

REFERENCE: 19/2/5/4/B2/32/WL0194/19

The Municipal Manager
Cape Winelands District Municipality
PO Box 91
WORCESTER
6949

Tel: (023) 348 2380

Email: francois@capewinelands.gov.za

For attention: Mr Francois van Eck

VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE PROPOSED CONSTRUCTION AND OPERATION OF THE CAPE WINELANDS DISTRICT MUNICIPALITY (CWDM) REGIONAL LANDFILL SITE (EAST), ERF NO. 4014, WORCESTER

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), hereby issue this Waste Management Licence (hereafter referred to as 'the Licence') to the above-mentioned Licence Holder for the operation of the regional general Waste Disposal Facility (WDF) (east) on Remainder of Erf No. 4014, Worcester, Breede Valley Local Municipality.

B. DESCRIPTION OF THE PROPOSED ACTIVITY:

The activity entails the operation of the regional WDF, which will serve the local Municipalities located to the East of the Du Toitskloof Mountains and includes the Witzenberg, Langeberg and Breede Valley Local Municipalities:

- The Facility will only accept general waste.
- Due to the proposed size/footprint of the active disposal area, the disposal area will be engineered in phases for financial and operational reasons.
- A material recovery facility is not part of the current application, but the proposed site has spatial provision for a material recovery facility.

The following activities have been identified in Government Notice No. 921, 'The List of waste management activities that have, or are likely to have, a detrimental effect on the environment' of 29 November 2013 and are hereby authorised:

CATEGORY A

- 3(3):** The recycling of general waste at a facility that has an operational area in excess of 500m², excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- 3(12):** The construction of facilities for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity).

CATEGORY B

- 4 (8):** The disposal of general waste to land covering an area in excess of 200m² and with a total capacity exceeding 25 000 tons.
- 4 (10):** The construction of a facility for a waste management activity listed in Category B of this Schedule (not in isolation to associated waste management activity)

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/B2/32/WL0194/19

CLASS: G:M:B- (Class B)

WASTE APPLICATION: WASTE DISPOSAL FACILITY ACTIVITIES OF THE CAPE WINELANDS REGIONAL GENERAL WASTE DISPOSAL FACILITY (EAST).

LOCATION: ERF NO. 4014, WORCESTER, WESTERN CAPE PROVINCE

LICENCE HOLDER: CAPE WINELANDS DISTRICT MUNICIPALITY

CONTACT PERSON: THE MUNICIPAL MANAGER

ADDRESS: P.O. BOX 91, WORCESTER, 6849

1. LOCATION

1.1. This Licence authorises the Cape Winelands District Municipality to operate a regional waste disposal facility on the remainder of Erf 4014, Worcester, Western Cape Province (hereinafter referred to as "the Facility").

1.2. The location of the facility according to co-ordinates indicated in the Application for Waste Management Licence dated June 2011 and the Waste Management Licence Application Additional Information Annexure dated 2 March 2015, submitted by the Licence Holder, is defined as follows:

Number of Corners	Latitude (S):	Longitude (E):
1	33° 40' 40.43"	19° 27' 48.04"
2	33° 40' 45.59"	19° 28' 1.87"
3	33° 41' 2.73"	19° 28' 0.12"
4	33° 41' 15.30"	19° 27' 48.99"
5	33° 41' 8.25"	19° 27' 33.80"
6	33° 41' 1.31"	19° 27' 35.79"

1.3. Location of property on which Facility is situated:

Latitude	Longitude
33° 40' 51.94"	19° 27' 58.18"

1.4. Surveyor General 21 digit code: C08500040000401400000

1.5. The footprint of the Facility and its associated infrastructure cover an area of 48.1ha.

2. PERMISSIBLE WASTE

2.1 Any portion of the Facility which has been constructed or developed according to the G:M:B- (Class B) containment barrier design according to Regulation 636, National Norms and Standards for Disposal of Waste to Landfill, dated 23 August 2013 and approved in writing by the Director may be used for the disposal of general waste.

