm 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%).
- 4.16 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 Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 5.2 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 estimate the remaining time left for disposal at the Facility and inform the Director thereof in writing. Thereafter, annual reports must be submitted to the Director.
- 5.3 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.

- 5.4 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.
- 5.5 The EMPr must be included in all contract documentation for all phases of implementation.
- 5.6 The Licence Holder must notify the Director and the Director: RPW immediately of any events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.
- 5.7 Waste may not be burned at the Facility.
- 5.8 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.
- 5.9 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.
- 5.10 The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 5.11 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. The presence of any such nuisances must be prevented and monitored and the monitoring results of which must be kept in terms of condition 11 of this license.
- 5.12 Reclamation of waste may occur at the Facility at the discretion of the Permit Holder, but may not take place at the active working face and 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.
- 5.13 Waste must be covered daily with a 150 (one hundred and fifty) mm thick compacted soil layer, and whereas areas that will be left for a period longer than one year must be covered with a 200 (two hundred) mm thick compacted soil layer.
- 5.14 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.
- 5.15 All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn at the Facility.
- 5.16 The topsoil must be stockpiled separately to be used for the final capping processes.
- 5.17 All invasive alien vegetation must be removed annually.
- 5.18 Fugitive dust emissions must be mitigated through wet suppression methods and earth moving operations should not happen during windy conditions.
- 5.19 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.
- 5.20 All sumps for water or gas monitoring at the Facility must be routinely inspected and cleaned.

- 5.21 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.
- 5.22 Spill kits which include hydrocarbon absorbent material must be kept at the Facility and staff must be trained to use these spill kits.
- 5.23 Any complaint from the public must be attended to by the Licence 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 condition 11 of this license.
- 5.24 Skips or bins used to collect waste must be clearly marked to indicate the different waste types acceptable to be disposed of in it.
- 5.25 All waste outside of the Facility boundaries, as specified in condition 1.3 must be removed and be disposed of within the boundaries of the Facility on a daily basis.
- 5.26 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.
- 5.27 The Licence Holder must maintain and implement an emergency preparedness plan and review it after each emergency and/or major incident and when conducting external audits. The plan must, among other, include:
 - 5.27.1 natural disasters such as floods;
 - 5.27.2 vehicle/machinery fire or malfunction;
 - 5.27.3 facility fires, accidents, spills, explosions, etc.;
 - 5.27.4 industrial action; and
 - 5.27.5 contact details of police, ambulance and any emergency centre in close proximity to the Facility.
- 5.28 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.
- 5.29 The Licence Holder must make provision for temporary storage skips, for waste that is not permitted to be disposed of at the Facility. This then needs to be disposed of at a permitted disposal Facility which meets the legal requirements of the NEM:WA.

6. FACILITY SECURITY AND ACCESS CONTROL

- 6.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed within a fence of approximately 1.8 (one point eight) m high and a gate of the same height, thereby providing adequate access control.
- 6.2 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.
- 6.3 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.
- 6.4 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 ensure effective access control.

7. ENVIRONMENTAL POLLUTION INVESTIGATION

7.1 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.

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 and Director: RPW.

8. MONITORING

8.1 MONITORING METHODS AND PARAMETERS

8.1.1 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).

8.1.2 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.

8.1.3 The Licence Holder must put in place a monitoring and measurement plan that must amongst others include:

8.1.3.1 mass (in tonnes) received, recycled, reclaimed and transferred;

8.1.3.2 waste types and sources;

8.1.3.3 air quality monitoring; and

8.1.3.4 an annual topographical survey.

8.2 WATER QUALITY MONITORING

8.2.1 A monitoring borehole network for the Facility, which consists of at least one borehole upstream and one borehole downstream of the Facility, must be established and maintained by the Licence Holder so that unobstructed sampling, as required in terms of this Licence can be undertaken.

8.2.2 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.

