



**REFERENCE:** 19/2/5/4/B1/4/WL034/20

The Municipal Manager  
Langeberg Local Municipality  
Private Bag X2

Tel.: (023) 616 8000

**ASHTON**

Fax: (023) 615 2272

6715

E-mail: [GSlingers@langeberg.gov.za](mailto:GSlingers@langeberg.gov.za)

**Attention:** Mr Glen Slingers

**VARIATION WASTE MANAGEMENT PERMIT FOR THE BONNIEVALE WASTE DISPOSAL FACILITY, ERF NO. 462, MUNICIPAL COMMONAGE OF BONNIEVALE, BONNIEVALE**

**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 (hereafter "this Department"), regarding the application received in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby in terms of the provisions of Section 54 (a) and (d) of the NEM:WA, as amended, vary and replace the existing Permit (Permit No.: 19/2/5/4/B1/4/WL0128/18) issued by this Department, and issue this Waste Management Permit (hereafter "the Permit") referenced 19/2/5/4/B1/4/WL034/20 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, 1998 (Act No. 107 of 1998) (NEMA) National Appeal Regulations, published as Government Notice (GN) No. R. 993 of 8 December 2014, to the abovementioned Permit Holder, for the continued operation of the Bonnievale Waste Disposal Facility (WDF) (hereafter "the Facility") on Erf No. 462 of the Municipal Commonage, Bonnievale. The reasons for the decision may be viewed in Annexure 1.

## **B. DESCRIPTION OF THE ACTIVITY**

The activities for this G:S: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) (referred to as the "Minimum Requirements") and for any new waste cells that may be developed, as per the NEM:WA, "*National Norms and Standards for Disposal of Waste to Landfill*", Government Notice 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) Gate or weighbridge recording procedures;
- (c) Access control;
- (d) Chipping of garden waste;
- (e) Spreading and disposing of builder's rubble;
- (f) Compacting and covering of General waste;
- (g) Topographical surveys and airspace determination;
- (h) Recording, processing and reporting of other data;
- (i) Water quality monitoring;
- (j) Conduct internal and external audits;
- (k) Monitoring slope stability and preventing erosion;
- (l) Managing stormwater and run-off water;
- (m) Management of the health of workers; and
- (n) Maintaining buffer zone.

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

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**

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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**

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## C. PERMIT CONDITIONS

**PERMIT NUMBER:** 19/2/5/4/B1/4/WL034/20  
**WASTE APPLICATION:** OPERATION OF THE BONNIEVALE WDF  
**LOCATION:** ERF NO. 462 OF THE MUNICIPAL COMMONAGE, BONNIEVALE  
**PERMIT HOLDER:** LANGEBERG MUNICIPALITY  
**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/  
OFFICER  
**ADDRESS:** PRIVATE BAG X2, ASHTON, 6715

### 1. LOCATION

- 1.1 This Permit authorises the further development and operation of a WDF on Erf 462, Municipal Commonage of Bonnievale, District of Swellendam, Langeberg Municipality (hereinafter referred to as "the Facility"), according to the report 8/1/2/1 and 6/3/1 by the Bonnievale Municipality, dated August 1997 and 27 October 1997 respectively (hereinafter referred to as "the Report"), submitted by the Permit Holder.
- 1.2 The location of the entrance of the Facility shall be according to the co-ordinates which are defined as follows:

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

Latitude (S)	Longitude (E)
33°55'36.09"	20° 4'49.86"

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

**Table 2:** Boundaries of the Facility:

Corners	Latitude (S)	Longitude (E)
1	33°55'40.45"	20° 4'46.44"
2	33°55'37.27"	20° 4'44.44"
3	33°55'31.22"	20° 4'50.63"
4	33°55'33.10"	20° 4'53.71"

- 1.5 The footprint of the Facility and its associated infrastructure is approximately 26 577 m<sup>2</sup>.
- 1.6 The Surveyor General 21 Digit Code of the Facility is as follows: C07300020000090700000.

