



**REFERENCE:** 19/2/5/4/E1/9/WL0077/18

The Municipal Manager  
Overberg District Municipality  
Private Bag X22  
**BREDASDORP**  
7280

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**Attention:** Francios Kotze

**WASTE MANAGEMENT PERMIT ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE ELIM WASTE DISPOSAL FACILITY ON THE REMAINDER OF FARM VOGEL STRUIS KRAAL NO. 237, 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 replace the Waste Management Permit with reference No.: 16/2/7/G501/D3/Z2/P337, issued by the then Department of Water Affairs and Forestry (now Department of Water and Sanitation), with this varied Waste Management Permit, issued to the Overberg District 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 commission the Elim Waste Disposal Facility (WDF) on the remainder of farm Vogel Struis Kraal No. 237, Bredasdorp (hereinafter referred to as 'the Facility').

**B. DESCRIPTION OF THE ACTIVITY:**

The operational activities for this G:C:B- Facility will be according to the Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry, Second Edition, 1998 (referred to as "Minimum Requirements"), as well as the NEM: WA National Norms and Standards for Disposal of Waste to Landfill, Government Notice No. R636 (GNR 636) dated 23 August 2013.

The following activities listed Category C of 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, are hereby authorised: -

In the event of constructing and operating a Drop-off facility on the above-mentioned facility, the following waste management activities in Category C 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 100m<sup>3</sup> 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 80m<sup>3</sup> 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 500m<sup>2</sup>.

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 the 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/E1/9/WL0077/18  
**WASTE APPLICATION:** OPERATION OF THE ELIM WASTE DISPOSAL FACILITY  
**CLASS:** B (G:C:B)  
**LOCATION:** ON THE REMAINDER OF FARM VOGEL STRUIS KRAAL NO. 237, BREDASDORP  
**PERMIT HOLDER:** OVERBERG DISTRICT MUNICIPALITY  
**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER  
**ADDRESS:** PRIVATE BAG X22, BREDASDORP, 7280

**1. Location**

1.1 This Permit authorises the establishment, further development and operation of a Waste Disposal Facility on part of the Commonage of Elim Management Council, on the remainder of farm Vogel Struis Kraal No. 237, Bredasdorp, in the jurisdiction area of the Cape Agulhas Municipality, District of Bredasdorp (hereinafter referred to as "the Facility") according to the report 231525 by V3 Consulting Engineers, dated May 1997 (hereinafter referred to as "the report"), submitted by the Permit Holder.

1.2 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°36'14.29"S	19°45'21.29"E

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

**Table 1-2: Footprint of the Facility**

Corner Points	Latitude	Longitude
1	34°36'14.29"S	19°45'21.29"E
2	34°36'13.12"S	19°45'22.35"E
3	34°36'11.50"S	19°45'20.61"E
4	34°36'11.24"S	19°45'20.87"E
5	34°36'11.03"S	19°45'20.55"E
6	34°36'12.87"S	19°45'17.83"E
7	34°36'13.71"S	19°45'17.44"E
8	34°36'14.94"S	19°45'18.99"E
9	34°36'15.27"S	19°45'20.08"E
10	34°36'16.51"S	19°45'21.42"E
11	34°36'15.63"S	19°45'22.52"E

- 1.4 The footprint of the Facility and its associated infrastructure is approximately 11070.4m<sup>2</sup>.
- 1.5 The Surveyor General 21 Digit code of the Facility is as follows: C01100010000122800000.