2.2 The Licence Holder must take all steps to ensure that, the following are not disposed at the Facility:

2.2.1. Any organic or inorganic element or compound which may have a definite acute or chronic negative effect on human health and/or the environment, due to its toxic, physical, chemical or persistent characteristics and which corresponds with the NEM:WA definition of hazardous waste; and

2.2.2. Any health care risk waste.

2.3 The Licence Holder must provide for the disposal of waste that is not permitted to be disposed of at the Facility. Any waste that is not permitted to be disposed of at the Facility must be disposed of at an appropriately licenced waste disposal facility which meets the legal requirements of the NEM:WA.

3. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER

3.1 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 and EMPr, prior to any construction activities occurring on site. The WMCO/ ECO must:

3.1.1. Identify and submit potential measures to the Licence Holder and the Licensing Authority in respect of waste minimization, including the reduction, recovery, re-use and recycling of waste;

3.1.2. Report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through means reasonably available; and

3.1.3. Monitor the construction activities and ensure that the construction plans are in accordance with the approved engineering design.

4. CONSTRUCTION

- 4.1 Construction must be according to conceptual and design drawings for the proposed Facility done by Jan Palm Consulting Engineers: drawing no. A159/EAST/901, dated April 2013.
- 4.2 Further development within the Facility must be carried out under the supervision of a suitably qualified person proposed/appointed by the Licence Holder and approved by the Director and Director: RPW.
- 4.3 The designs of new landfill cells must be submitted to the Department for approval prior to the construction and must be carried out in accordance with recognized civil engineering practice before disposal may commence. The completed construction works of the development within the Facility must be inspected by an official of the Department and person referred to in condition 4.2. The Department will, after consultation with the Department of Water and Sanitation (DWS), issue the final approval of the designs for new landfill cell development, where after disposal may commence.
- 4.4 The maximum height of the Facility above mean sea level and natural ground level must be established and a report must be submitted to the Department for approval 6 (six) months after the implementation of this licence.
- 4.5 Construction must be carried out under the supervision of a professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 4.6 The Facility and any portion thereof may only be used for the disposal of permissible waste if it has been constructed or developed according to the relevant conditions of this Licence.
- 4.7 Construction and further development within the proposed waste disposal facility shall be carried out under the supervision of a Registered Professional Engineer. Any development regarding the Facility must adhere to a Class B containment barrier design as described in Regulation 636, National Norms and Standards for Disposal of Waste to Landfill, dated 23 August 2013 and must include a lined leachate collection dam. The design drawings must be approved in writing by the Director before construction may commence.
- 4.8 The Licence Holder must ensure that Construction Quality Assurance (CQA) takes place during construction and geosynthetic material must comply with relevant South African National specifications, or any prescribed management practice or standards which ensure equivalent performance. Details of quality assurance during construction must be provided; this must also include confirmation that construction will be supervised by a registered professional engineer.
- 4.9 After construction of the Facility or further development within the Facility, the Licence Holder shall notify the Director thereof and the person referred to in condition 4.2 shall submit a certificate to

the Director informing him/her that the construction of the Facility or further development within the Facility, as proposed by the Licence Holder and approved by the Director, is in accordance with recognised civil engineering practice and the requirements of this Licence before disposal of waste may commence at the Facility. If the Director is satisfied with the construction of the Facility or any further development within the Facility and has given written permission, the Licence Holder may use the Facility or any further development within the Facility for the disposal or any other waste management activity mentioned above in the "description of the proposed activity".

- 4.10 Works shall be constructed and maintained on a continuous basis by the Licence 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 50 (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.
- 4.11 Works shall be constructed and maintained on a continuous basis by the Licence 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 and be lined to the satisfaction of the Director, to prevent pollution to groundwater.
- 4.12 Runoff water referred to in condition 4.7 shall comply with the quality requirements of the General and Special Standard, as published in Government Notice 991 of 18 May 1984, or with such quality requirements as may from time to time be determined by the Director and shall be drained from the Facility in a legal manner.
- 4.13 Runoff water referred to in condition 4.7 which does not comply with the quality requirements applicable in terms of condition 4.8 and all sporadic leachate from the Facility, shall, by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder and shall be lined as approved by the Director, to prevent pollution to groundwater –
- 4.13.1 be treated to comply with the aforementioned standard and discharged in a legal manner;
 - 4.13.2 with the written approval of the Director, be evaporated in lined dams as approved by the Director; and/or
 - 4.13.3 be discharged into any convenient sewer if accepted by the authority in control of that sewer.
- 4.14 The Facility shall be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.