## **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 of Environmental Affairs, is permitted.
- 2.2 If more than 80m<sup>3</sup> of hazardous waste and/or 100m<sup>3</sup> 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 The Permit Holder shall take all reasonable steps to ensure that:
  - 2.3.1 No hazardous waste; and
  - 2.3.2 No health care waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007 (Act No. 7 of 2007), be disposed of at the Facility.
- 2.4 The Permit Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.5 All waste loads must be checked at the gate to prevent the disposal of waste not permitted.
- 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 16.4 and 16.5 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 Director 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 This Permit 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 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 Permit.
- 4.3 Further construction and development within the proposed WDF must be carried out under the supervision of a Registered Professional Engineer. Any new cells developed must adhere to a Class B containment barrier design as described in GN No. R. 636, including a lined leachate collection pond, or to the approval of the Director and the Director: RPW. The Permit Holder must submit design drawings to the Director for approval 90 (ninety) days before commencement of the waste management activities.

- 4.4 Should a portion of the Facility be further developed, the Permit Holder shall notify the Director of such a development within the Facility and the person referred to in condition 4.3 shall submit a certificate or alternatively a letter to the Director that the construction of that development within the Facility, as proposed by the Permit Holder and approved by the Director, 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 4.3. If the Director 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.
- 4.5 Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500 (five hundred) metres 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).
- 4.6 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, unless the water quality requirements are in accordance with condition 4.11.
- 4.7 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 the South African Heritage Resource Agency must be contacted within 48 (forty eight) hours.
- 4.8 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 100 metres** between the Facility and the nearest residential and/or light industrial areas during the operative life of the Facility. Heavy industries or industries which may create nuisance conditions may be permitted within the buffer zone in terms of the appropriate legislation.
- 4.9 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 stormwater 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 1:50 (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.
- 4.10 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.
- 4.11 Runoff water referred to in condition 4.10 shall comply with the quality requirements prescribed by the Director and Director: RPW, which may be determined from time to time and shall be drained from the Facility in a legal manner.
- 4.12 Runoff water referred to in condition 4.10 which does not comply with the quality requirements applicable in terms of condition 4.11 and all leachate shall, by means of works which shall be constructed and maintained on a continuous basis by the Permit Holder:
- 4.12.1 Be discharged into any convenient sewer if accepted by the Authority in control of that sewer,
- 4.12.2 Be treated to comply with the aforementioned standard and discharged in a legal manner; and/or,
- 4.12.3 With the written approval of the Director be evaporated in ponds and/or be evaporated by spraying over portions of the Facility.

- 4.13 Works constructed in compliance with condition 4.12 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.
- 4.14 The Facility shall be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 4.15 The maximum height of the Facility above ground level shall not exceed 3 (three) metres.
- 4.16 The slope of the sides of the Facility shall be constructed in such a manner that little or no erosion occurs.
- 4.17 The Permit Holder shall make provision for adequate sanitation facilities at the Facility.

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

- 5.1 Weatherproof, durable and legible notices in at least three official languages applicable to the area, shall be displayed at each entrance to the Facility. These notices shall prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the Permit 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 (one point eight) metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown waste.
- 5.3 The Permit Holder shall ensure effective access control.
- 5.4 The Permit Holder shall ensure that the main entrance is manned during the hours of operation and locked outside the hours of operation.
- 5.5 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.

## **6. OPERATIONAL**

- 6.1 Waste disposal and operation shall be done according to the relevant minimum requirements, GN No. R. 636, the Operation Report, dated 27 October 1997, the conditions of this Permit and any other written instruction by the Department.
- 6.2 The Permit 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:
  - 6.2.1 Vectors (flies and vermin),
  - 6.2.2 Exposed household waste,
  - 6.2.3 Dust,
  - 6.2.4 Windblown litter,
  - 6.2.5 Obnoxious odours, and
  - 6.2.6 Excessive noise, over and above acceptable operating levels and duration as referred to in section 6.19.
- 6.3 The Permit 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 Permit.