## **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 80m<sup>3</sup> 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 ted 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 16.8 and 16.9 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. The WMCO/ ECO must:
  - 3.2.1 report any non-compliance with any Permit conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available;
  - 3.2.2 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
  - 3.2.3 monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

## **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 shall 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 shall notify the Director and the Director: RPW of such a development within the Facility and the person referred to in condition 4.2 shall 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 shall 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 further disposal of waste.
- 4.4 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 (five hundred) metres between the Facility and the nearest residential area.
- 4.5 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.
- 4.6 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.
- 4.7 Runoff water referred to in condition 4.6 shall comply with the quality requirements of the Director: RPW and shall be drained from the Facility in a legal manner.
- 4.8 Runoff water referred to in condition 4.6 which does not comply with the quality requirements applicable in terms of condition 4.7 and all leachate from the Facility shall, by means of works which shall be constructed and maintained on a continuous basis by the Permit Holder: –
- 4.8.1 be collected in a small leachate collection dam constructed below the Facility as proposed by the Holder and approved by Director and the Director: RPW;
  - 4.8.2 to be treated to comply with the aforementioned standard and discharged in a legal manner; and/or
  - 4.8.3 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 4.1.
- 4.9 Works constructed in compliance with condition 4.8 shall be of such a capacity as to accommodate all runoff and leachate which could be expected as a result of the estimated maximum precipitation. Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 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 filled trenches at Facility shall not exceed natural ground level.
- 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 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 Operation**

- 6.1 The Permit Holder shall retain the responsibility for the Facility, and its monitoring and ensure that:
  - 6.1.1 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, which must be monitored on a regular basis and the monitoring results must be 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 150 millimetres 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 an airspace determination study.
- 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, GN No. R636 23 August 2013.
- 6.8 Reclamation of waste may not take place at the Facility.
- 6.9 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.

6.10 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).

## **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 Background monitoring

7.2.1 Samples from the borehole as required above where the ground water in the borehole is at an expected higher hydraulic pressure level as the hydraulic pressure level of the ground water under the Facility, shall be considered as background monitoring. Background ground water monitoring shall be conducted during each monitoring occasion in terms of conditions 7.3, 7.4 or 7.5 for the water quality as agreed to by the Director and/or the Director: RPW.

### 7.3 Detection monitoring

7.3.1 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.

### 7.4 Investigative monitoring

7.4.1 If, in the opinion of the Director, a water quality variable listed as referred to in condition 7.3, shows an increasing trend, the Permit Holder must initiate a monthly monitoring programme.

### 7.5 Post-closure monitoring

7.5.1 Ground water monitoring by the Permit Holder, in accordance with condition 7.3 or 7.4, 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 the Director: RPW.

### 7.6 Further Investigations

7.6.1 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. Monitoring Methods and Parameters**

8.1 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.

8.2 The Permit 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 the Director and the Director: RPW.

8.3 The Permit Holder must put in place a monitoring and measurement plan that must inter alia include:

8.3.1 mass (in tonnes or kilograms) received, disposed;

8.3.2 treated and transferred;

- 8.3.3 waste types and sources;
- 8.3.4 air quality monitoring; and
- 8.3.5 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.

## **9. Auditing**

### **9.1 Internal Audits**

- 9.1.1 Internal audits must be conducted quarterly (four times per year) by the Permit Holder and on each audit occasion an official report, in the format referred to in condition 9.3, 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 (if requested), according to condition 9.4.2.

### **9.2 External Audits**

- 9.2.1 The Permit Holder must appoint an independent external auditor to audit the Facility annually (once per year) and the audit report compiled by the external auditor, in the format referred to in condition 9.3, must be submitted by the Permit Holder according to condition 9.2.5.
- 9.2.2 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.
- 9.2.3 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.
- 9.2.4 The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the 'Monitoring Committee'), provided in condition 10.1 below, within 3 (three) months, from the date on which the external auditor finalised the report.
- 9.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.

- 9.3 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

### **9.4 Departmental Audits and Inspections**

- 9.4.1 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 Director: RPW may decide, or to have the Facility audited or inspected.
- 9.4.2 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.
- 9.4.3 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.

## **10. Monitoring Committee**

- 10.1 The Permit Holder must establish a Monitoring Committee for the normal operative lifetime of the Facility.