8.2.3 Surface water monitoring must be performed in all storm water drain outlets that discharges to the natural environment and adjacent to the Facility at locations selected in conjunction with and at such frequency as prescribed by the Water Quality Monitoring Protocol approved by the Director: RPW through the Western Cape Provincial Government.

8.3 BACKGROUND MONITORING

- 8.3.1 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 8.4, 8.5 or 8.6 for the water quality variables as agreed by the Department and the Director: RPW.

8.4 DETECTION MONITORING

- 8.4.1 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.

8.5 INVESTIGATIVE MONITORING

- 8.5.1 If, in the opinion of the Director and/or the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 8.4, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

8.6 POST-CLOSURE MONITORING

- 8.6.1 Groundwater monitoring by the Licence Holder, in accordance with condition 8.2 or 8.3, 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 and Director: RPW.

8.7 FURTHER INVESTIGATION

- 8.7.1 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.

9. AUDITING

9.1 INTERNAL AUDITS

- 9.1.1 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 9.2.1 and the Director within 30 (thirty) days of the date the audit was conducted, if requested.

9.2 EXTERNAL AUDITS

- 9.2.1 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, which must be submitted by the Licence Holder to the Director.

- 9.2.2 The audit report must:
- 9.2.2.1 specifically state whether the conditions of this licence are being adhered to;
 - 9.2.2.2 include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment;
 - 9.2.2.3 specify target dates for the implementation of the recommendations to achieve compliance; and
 - 9.2.2.4 specify whether the corrective action taken after the previous audits was adequate.
- 9.2.3 The external audit report must be submitted to the De Doorns Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 10 below within 3 (three) months, from the date on which the external auditor finalised the report.
- 9.2.4 Each external audit must be submitted to the Director within 30 (thirty) days from the date on which the external auditor finalised the report.
- 9.2.5 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

9.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- 9.3.1 The Director and the Director: RPW reserves the right to audit or inspect the Facility without prior notification at any time and any frequency as may be determined by the Director and Director: RPW.
- 9.3.2 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.
- 9.3.3 The findings of these audits or inspections must be made available to the Licence Holder 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).

10. MONITORING COMMITTEE

- 10.1 The Licence Holder must establish and take all reasonable steps to maintain and ensure the continued functioning of the Monitoring Committee for the normal operational lifetime of the Facility.
- 10.2 The Monitoring Committee shall be representative of relevant interested and affected parties (I&APs) and may consist of at least the following persons:
- 10.2.1 Licence Holder and/or his appointed consultant(s) or advisor(s);
 - 10.2.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 10.2.3 representative(s) of the Provincial Government responsible for waste management and environmental functions; and
 - 10.2.4 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.

- 10.3 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 9.2, has been submitted according to condition 9.2.3.
- 10.4 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 30 (thirty) days after the meeting.

11. RECORD KEEPING

- 11.1 The Licence 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 Licence must:
- 11.3.1 be legible;
 - 11.3.2 be made available to anyone who may request them 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
 - 11.3.5 be made available upon the request of the Director and/or the Director: RPW.
- 11.4 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.
- 11.5 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.

12. REPORTING

- 12.1 The Licence Holder must, within 24 (twenty-four) hours, notify the Director and the Director: RPW of the occurrence or detection of any incident at the Facility which has the potential to cause, or has caused any pollution.
- 12.2 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 12.1, 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:
- 12.2.1 correct the impact resulting from the incident;
 - 12.2.2 prevent the incident from causing any further impact; and
 - 12.2.3 prevent a recurrence of a similar incident.
- 12.3 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 12.1, or

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

- 12.4 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.
- 12.6 The Department must be notified within 14 (fourteen) days of the following changes:
 - 12.6.1 Licence Holder's trading name, registered name or registered office address;
 - 12.6.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 12.6.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.

13 OTHER REPORTS

- 13.1 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.
- 13.2 The information required in terms of condition 8 must be reported to the Director, and the Director: RPW, as specified in condition 11.4 where applicable, 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.