- 4.15 The slope of the sides of the Facility must be constructed and maintained in such a manner that erosion and damming is prevented.
- 4.16 Any development which occurs within the 1:100 year flood line and/or within 500m of the boundary of a wetland would require a water use licence in terms of section 21 of the National Water Act, 1998.
- 4.17 It must be ensured that the barrier systems specified for both the waste disposal area and the leachate pond are commensurate (corresponding in size or degree; in proportion) and in compliance with Government Notice No. R636, National Norms and Standards for Disposal of Waste to Landfill, dated 23 August 2013
- 4.18 Since Geosynthetic Clay Liners (GCL) are considered as alternatives to compacted clay liners, before the disposal of waste commences, confirmation must be provided that no cation exchange is likely to occur between the GCL and the in-situ material or leachate.

5. GENERAL MANAGEMENT

- 5.1 A contractual agreement must be signed and agreed upon, by all the participating municipalities before the commencement of the activity, outlining the proposed funding for the management and future closure of the Facility.
- 5.2 The draft Environmental Management Programme (EMPr) dated October 2012, submitted as part of the final EIAR, is hereby approved and must be implemented together with all the conditions of this Licence.
- 5.3 An application for the amendment to the EMPr must be submitted to the Licensing Authority if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Licensing Authority.
- 5.4 The EMPr must be included in all contract documentation for all phases of implementation.
- 5.5 The waste management listed activities on the Facility must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 5.6 The Applicant must within 6 (six) months of the date of signature of this Licence submit a Waste Disposal Facility Airspace Determination Report which estimates the volume of available airspace on the Facility as well as the estimated time for disposal at the Facility and inform the Department thereof in writing. Thereafter, annual airspace availability reports must be submitted to this Department.
- 5.7 The Licence Holder must notify the Director and Regional Director immediately of events or

incidents that may cause significant environmental damage or breach the requirements of the EMPr.

- 5.8 A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activities will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 5.9 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties will be carried out.
- 5.10 Waste disposed of at the Facility may not be reclaimed from active waste cells and working face.
- 5.11 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

6. IMPACT MANAGEMENT

6.1 Site security and access control

- 6.1.1 The Licence Holder must prevent unauthorised access to the Facility by having the Facility enclosed with a fence that is at least 1.8m in height and lockable gates of equal height.
- 6.1.2 All entrances to the Facility must be manned during operating hours and locked outside operating hours.
- 6.1.3 Weatherproof, durable and legible notice boards must be displayed at each entrance to the Site in at least three of the official languages applicable to the area. These notices must prohibit unauthorised entry, contain details of alternative disposal facilities and must contain the name, address and telephone numbers of the Licence Holder and the person responsible for the operation of the Facility.
- 6.1.4 The Licence Holder must prevent the acceptance, reclamation, reuse and recycling of waste that is not authorised for treatment and processing at the Facility as per Condition 2.1.

6.2 **Impact management**

- 6.2.1 The presence of any nuisance such as vectors (flies and vermin), exposed waste, windblown litter, bad odours, etc. must be regularly monitored and monitoring results must be kept in terms of Condition 14.1.
- 6.2.2 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 Conditions 14 and 15 of this licence.
- 6.2.3 Waste disposed of at the Facility must be compacted and covered daily where necessary with a minimum of 150 millimetres of soil or other material approved by the Director so as to prevent it being blown around during windy conditions.
- 6.2.4 Slopes may not exceed (4 horizontal: 1 vertical) gradient unless equivalent performance is demonstrated.
- 6.2.5 Waste may not be burned at the Facility.
- 6.2.6 Run-off water arising on the Facility must not come into contact with the waste.
- 6.2.7 A buffer zone must be established and maintained around the Facility. This buffer zone must be established by registering a servitude on the adjacent properties. Notice must be given to adjacent property owners that livestock will graze within the buffer zone at own risk. This buffer zone must restrict any residential development within the following distances of the Facility as determined in the Air Quality Impact Assessment conducted by Jan Palm Consulting Engineers cc and included in the final EIR dated February 2014:
- 1000m west of the western Site E boundary;
 - 150m south of the southern Site E boundary; and
 - 300m east of the eastern Site E boundary
- 6.2.8 The Licence 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 staff.
- 6.2.9 The Licence Holder must ensure that litter or mud arising from the activities that may cause pollution are cleared from affected areas outside the Facility as soon as practicably possible.
- 6.2.10 The Licence Holder must ensure that effective dust control is exercised to avoid any dust emanating during the construction phase and any potential dust during the operational phase

from the processing of the waste as well as access roads where there is a potential for dust generation.