- 6.4 Any complaint 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 Director and record it in terms of condition 11.
- 6.5 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.
- 6.6 The Permit Holder must within 6 (six) months of the date of signature of this Permit 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, biennial (once every two years) airspace determination reports must be submitted to the Director.
- 6.7 The Permit Holder must submit a detailed Geohydrological Report to the Director and the Director: RPW within 6 (six) months from the date of this Permit.
- 6.8 Waste, except for clean builders' rubble, disposed of at the Facility shall be compacted and covered on a weekly basis with a minimum of 150 (one hundred and fifty) mm of soil or other material approved by the Director, whilst areas that will not be used for waste disposal for longer than a year must be covered with a minimum of at least 200 (two hundred) mm of suitable cover material.
- 6.9 The Permit Holder must ensure that a stockpile of at least 3 (three) weeks of suitable cover material is available at all times, should waste other than builders' rubble be disposed of.
- 6.10 Any topsoil excavated during construction must be stockpiled separately to be used for the final capping processes.
- 6.11 The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 6.12 Skips or bins used for temporary storage of waste must be clearly marked to indicate the different types of waste which can be accepted.
- 6.13 The Permit Holder must set targets to recover recyclables as part of an overall strategy to divert waste from being disposed of at waste disposal facilities.
- 6.14 Reclamation of waste, apart from garden waste, may not occur at the Facility without prior approval of the Director.
- 6.15 All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn by all employees at the Facility.
- 6.16 The Permit Holder must 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.
- 6.17 The Permit Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 6.18 Waste may not be burned at the Facility.
- 6.19 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).
- 6.20 All invasive alien vegetation must be removed annually.
- 6.21 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 to be followed should unexpected hazardous waste enter the Facility.
- 6.22 A copy of this Permit must be kept at or near the Facility where the activities will be undertaken. The Permit 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 Permit Holder who works or undertakes work at the Facility.

- 6.23 Easy access to spill kits which include hydrocarbon absorbent material must be readily available and staff must be trained to use these spill kits.

## **7. MONITORING METHODS AND PARAMETERS**

- 7.1 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 8.
- 7.2 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 and approved by the Director and the Director: RPW.
- 7.3 The Permit Holder must put in place a monitoring and measurement plan that must *inter alia* include:
- 7.3.1 Mass (in tonnes or kilograms) received and disposed;
- 7.3.2 Waste types and sources;
- 7.3.3 Water quality monitoring; and
- 7.3.4 A biennial (every two years) topographical survey submitted to the Director in the form of an Airspace Determination Report, which must estimate the remaining volume of airspace at the Facility and the remaining lifetime for the disposal of waste at the Facility.

## **8. WATER MONITORING**

- 8.1 General water monitoring
- 8.1.1 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 Permit Holder so that unobstructed sampling, as required in terms of this Permit can be undertaken. The Director and Director: RPW reserves the right to take water samples at any time and to analyse these samples or have them analysed.
- 8.1.2 Monitoring boreholes shall be equipped with lockable caps.
- 8.1.3 Surface water monitoring must be performed in all retained run-off water when present in containment structures referred to in condition 4.12.3, or 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.



## 8.2 Background monitoring

8.2.1 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 8.3, 8.4 or 8.5 for the water quality variables as in Appendix II.

## 8.3 Detection monitoring

8.3.1 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 Director and the Director: RPW.

## 8.4 Investigative monitoring

8.4.1 If, in the opinion of the Director or the Director: RPW, a water quality variable listed in Appendix II, shows an increasing trend, the Permit Holder shall initiate a monthly monitoring programme until such time as determined by the Director or the Director: RPW or until such time that the variable is within acceptable limits.

## 8.5 Post-closure monitoring

8.5.1 Groundwater monitoring by the Permit 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.

## 8.6 Further investigations

8.6.1 If, in the opinion of the Director and Director: RPW, groundwater, surface water and/or air pollution have occurred or may possibly occur, the Permit 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.