14 REHABILITATION AND CLOSURE OF THE FACILITY

- 14.1 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.
- 14.2 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:
 - 14.2.1 the formation of pools due to rain is prevented;
 - 14.2.2 free surface runoff of rain-water is ensured; and
 - 14.2.3 no objects or materials which may hamper the rehabilitation of the Facility are present.
- 14.3 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.

15. LEASING AND ALIENATION OF THE FACILITY

- 15.1 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.

16. TRANSFER OF WASTE MANAGEMENT LICENCE

- 16.1 Should the Licence Holder want to transfer ownership of this Licence, he/she must apply in terms of section 52 of the NEM:WA.
- 16.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

17. COMMENCEMENT

- 17.1 The listed activity, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this License. In the event that an appeal notice and subsequent appeal is lodged with the Director, the effect of this License is suspended until such time as the appeal is decided.
- 17.2 Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorised activity, he/she may not commence with the activity until authorised by the Director in writing.
- 17.3 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.
- 17.4 The 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 Licence must be made in order for the activity to be undertaken.
- 17.5 If the proponent anticipates that commencement of the activity will not occur within the 5 (five) year period, he/she must apply and show good cause for an extension of the period during which the commencement must take place, 6 (six) months prior to the expiry date of this Licence.

18. GENERAL

- 18.1 This Licence shall not be transferable unless such transfer is subject to condition 16 above.
- 18.2 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.
- 18.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 18.4 This Licence is valid until the waste disposal airspace capacity has been reached as determined in condition 5.2. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance with the Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 18.5 Should the Licence Holder want to conduct the waste management activity beyond the period to be determined in condition 5.2, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 18.6 Transgression of any condition of this Licence could result in the suspension of the Licence by the Director and may render the Licence Holder liable for criminal prosecution or other actions provided for in section 67(1) of the NEM:WA.

- 18.7 In terms of sections 28 and 30 of the 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 the environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 18.8 The Licence Holder must submit an Organic Waste Diversion Plan to the Director 90 (ninety) days after the date of issue of this Licence and annually thereafter.
- 18.9 The information within the Organic Waste Diversion Plan must:
- 18.9.1 provide a status quo of current organic waste sources and volumes disposed of, and current rates and procedures of organic waste diversion from the Facility; and
- 18.9.2 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.

D. 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.

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 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,



BELINDA LANGENHOVEN

ACTING DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 12-07-2018

Cc: (1) Ms Noe Malise (DWS: Resource Protection and Waste)

Email: NoeM@dws.gov.za

(2) Ms Wilna Moolman (DWS: Resource Protection and Waste)

Email: 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".
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 De Doorns Licence conditions with current waste legislation and replace the existing Licence (Ref: 19/2/5/1/B2/3/WL0026/14), issued by the Department of Environmental Affairs and Development Planning and issue this Licence.

REASONS FOR THE 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 WML dated 13 January 2014.
- (b) The BAR dated 1 April 2014, compiled by AECOM (Pty) Ltd., including the WML Application Additional Information Annexure.
- (c) Comments raised by I&APs 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, including domestic, garden and construction and demolition waste. The Facility is fenced but access control is not implemented. The surrounding land-uses in the area predominantly consist of agricultural activities. 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 GN No. R543 of the EIA regulations, published on 18 June 2010.

The permission was granted because of the following:

- (a) The WDF is existing;
- (b) The Facility is classified as a communal WDF 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 WDF.

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 Cape Argus on 24 January and 26 February 2014, in Die Burger on 24 January and 26 February 2014 and other local newspapers on 12 to 18 January 2014 and 17 February 2014, respectively;
- (d) Fixing of notice board at the De Doorns WDF and at the Breede Valley Municipality: De Doorns Office on 24 January 2014;
- (e) Notification sent to registered I&APs via sms and email on 17 February 2014 and copy made available at the De Doorns 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 consulted:

- (a) Cape Nature; and
- (b) Department of Water and Sanitation (DWS): Western Cape Provincial Operations.

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 DWS have been included in the WML.

_____END_____