- 10.2 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 2 (two) years after the closure of the Facility, or such longer period as may be determined by the Director.
- 10.3 The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
- 10.3.1 Permit Holder and/or his/her appointed consultant(s) or advisor(s);
  - 10.3.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
  - 10.3.3 representative(s) of this Department; and
  - 10.3.4 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.
- 10.4 The Monitoring Committee shall meet annually (once a year) and no later than 3 (three) months after the finalisation of the external audit report was conducted in terms of condition 9.2.1, and submitted in terms of condition 9.2.4.
- 10.5 The Permit 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.

## **11. Record Keeping**

- 11.1 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 11.6.
- 11.2 The Permit Holder shall record and interpret all borehole data.
- 11.3 The Permit Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 11.4 All records required or resulting from activities required by this Permit must:
- 11.4.1 be legible;
  - 11.4.2 be made available and should form part of any audit report;
  - 11.4.3 amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 11.4.4 be retained in accordance with documented procedures which are approved by the Department; and
  - 11.4.5 be made available upon the request of the Director and/or the Director: RPW.
- 11.5 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.
- 11.6 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 must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident on 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.
- 12.2 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 12.1, submit an action plan, which must include a detailed time schedule, 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 risk of the Permit Holder.
- 12.4 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 Facility**

- 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 approval and provide any other requirements requested by the Director.
- 13.2 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:
- 13.2.1 the formation of pools due to rain is prevented;
  - 13.2.2 free surface runoff of stormwater is ensured; and
  - 13.2.3 no objects or materials which may hamper the rehabilitation of the Facility are present.
- 13.3 The Permit Holder shall rehabilitate the Facility in accordance with a rehabilitation plan, which shall be to the satisfaction of the Director.

## **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 60 (sixty) 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 shall within a period of 60 days, from date of issuing of this Permit 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 2 (two) years from the date of issuing of this Permit, a written motivation, shall be provided to the Director and the Director: RPW defining the reasons why the application for rezoning failed. The Director and the Director: RPW shall then take an appropriate decision regarding the future of the Facility.
- 16.2 This Permit shall not be transferable unless it is subjected to 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, 2003 (Act 61 of 2003), the Water Act, 1998 (Act 36 of 1998) or any applicable act, ordinance, regulation by-law.
- 16.4 In terms of sections 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Permit Holder reads through and understand the legislative requirements pertaining to the project. It is the Permit Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 16.5 The Permit Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 16.6 This Permit shall not be construed as exempting the Permit Holder from compliance with the provisions of the Health Act, 2003 (Act 61 of 2003), the National Water Act, 1998 (Act 36 of 1998) or any applicable act, ordinance, regulation or by-law.
- 16.7 Transgression of any condition of this Permit could result in the suspension of the Permit by this Director.
- 16.8 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.
- 16.9 The information within the Organic Waste Diversion Plan must:
- 16.9.1 provide a status quo of current organic waste sources and volumes disposed at municipal WDFs, and current rates and procedures of organic waste diversion from WDFs; and
  - 16.9.2 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.
- 16.10 The Permit Holder must annually together with the 'external audit report' as per condition 9.2.5, 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.
- 16.11 The Permit may be reviewed at any time before the waste disposal airspace capacity is reached. Based on the results of the review, especially compliance to Permit conditions or recommendations from the audit reports and/or changing legislation, the Permit can be amended or withdrawn, or the validity thereof be extended.

**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](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, E-mail [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 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: 07-09-2018**

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

Fax to E-mail: (086) 634 5998 / E-mail: [NoeM@dws.gov.za](mailto: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 Waste Management Permit according to section 54(1) of the NEM: WA, which 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 Elim Waste Management Permit conditions with current waste legislation, by replacing the existing Waste Management Permit with reference No.: 16/2/7/G501/D3/Z2/P337, with this Waste Management Permit.

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

\_\_\_\_\_END\_\_\_\_\_