# 9. **AUDITING**

## 9.1 Internal audits

9.1.1 Internal audits must be conducted biannually (two times per year) by the Permit Holder and on each audit occasion an official report, as prescribed by the Director, 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 Permit Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report in the format as prescribed by the Director, documenting the findings of the audit, which must be submitted by the Permit Holder to the Director.

9.2.2 The audit report must:

9.2.2.1 Specifically state whether the conditions of this Permit 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 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.
- 9.3 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 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 Director: RPW may require.
- 9.3.3 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 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.
- 10.2 The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
- 10.2.1 Permit Holder and/or his/her 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 Department of Environmental Affairs and Development Planning; Directorate: Waste Management; 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 interested and affected parties of each meeting.
- 10.3 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 9.2.1, and submitted in terms of condition 9.2.3.
- 10.4 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 The Permit Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 11.2 Accurate records of waste volumes or masses received and disposed must be kept at the Facility and reported to the Department as per condition 11.5.
- 11.3 All records required or resulting from activities required by this Permit must:
- 11.3.1 Be legible;

- 11.3.2 Be made available and should form part of any audit report;
- 11.3.3 If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
- 11.3.4 Be retained in accordance with documented procedures which are approved by the Director; and
- 11.3.5 Be made available upon the request of the Director and/or the Director: RPW.
- 11.4 The Permit Holder shall record all borehole logs, water quality monitoring 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.
- 11.5 The Permit Holder must register and report all waste volumes or masses received, 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 REPORTING OF INCIDENTS**

- 12.1.1 The Permit Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility, which has the potential to cause disruption in the normal operation of the Facility, or has caused water pollution, pollution of the environment, health risks or nuisance conditions.
- 12.1.2 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 12.1.1, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Director of measures taken to:
  - 12.1.2.1 Correct the impact resulting from the incident;
  - 12.1.2.2 Prevent the incident from causing any further impact; and
  - 12.1.2.3 Prevent a recurrence of a similar incident.
- 12.1.3 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 12.1.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Permit Holder.
- 12.1.4 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.

### **12.2 OTHER REPORTS**

- 12.2.1 The information required in terms of condition 12.1, shall be submitted to the Director within a period of one year from the date of issuing of this Permit and annually (once a year) thereafter.
- 12.2.2 The information required in terms of condition 8 must be reported to the Director, and the Director: RPW, as specified in condition 11, 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.

### **13. REHABILITATION AND CLOSURE OF THE FACILITY**

- 13.1 The Permit 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.
- 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 rain-water 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 submitted by the Permit Holder and 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 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 Permit Holder shall remain liable to compliance with all Permit conditions.

### **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 remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 16.2 This Permit shall not be construed as exempting the Permit Holder from compliance with the provisions of the Health Act, 2003 (Act No. 61 of 2003), the NWA, or any applicable act, ordinance, regulation or by-law.
- 16.3 Transgression of any condition of this Permit could result in the suspension of the Permit by this Director.
- 16.4 The Permit Holder must submit an Organic Waste Diversion Plan for the Langeberg Municipality to the Director within 90 (ninety) days after the date of issue of this Permit and annually thereafter.
- 16.5 The information within the Organic Waste Diversion Plan must:
  - 16.5.1 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
  - 16.5.2 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 of garden waste by the year 2027.
- 16.6 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 LICENCE CONDITIONS**

- 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

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 3 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 [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@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: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@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 will 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:**

CC: (1) Malise Noe (DWS)  
(2) Lauren Abrahams (Enviro-EAP)

E-mail: [NoeM@dws.gov.za](mailto:NoeM@dws.gov.za)

E-mail: [lauren@enviro-eap.co.za](mailto:lauren@enviro-eap.co.za)