6.2.11 The Licence Holder must ensure that waste water is not discharged to a water source, or to land where it could cause pollution. Waste water should be contained and disposed of in terms of the relevant legislation.

6.2.12 The Licence Holder must ensure that suitable fencing and indigenous vegetation are established and maintained around the Facility to effectively screen the Facility from nearby roads and residential areas paying attention to blending in with the natural environment of the area.

6.2.13 The Licence Holder must ensure that an area is demarcated for fuelling and workshop services and such area must be bunded to reduce the possibility of soil and water contamination.

7. OPERATIONS

7.1 The Licence Holder must ensure that stormwater is prevented to flow onto and off the Facility (including through the entrance gate) by means of clay and soil berms.

7.2 Erosion-protection must be provided to berms by means of vegetation.

7.3 The areas designated to various processes or waste types should be clearly marked.

7.4 The Licence Holder must make use of moveable fences to control windblown litter.

7.5 Operational works on the Facility must be constructed and maintained on a continuous basis by the Licence Holder to divert and drain from the waste management areas of the Facility, all runoff water arising on the Facility, which could be expected as a result of the estimated maximum precipitation. Such operational works, under the said rainfall event, must maintain a freeboard of half a metre (0.5 m).

8. INVESTIGATIONS

8.1 If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or are occurring on the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director or/and Director: RPW.

9. WATER QUALITY MANAGEMENT

9.1 Runoff Management

- 9.1.1 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 in accordance with condition 4.
- 9.1.2 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.

10. MONITORING

10.1 Water Monitoring

- 10.1.1 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 Licence Holder so that unobstructed sampling, as required in terms of this Licence can be undertaken. The monitoring protocol must be submitted for approval by the Licensing Authority within 3 (three) months of the date of this licence. The monitoring boreholes at the existing Facility must be monitored on a regular basis.
- 10.1.2 Monitoring boreholes must be equipped with caps that are tamper proof. The Director and Director: RPW reserves the right to take water samples at any time and to analyse these samples or have them analysed.

10.2 Detection Monitoring

- 10.2.1 Monitoring for groundwater quality must be conducted:

- 10.2.1.1 for variables listed in Annexure II – bi-annually (twice each year);

- 10.2.1.2 for variables listed in Annexure III – annually; or

- 10.2.1.3 at such frequency as may be determined by the Director.

10.2.2 Liner Leakage and Failure detection monitoring

- 10.2.2.1 The leachate detection system must be consistently monitored for possible leakages. Should a leak or failure be suspected or detected, it must be regarded as an incident according to condition 14.1 below and be addressed to the satisfaction of the Director.

- 10.2.2.2 Inspections of liners, where liners are accessible, must be performed monthly. Liners must be repaired or replaced when inspection tests show deterioration or leakage and these corrective actions shall be performed to the satisfaction of the Director.

10.3 **Investigative Monitoring**

10.3.1 If, in the opinion of the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 10.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

11. **METHODS OF ANALYSIS**

11.1 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 9.

11.2 The Licence Holder shall 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.

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

- (a) Air quality monitoring; and
- (b) Yearly topographical survey (to constantly monitor available airspace).

12. **AUDITING**

12.1 **Internal audits**

12.1.1 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 and submitted to the Director.

12.2 **External audits**

12.2.1 The Licence Holder must appoint an independent external auditor to audit the Facility quarterly and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

12.2.2 The audit report must:

12.2.2.1 Specifically state whether conditions of this licence are adhered to;

12.2.2.2 Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;

12.2.2.3 Specify target dates for the implementation of the recommendations to achieve compliance; and

12.2.2.4 Specify whether corrective action which was taken for the previous audits non conformities was adequate.

13. DEPARTMENTAL AUDITS AND INSPECTIONS

- 13.1 The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director and/or Director: RPW.
- 13.2 The Licence Holder must make any records or documentation available to the Director and/or Director: RPW upon request, as well as any other information the Director and/or Director: RPW may require.

