



**REFERENCE:** 19/2/5/4/F2/12/WL0135/19

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**For attention:** Mr Jacob Klaase

**VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF  
THE WUPPERTHAL WASTE DISPOSAL FACILITY (WDF), ON FARM NO. 168, WUPPERTHAL**

**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) (NEM:WA), as amended, hereby vary and replace the existing Waste Management Licence (WML) (Licence No. 19/2/5/4/F2/12/WL0009/18) of the Cederberg Municipality (hereinafter referred to as 'the Municipality') and issue this WML for the decommissioning of the Wupperthal WDF on the Farm No. 168, Wupperthal (hereinafter referred to as "the Facility").

**B. DESCRIPTION OF ACTIVITY:**

The activities for decommissioning of the Wupperthal 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) 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) Attend to the health of workers
- (k) The determination of the total airspace at the waste disposal facility within 6 months after this Licence is issued
- (l) Remedial design to address identified problem areas
- (m) Final shaping, landscaping and re-vegetation
- (n) Final landfill cover or capping design
- (o) Permanent stormwater diversion measures, run-off control and anti-erosion measures
- (p) 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, are hereby authorised:

Category A

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

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

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

Director: Waste Management

Department of Environmental Affairs and Development Planning

Private Bag X9086

**CAPE TOWN**

8000

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

Director: RPW: Western Cape Provincial Operations

Department of Water and Sanitation

Private Bag X16

**SANLAMHOF**

7532

**C. LICENCE CONDITIONS**

**LICENCE NUMBER:** 19/2/5/4/F2/12/WL0135/19

**WASTE APPLICATION:** CLOSURE OF THE WUPPERTHAL WDF

**LOCATION:** FARM NO. 168, WUPPERTHAL

**LICENCE HOLDER:** CEDERBERG LOCAL MUNICIPALITY

**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER

**ADDRESS:** PRIVATE BAG X2, CEDERBERG, 7320

**1. LOCATION**

1.1 This Licence authorises the Cederberg Local Municipality to operate until decommissioning and closure the Facility on Farm No. 168, Wupperthal, Cederberg Local Municipality.

1.2 Location of property on which the Facility is situated:

**Table 1-1:** Location of the Facility

<b>Latitude (S)</b>	<b>Longitude (E)</b>
32°16'06.38"	19°13'39.00"

1.3 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 23 January 2014 and Additional Information Annexure dated 1 April 2014 submitted by the Licence Holder, which is defined as follows:

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

<b>Corner Points</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
1	32°16'04.9"	19°13'36.8"
2	32°16'04.4"	19°13'38.8"
3	32°16'07.0"	19°13'37.9"
4	32°16'06.3"	19°13'39.8"

1.4 The footprint of the Facility and its associated infrastructure is 3654m<sup>2</sup>.

1.5 The Surveyor General 21 Digit code of the Facility is: C020 0000 00000 16800000.

## **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 or any current and future Norms and Standards developed by the Department, is permitted.

2.2 If more than 80m<sup>3</sup> of hazardous waste and/or 100m<sup>3</sup> of general waste are going to be stored at the Facility, the relevant National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), National Norms and Standards for the Storage of Waste (GN No. 926 of 29 November 2013) must be adhered to.

2.3 The Licence 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 All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this 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 20.7 and 20.8 of this Licence.

## **3 APPOINTMENT OF A 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) 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 Licence.

The WMCO/ ECO must:

3.2.1 report any non-compliance with any Licence 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 Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and

3.2.3 monitor the closure activities and ensure that the closure plans are in accordance with the approved engineering designs.

## **4 MANAGEMENT**

4.1 The EMPr for the decommissioning of the facility submitted as part of the final Basic Assessment Report, 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 EMP has been authorised by the Licensing Authority.

4.3 The decommissioning 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 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 A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activity 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.

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 ACCESS CONTROL**

5.1 Weatherproof, durable and legible notices in at least 3 (three) official languages 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.

5.2 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 windblown waste.

5.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs at the Facility.