## **ANNEXURE I**

### **REASONS FOR THE DECISION**

#### **A. REASONS FOR THE DECISION TO VARY THE PERMIT (APPEALABLE)**

1. In the previous Variation Permit, a buffer zone of 800m around the outer perimeter of the WDF was specified to mitigate potential nuisance conditions from the waste management activities at the Facility such as odours, noise and dust. After the WDF was established a community had established a residential area within the 800m buffer zone. The Langeberg Municipality applied for a Section 24G environmental authorisation to service this residential area with water supply, waterborne sewage, and electricity. However, as this residential area was situated within the buffer zone as stipulated in the original Permit 16/2/7/H500/D79/Z1/P304, issued on 31 July 1998, as well as a Variation Permit 19/2/5/4/B1/4/WL0128/18, issued on 31 August 2018 for the operation of this WDF, the Municipality had to apply for a substantive variation of their Bonnievale WDF Permit to relax the 800m buffer zone to 100m between the perimeter fence and the closest residential structure.
2. Very small quantities of municipal general waste were historically disposed of at this WDF as the municipal household waste was, and still is, transferred and disposed of at the Ashton WDF. As most garden waste accepted at the Bonnievale WDF is chipped and sold for beneficial re-use, only small amounts of inert builders' rubble are currently disposed of at this WDF. In order to determine the actual impacts of the activities on the WDF, the Municipality appointed an Environmental Assessment Practitioner (EAP), who sub-contracted DDA Environmental Engineers, as a specialist, in determining the potential and actual effects of the WDF on the nearest residents. The local meteorological conditions and physical soil characteristics were used to model various impacts around the Facility. Even though currently only inert builders' rubble and insignificant quantities of garden waste are still disposed of at this Facility, the impact assessment considered the worse-case scenario, i.e. that general putrescible household waste would continue to be disposed of at this WDF. The conclusion of the assessment was that the WDF poses or could pose very small health risks to the closest and most vulnerable permanent residents, would have low noise, odour and dust impacts on the adjacent residential areas and would probably not generate enough landfill gas (lg) to pose a risk to adjacent residents. However, due to a lack of lg detection monitoring, potential lateral migration of lg could not be ruled out and therefore a 100m buffer zone was proposed to guarantee the health and well-being of the residents living around this WDF.
3. The public participation process that was conducted for the reduction of the buffer zone around the Bonnievale WDF and the provision of essential services to the nearest residential area, according to the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended (NEMWA) Environmental Impact Assessment (EIA) Regulations, 2014, did not record any objections to the variation of the Permit.
4. Both External and Departmental Compliance Audit Reports that were conducted at the Bonnievale WDF, confirmed that no nuisance conditions such as odours, flies, wind-blown litter, dust or noise were encountered during the audits. Landfill gas monitoring by this Department had also detected no gas.
5. Only inert builders' rubble and garden waste was accepted at this WDF, therefore there were no materials that attracted waste pickers and scavengers. The facility was secured by a perimeter fence, lockable gates and access control. This resulted in a low risk of unauthorised entry and the negative

consequences often associated with unauthorised entry onto a WDF such as fires, theft, vandalism, nuisance conditions and health and safety risks.

6. The Application process was extended due to a National lockdown to curb the proliferation of the COVID-19 pandemic.
7. A summary of the issues, which, in the Department's view were of the most significance, are set out below.

#### 7.1 Alternatives

As the informal settlement had permanently established itself within the buffer zone, the actual and potential impacts of the WDF were first determined before alternatives were considered. Because the impact assessment concluded that reducing the 800m buffer zone (not scientifically determined) to 100m would pose no significant risks on the residents and enable the informal residential area to be formalised and provided with essential basic services. Therefore, there was no need to consider alternatives such as to re-locate the residents or to decommission the Bonnievale WDF.

#### 7.2 Deviation

No deviation was applied for.