14. RECORD KEEPING

- 14.1 The Licence Holder must keep records of the following:
 - 14.1.1 All monitoring results;
 - 14.1.2 tonnage received, reclaimed, treated and transferred;
 - 14.1.3 Waste types and source; and
 - 14.1.4 Nuisances and complaints at the Facility.
- 14.2 All records required or resulting from activities required by this Licence must:
 - 14.2.1 Be legible;
 - 14.2.2 Be made available to anyone who may request them and should form part of the any audit report;
 - 14.2.3 If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 14.2.4 Be retained in accordance with documented procedures which are approved by the Department; and
 - 14.2.5 Be made available upon the request of the Director.

15. REPORTING

- 15.1 The Licence Holder must, within 24 (twenty four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused any pollution.
- 15.2 The Licence Holder must within 14 (fourteen) days, or such time specified by the Director, from the occurrence or detection of any incident referred to in condition 15.1 submit an action plan, which must include a detailed time schedule and resource allocation signed off by management to the satisfaction of the Director, of measures taken to:

- 15.2.1 Correct the impact resulting from the incident;
- 15.2.2 Prevent the incident from causing any further impact; and
- 15.2.3 Prevent a recurrence of a similar incident.

- 15.3 In the event that measures have not been implemented within 21 (twenty one) days of the incident referred to in condition 14.1 to address impacts caused by the incident, or that the measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.

- 15.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.

- 15.5 The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.

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

- 15.7 The Licence Holder must register and report to the Department's Integrated Pollutant and Waste Information System (IPWIS) at <http://ipwis.pgwc.gov.za/ipwis3/public> regarding the waste volumes entering the Facility.

16. REHABILITATION AND CLOSURE OF THE FACILITY

- 16.1 In accordance with Government Notice No. 921 of 2013, National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) 'List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment' or any amendment thereto, a Waste Management Licence is required for the decommissioning of the Facility. The Licence Holder must therefore submit a Waste Management Licence Application at least one year prior to the intended closure should he/she intend to decommission the Facility.

17. LEASING AND ALIENATION OF THE FACILITY

- 17.1 Should the Licence Holder want to alienate or lease the Site, 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 THE WASTE 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, 2008.
- 18.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

19. COMMENCEMENT

- 19.1 The listed activity, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation.
- 19.2 In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
- 19.3 A written notice must be given to the Department that the activity will commence.
- 19.4 This activity must commence within a period of 5 (five) years from the date of issue of this Waste Management Licence. If commencement of the activity does not occur within that period, the Licence lapses and a new Waste Management Licence application process must be undertaken in order for the activity to commence.
- 19.5 If the proponent anticipates that commencement of the activity would not occur within the 5 (five) year period, he/ she must apply and show good cause for an extension of the Licence 6 (six) months prior to the commencement period expiry date.

20. GENERAL

- 20.1 This Licence shall not be transferable unless such transfer is subject to condition 18 above.
- 20.2 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 20.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 20.4 This Licence is valid for the period to be determine by the Waste Disposal Facility Airspace Determination Report referred to in condition 5.6 of the Licence.
- 20.5 The Licence may be reviewed at any time after commencement. Based on the results of the

review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.

- 20.6 The decommissioning of the Facility may only be carried out after a valid Waste Management Licence (WML) in terms of the NEM: WA has been issued for such decommissioning and this WML must be applied for at least 1 (one) year prior to the landfill airspace reaching its full capacity.
- 20.7 Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA, 2008.
- 20.8 In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the National Water Act (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 understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.
- 20.9 The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2) of GN N. 543–
- 20.9.1 Notify all registered interested and affected parties of –
- 20.9.1.1 the outcome of the application;
- 20.9.1.2 the reasons for the decision as included in Annexure 1;
- 20.9.1.3 the date of the decision; and
- 20.9.1.4 the date of issue of the decision;
- 20.9.2 Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section B below;
- 20.9.3 Draw the attention of all registered interested and affected parties to the manner in which they may access the decision, and
- 20.9.4 Publish a notice in the two newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
- 20.9.4.1 informs all interested and affected parties of the decision;

- 20.9.4.2 informs all interested and affected parties where the decision can be accessed; and
- 20.9.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
- 20.10 The information within the Organic Waste Diversion Plan must:
- 20.10.1 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
- 20.10.2 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.