- 5.4 The Licence Holder shall take all reasonable steps to maintain service roads in a condition which ensures unimpeded access to the Facility for vehicles transporting waste and to keep the roads free of waste.
- 5.5 The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 5.6 The Licence Holder shall ensure effective access control during the operational, closure or rehabilitated Facility and ensure that no illegal dumping occurs.

## **6 OPERATIONAL**

- 6.1 Waste disposed of at the Facility shall be compacted and covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Director.
- 6.2 The Licence Holder shall take all reasonable steps to ensure that the Facility is operated in a manner that shall prevent the creation of nuisance conditions or health hazards.
- 6.3 All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn on the Facility and the provision of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) must be complied with.
- 6.4 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 14.
- 6.5 All waste outside the boundaries of the Facility, as specified in condition 1.3, must be removed and disposed within the boundaries of the Facility.
- 6.6 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, National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), "Norms and Standards for Storage of Waste" GN No. 926 of November 2013 and GN R. 149: "Waste Tyre Regulations", 2008 and any subsequent waste tyre regulations, must be adhered to where applicable.
- 6.7 All persons reclaiming waste must be wearing suitable personal protection equipment.
- 6.8 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.

- 6.9 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 ENVIRONMENTAL POLLUTION INVESTIGATIONS**

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

## **8 WATER QUALITY MANAGEMENT**

- 8.1 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.
- 8.2 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.
- 8.3 Works constructed in compliance with condition 15 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate:
- 8.3.1 all storm water 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 once in the fifty years; and
- 8.3.2 all expected leachate.

## **9 MONITORING**

### **9.1 Water Quality Monitoring**

- 9.1.1 The Licence Holder must establish and maintain a ground water monitoring borehole network with at least 1 (one) upstream and 1 (one) downstream borehole at least 10 (ten) to 20 (twenty) metres from the edge of the compacted waste body, 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 stormwater drain outlets or any appropriate area on the Facility that allows surface water to discharge into the natural environment and adjacent to the Facility at locations selected in conjunction with and at such a frequency as prescribed by the Water Quality Monitoring Protocol approved by the Director: RPW through the Director.

## **9.2 Detection Monitoring**

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

## **9.3 Investigative Monitoring**

9.3.1 If, in the opinion of the 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 until such time that the variable is within acceptable limits.

## **9.4 Further Investigation**

9.4.1 If, in the opinion of the 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: RPW.

## **10 MONITORING METHODS AND PARAMETERS**

10.1 The Licence 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 10.2.

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 the Director and the 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 annually (once a year) and this auditor must compile an audit report documenting the findings of the audit.

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-compliances 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 13 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.

## **12 DEPARTMENTAL AUDITS AND INSPECTIONS**

12.1 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.

12.2 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.

12.3 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.

## **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 persons 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 invitation to attend the Monitoring Committee to interested and affected parties 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 report was conducted in terms of condition 11.2, 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 RECORD KEEPING**

- 14.1 The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 14.2 Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 14.5.
- 14.3 All records required or resulting from activities required by this Licence must:
  - 14.3.1 be legible;
  - 14.3.2 be made available and should form part of any audit report;
  - 14.3.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 14.3.4 be retained in accordance with documented procedures which are approved by the Department; and
  - 14.3.5 be made available upon the request of the Director and/or the Director: RPW.
- 14.4 The Licence Holder shall record all borehole data and chemical analysis in a format agreed upon in writing between the Director: RPW, the Licence Holder, and a relevant specialist if so required.
- 14.5 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.

## **15 DECOMMISSIONING PHASE**

- 15.1 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 90 (ninety) days prior to construction for decommissioning of the Facility to begin.
- 15.2 Decommissioning construction of the Facility must be considered in accordance with the proposed Closure Report for the Facility in the EMPr and the final BAR as prepared by AECOM dated 1 April 2014.
- 15.3 The Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil on top of a 450mm 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%). An alternative to the 450mm compacted Clay Layer ("CCL") of specified performance clay is

acceptable in which the 450, CCL is replaced with 450mm random soil compacted fill over a Geosynthetic Clay Layer.