#### 7.3 Risk Assessment

Various risks such as wind-blown litter, dust, noise odours, health risks due to atmospheric emissions and lateral migration of Ig from the WDF were scientifically determined by implementing models that assumed the worse-case scenarios, meteorological conditions and the permeability of the *in situ* soil. Risk contours were plotted on maps indicating the location of the WDF perimeter, nearest residential areas, the 800m and 100m buffer zones and predominant wind directions.

#### 7.4 Environment

There is no additional risk to the environment by relaxing the 800m buffer zone to 100m around the perimeter of the WDF.

#### 7.5 Public Participation Process (PPP)

The PPP that had been followed in the amendment of the buffer zone around the WDF, as well as the Application for a section 24G process for the provision of services of the established informal settlement adjacent to the Bonnievale WDF, including *Comments and Response Report – Draft Application Phase for Erf 907 and Remainder of Farm 174, Boekenhoudskloof, Bonnievale, Langeberg Municipality*, referenced 19/2/5/3/B1/4/WL0201/19, by Enviro-EAP (Pty) Ltd, dated 12 December 2019. The following procedures were implemented:

- 7.5.1 Fixing a notice board at the boundary of the site on 06 November 2019, in compliance with the EIA Regulations. All relevant and required information was displayed on the notice board.
- 7.5.2 Giving written notice on 12 November 2019, to owners and occupiers of land adjacent to the site where the activity is to be undertaken, the municipal councillor of the ward within which the site is located, the local municipality and those organs of state having jurisdiction in respect of any aspect of the project as required by the Regulations.
- 7.5.3 Placing an advertisement in the local newspaper: *Breederivier Gazette* on 12 November 2019.



7.5.4 Listing the Identified and Registered Interested and Affected Parties (IAP).

7.5.5 Making the Application (S24G and Waste Management) and Appendices, included the Air Quality Impact Assessment Report and Buffer Zone Determination which informed the potential impacts associated with the WML Variation Application, available to IAPs.

7.6 Authorities Consultation:

The authorities consulted include the following: -

- (a) The Breede-Gouritz Catchment Management Agency (Department of Water and Sanitation);
- (b) Western Cape Department of Environmental Affairs and Development Planning;
- (c) Langeberg Municipality;
- (d) Cape Winelands District Municipality;
- (e) Cape Nature;
- (f) Department of Health; and
- (g) Heritage Western Cape.

8. The following documents were considered in this decision:

- 8.1 *Application for variation, renewal or transfer of a waste management licence in terms of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) and the Environmental Impact Assessment Regulations, 2014, by Enviro-EAP (Pty) Ltd, signed by the EAP on 02 April 2020 and the Applicant on 10 June 2020;*
- 8.2 *Bonnievale Waste Disposal Facility air quality impact assessment and buffer zone determination report, by DDA Environmental Engineers, dated November 2017;*
- 8.3 Various external and Departmental compliance audit reports;
- 8.4 Public participation process as appended to the Application Report as well as the *Comment and Response report on Erf 907 and Remainder of Farm 174, Boekenhoudskloof, Bonnievale.*

**B. REASONS FOR THE ORIGINAL DECISION TO VARY THE PERMIT (NOT APPEALABLE)**

The reasons for varying the original Permit in 2018, as well as factors affecting the broader development that were considered to ensure the effective implementation of that Permit, 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 first 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”.

The review and subsequent non-substantive amendment was conducted in order to align the Bonnievale Permit conditions with current waste legislation and repeal the original Permit 16/2/7/H500/D79/Z1/P304) issued by the Department of Water Affairs and Forestry on 31 July 1998.

## **ANNEXURE II**

### Water Quality Variables required for detection monitoring:

Monitor bi-annually for:

- Alkalinity (P.Alk)
- Ammonia (NH<sub>3</sub>-N)
- Chemical Oxygen Demand (COD)
- Chlorides (Cl)
- Electrical Conductivity (EC)
- Nitrate (NO<sub>3</sub>-N)
- pH
- Phosphates (PO<sub>4</sub>)
- Potassium (K)
- Sodium (Na)
- Total Dissolved Solids (TDS)

.....END.....