21. MONITORING COMMITTEE

- 21.1 The Licence Holder must establish and take all reasonable steps to maintain and ensure the continued functioning of a Cape Winelands Regional General Waste Disposal Facility Environmental Monitoring Committee (in this Licence referred to as the "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.
- 21.2 The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least the following persons:
- 21.2.1 The Licence Holder and/or his appointed consultant(s) or advisor(s);
- 21.2.2 Representative (s) of the Health, Environment and/or Waste Departments of the relevant local authority;
- 21.2.3 Representative(s) of the Provincial Government responsible for waste management and environmental functions; and
- 21.2.4 At least 3 (three) persons/parties, or their representatives elected by the local residents.
- 21.3 The Monitoring Committee shall meet at least once every 6 (six) months and not later than 30 (thirty) days after the yearly external audit report specified in Condition 12.2 has been submitted according to Condition 12.2.1.
- 21.4 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and must ensure the distribution of these minutes to all members of the Monitoring Committee within 14 (fourteen) days after the meeting.

D. APPEALS

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

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 Marius.Venter@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 Marius.Venter@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



EDDIE HANEKOM

DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 26-11-2019

CC: (1) Mr. Jaco Steyn (Breede Valley Municipality)
(2) Mr. Sheldon Visagie (Breede Valley Municipality)

Email: jsteyn@bvm.gov.za

Email: svisagie@bvm.gov.za

ANNEXURE I

A. REASONS FOR THE DECISION (APPEALABLE)

The reasons for the Licence decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:

1. The 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: E13/2/10/2 – B2/33 – WL0034/11).

B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE):

The Department has found that the Waste Management Licence application process, including the Public Participation Process has fulfilled all the legislative requirements in terms of the NEMA and the NEM:WA.

The Scoping phase has assessed the suitability of each site alternative for the disposal of solid waste and issues specific to the preferred (highest ranked) site alternatives that required further assessment through specialist studies were identified.

All the following information that was available to the Department was taken into account in the Department's consideration of the application:

- (a) The Application Form for a Waste Management Licence was received by the Department on 23 April 2011, compiled by Resource Management Services.
- (b) The final Scoping Report dated 11 June 2012 and received by the Department on the same day.
- (c) The final Environmental Impact Report dated 24 March 2014 as received by the Department on 25 March 2014.
- (d) The Record of Decision issued on 17 October 2014 by the Department of Water and Sanitation in terms of Section 50 of the NEM: WA.
- (e) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation process and the applicant and the Environmental Assessment Practitioner's responses thereto.
- (f) The site visit conducted by the Department on 3 March 2015.
- (g) Relevant information contained in the Departmental information base.
- (h) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

It is the opinion of the EAP that the proposed construction of CWDM Regional Landfill Site will not result in unacceptable environmental impacts or risks in the long term; as long as the proposed mitigation measures contained in the specialists studies and in the EMPr are implemented.

Conditions of the authorisation include the following:

- Mitigation measures as contained in the EMPr must be implemented;
- Mitigation measures as identified during the specialist assessments must be adopted; and
- Audits of the site must be undertaken by a qualified ECO during the construction phase and an experienced auditor during the operational phases.

Alternatives

The following alternatives were considered:

(a) Activity alternatives

Waste-to-Energy

South Africa has very limited use for Refuse Derived Fuel (RDF) in a small number of cement kilns.

Recycling

Recycling only successfully reduces the waste stream by 8-15% (best South African figures) and composting reduces between 8-35% (depending on the local availability of garden waste).

Most of the waste-to-energy technologies require a minimum of approximately 500 tonnes of general waste per day, seven days a week, or more. This volume requirement excludes most of the municipalities in the Western Cape since only the metro generates more than 500 tonnes of general waste per day. Langeberg Municipality has already investigated waste to energy and the result of that study indicated that there was too little waste to make such a project viable.