- 15.4 Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990).
- 15.5 The waste body must be covered with the surrounding indigenous vegetation.
- 15.6 The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 15.7 The slopes of the sides of the Facility must be constructed in accordance with recognised civil engineering practices, with special consideration to stability.
- 15.8 The Facility, or any portion thereof must be covered and the Facility must be maintained in such a way that:
  - 15.8.1 the formation of pools due to rain is prevented;
  - 15.8.2 free surface runoff of rain-water is ensured;
  - 15.8.3 contamination of stormwater is prevented;
  - 15.8.4 no objects or material which may hamper the rehabilitation of the Facility are present; and
  - 15.8.5 little or no erosion occurs.
- 15.9 Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, 1998.
- 15.10 A cut off trench and porous pipe which contains and collects any leachate from the Facility must be installed downstream of the Facility. A conservancy tank must be installed downstream to collect any leachate collected by the porous pipe.
- 15.11 Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, 1998.

## **16 REPORTING**

- 16.1 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.

- 16.2 The Licence 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 16.1, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Director of measures taken to:
- 16.2.1 correct the impact resulting from the incident;
  - 16.2.2 prevent the incident from causing any further impact; and
  - 16.2.3 prevent a recurrence of a similar incident.
- 16.3 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 16.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 16.4 The Licence Holder shall, within 48 (forty eight) hours, notify the Director of any sporadic leachate generated on account of unusual circumstances on the Facility.
- 16.5 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 16.6 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.
- 16.7 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.
- 16.8 The Department must be notified within 14 (fourteen) days of the following changes:
- 16.8.1 Licence Holder's trading name, registered name or registered office address;
  - 16.8.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - 16.8.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 16.9 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.
- 16.10 The Department must be notified without delay in the case of the following:
- 16.10.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
  - 16.10.2 the breach of conditions of this licence; and

16.10.3 any significant adverse environmental and health effects.

16.11 Prior written notification must be given to the Director of the following events and within the specified timeframes:

16.11.1 as soon as practicable prior to the permanent cessation of any operational activities;

16.11.2 full or partial resumption of the operation of all or part of the activities after a cessation notified under 16.11.1 above.

## **17 LEASING AND ALIENATION OF THE FACILITY**

17.1 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.

## **18 TRANSFER OF MANAGEMENT LICENCE**

18.1 Should the Licence Holder want to transfer ownership of this Licence, he/she must apply in terms of Section 52 of the NEM:WA.

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

18.3 The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:

18.3.1 The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including:

18.3.1.1 confirmation that the Licence is still in force (i.e. that the validity period has not yet expired or the listed activities were lawfully commenced with);

18.3.1.2 the contact details of the person who will be the new Licence Holder;

18.3.1.3 the reasons for the transfer; and

18.3.1.4 an originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.

18.3.2 The Licensing Authority will issue an amendment to the new Licence Holder either by way of a new Licence or an addendum to the existing Licence if the transfer is found to be appropriate.

## **19 COMMENCEMENT**

19.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.

19.2 Should the licence Holder be notified by the Licensing Authority 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.

19.3 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.

19.4 This decommissioning phase must commence by 29 August 2024. 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.

19.5 If the proponent anticipates that commencement of the activity would not occur by 29 August 2024, 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.

## **20 GENERAL**

20.1 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, 1998 (Act No. 36 of 1998) or any applicable act, ordinance, regulation or by-law.

20.2 Transgression of any condition of this Licence could result in the suspension of the Licence by the Director.

20.3 This Licence is valid until 29 August 2024. 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.

20.4 Should the Licence Holder want to conduct the waste management activity beyond the validity period, the Licence Holder must apply for a review 1 (one) year before the expiry date.

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



- 20.6 In terms of sections 28 and 30 of the National Environmental Management Act (Act 107 of 1998), 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 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 environmentally acceptable manner.
- 20.7 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.
- 20.8 The information within the Organic Waste Diversion Plan must:
- 20.8.1 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
- 20.8.2 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.

## **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.
- 1.5 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 Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

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.

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority 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.

Yours faithfully,



**EDDIE HANEKOM**

**DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION:** 04-09-2018

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

### **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 subsequent non-substantive amendment was conducted in order to extend the commencement date for decommissioning of this Facility. This licence repeal the previous variation licence (Ref: 19/2/5/4/F2/12/WL0009/18).

### **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 listed below.

- (a) The information contained in the Application Form for a Waste Management Licence dated 23 January 2014.
- (b) The Basic Assessment Report (BAR) dated 1 April 2014, compiled by AECOM (Pty) Ltd., including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto.
- (d) Relevant information contained in the Departmental information.
- (e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998).

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

#### **Environment**

The Facility is currently 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 and residential areas.

#### **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 to deviate 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 alternative have been assessed, as the activity focuses on the closure of the existing Facility.

### **Activity Alternative**

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

### **Design Alternative**

The project will entail the closure and rehabilitation of an existing waste disposal facility, which will entail:

- (a) gathering all the waste to form a dome shape. Determine the depth of waste on the Site. If the volume allows it, gather the waste together in order to cap a smaller portion of the Waste Disposal Facility. Create a dome shape with the waste with a flat surface, and 1:3 slopes;
- (b) compact and cover the waste body with soil; and
- (c) placing a clay layer or Geosynthetic Clay Layer and topsoil on top of the cover and grass it with the hydroseed mix prescribed in the EMPr on page 47 of page 51 (Table 9: Hydro Seeding).

## **Public Participation Process (PPP)**

The PPP comprised of the following:

- (a) 40-day I&AP's 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 2014 and 26 February 2014 respectively, in "Die Burger" on 24 January 2014 and 28 February 2014 and other newspapers (e.g. Standard, Swartland Gazette and Weslander).
- (d) Fixing of notice board at the Wupperthal Waste Disposal Facility and at the Moravian Mission Store on 21 January 2014.
- (e) Notification sent to registered I&AP's via sms and email on 17 February 2014 and copy made available at the Wupperthal Public Library of the draft BAR from 17 February 2014 to 28 March 2014 for 40 days, and the final BAR from 1 April 2014 for review for 21 days.
- (f) Submission of the final BAR to the Department on 1 April 2014.

## **Authorities Consultation**

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

Comments and recommendations provided by the 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-----







## MUNICIPALITY UMASIPALA

Meld asb. in u antwoord / In your reply please quote

Verwysing / Reference 16/4/1/2/4

Navrae / Enquiries J. Klaase

☎ (027) 482 8000

☎ (027) 482 1933

✉ admin@cederbergraad.co.za

✉ Privaatsak/Private Bag X2

CLANWILLIAM

8135

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26 August 2019

Department of Environmental Affairs and Development Planning (DEA&DP)  
Directorate: Waste Management  
6th floor Property Centre  
3 Dorp street  
CAPE TOWN  
8000

Attention Mr. Lance Mcbrain-Charles

**REF: 19/2/5/4/F2/4/WL0009/18**

**REQUEST FOR POSTPONEMENT OF COMMENCEMENT DATE FOR THE  
DECOMMISSIONING OF WUPPERTHAL WASTE DISPOSAL FACILITY, ON FARM NO.168,  
CEDERBERG LOCAL MUNICIPALITY, WESTERN CAPE**

Dear Sir

The DEA&DP letter dated 22 August 2019 has reference.

Kindly be informed that Wupperthal is located on private property, owned by the Moravian Church of South Africa. The last mentioned organisation has assumed the responsibility of delivering services and operating waste management. Hence Cederberg Municipality is the license holder of Wupperthal WDF and will assist with logistical support to manage the site even though the MOU with the Moravian Church is not finalized.

The municipality in respect of the lack of the MOU cannot budget and avail funding with specific timeframes until an service level agreement are reach between the parties in the near future. As per previous reports and estimations the rehabilitation costs for this waste facility will amounts to millions of rands. The municipality therefor request that the Department allows for this request, until a more permanent solution is agreed upon. We hereby apply to extend the postponement of commencement for the decommissioning of the WDF.

Feel free to contact Mr.J Klaase on 027 4828000 or email: [jacobk@cederbergraad.co.za](mailto:jacobk@cederbergraad.co.za). if other formal discussion processes are needed.

We trust that the Department will find the above mentioned in order

Yours faithfully



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**MR. PL VOLSCHENK**  
**MUNICIPAL MANAGER**