The CWDM's delegated functions in terms of waste management includes waste disposal but not waste minimization or recycling as this is a local municipal function. Jan Palm Consulting Engineers have highlighted the importance of waste diversion from landfill in the CWDM Waste Recycling Plan dated July 2010 and will address issues related to waste diversion and minimization as part of separate projects.

Provision for a green waste chipping and building rubble crushing facilities has been made within the proposed layout of the regional landfill site and private operator may be approached to manage these.

(b) No-Go alternatives

The No-Go Alternative is the option of not implementing the activities and will result in the status quo being maintained. The No-Go alternative will require that the local authorities either expand their own waste sites or identify new sites to service their own specific needs.

Public Participation Process (PPP):

The PPP in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (EIA) Regulation Government Notice R. 543 (GN R. 543) comprised of the following:

- (a) Advertising the availability of a Background Information Document (BID) and 30-day I&AP registration period in one (1) local newspaper (Worcester Standard) and (1) regional newspaper (Die Burger) - 4 and 5 August 2011.
- (b) Notification via registered and electronic mail to neighbouring landowners and stakeholders on preliminary stakeholder database (including circulation of BID) - First week of August 2011.
- (c) Poster placed at the entrance to the site - 8 August 2011.
- (d) Advertising the availability of the Draft Scoping Report in (1) local newspaper (Worcester Standard) - 1 December 2011.
- (e) Notification of availability of DSR and Public Open Day - Week of 28 November 2011.
- (f) 40-day review and comment period on Draft Scoping Report - 2 December 2011 – 30 January 2012.
- (g) Public Open Day - 19 January 2012
- (h) Authorities Site Visit – Department of Water Affairs BOCMA - 1 February 2012.
- (i) Notification of availability of FSR - 1 June 2012.
- (j) 21-day FSR commenting period - 1 June 2012 - 22 June 2012.
- (k) Submission of FSR to DEADP:WM - 6 July 2012.
- (l) Receive request to amended FSR from DEADP:WM - 27 July 2012.
- (m) RMS response to request - 5 September 2012.
- (n) Submit application for NEMA listed activities to DEADP:LM - 5 September 2012.
- (o) Acknowledgement of Receipt of Application (DEA&DP:LM) - 19 September 2012.
- (p) Receive approval for deviation requests - 4 October 2012.
- (q) Advertisement of the availability of the Draft EIA Report in one (1) local newspaper (Worcester Standard) - 22 Augustus 2013.
- (r) Notification of Registered I&AP's of availability of DEIR and Public Open Day - 22 Augustus 2013.
- (s) 40-day review and comment period on Draft EIA Report - 22 Augustus 2013 – 2 October 2013.
- (t) Public Open Day - 11 September 2013.
- (u) Notification of availability of FEIR - 24 February 2014.
- (v) 21-day FEIR commenting period - 24 February 2014 – 17 March 2014.
- (w) Submission of FEIR to DEADP:WM & DEADP:LM for decision - March 2014.

Authorities Consultation:

The authorities consulted include the following:

- (a) DEADP: Pollution Management;
- (b) DEADP: Biodiversity Management;
- (c) Department of Agriculture: Western Cape (Land Use Manager);
- (d) CapeNature - Land Use Advice;
- (e) Heritage Western Cape;
- (f) Department of Health;
- (g) DEADP: Land Management; and
- (h) Western Cape Government: Transport and Public Works.

Based on the inputs received during the PPP conducted so far, the following conclusions may be drawn:

- (a) The PPP complies with the regulatory requirements.
- (b) Issues and concerns were identified in order to feed into the EIA process.
- (c) Communication with the I&APs, especially the communities surrounding the site, should continue. This is to ensure informed decision-making and a clear process throughout.

-----End-----

ANNEXURE II

Water Quality Variables required for detection monitoring:

Monitor bi-annually for:

Alkalinity (P.Alk)
Ammonia (NH₃-N)
Chemical Oxygen Demand (COD)
Chlorides (Cl)
Electrical Conductivity (EC)
Nitrate (NO₃-N)
pH
Potassium (K)
Total Dissolved Solids (TDS)
Silicon (Si)
Bicarbonate (HCO₃)
Redox Potential

-----End-----

ANNEXURE III

Monitor annually for:

Calcium (Ca)
Fluoride (F)
Magnesium (Mg)
Sodium (Na)
Sulphate (SO₄)

-----End-----

