



**REFERENCE:** 19/2/5/4/F5/1/WL0080/19

The Municipal Manager  
Swartland Local Municipality  
Private Bag X52  
**MALMESBURY**  
7299

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**For attention:** Mr Joggie Scholtz

**WASTE MANAGEMENT PERMIT FOR THE FURTHER OPERATION OF THE HIGHLANDS (MALMESBURY)  
WASTE DISPOSAL FACILITY, ON ERF 356, ABBOTSDALE, MALMESBURY, SWARTLAND MUNICIPALITY**

**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 "the Department"), 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 31 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), as amended, replace the existing Permit (Ref.: 19/2/5/4/F5/16/WL0030/18) issued by the Department on 1 August 2018, and issue this Waste Management Variation Permit (hereafter "the Permit") with effect from the date of expiry of the appeal period set out, or the finalisation of an appeal, as provided for in the NEMA National Appeal Regulations, published as Government Notice (GN) No. R. 993 of 8 December 2014, to the abovementioned Permit Holder, for the further operation of the Highlands Waste Disposal Facility (WDF) on Erf 356, Abbottdale, Malmesbury, (hereafter referred to as "the Facility").

**B. DESCRIPTION OF THE ACTIVITY:**

The activities for this Class B Facility, as per the Minimum Requirements for Waste Disposal by Landfill, First Edition, 1994 of the of the Department of Water Affairs and Forestry (DWAF) (now the Department of Water and Sanitation (DWS)) (referred to as "Minimum Requirements"), and the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA) National Norms and Standards for Disposal of Waste to Landfill Government Notice (GN) No. R 636 of 23 August 2013, will entail but not be limited to the following:

- (a) Disposal of general waste;
- (b) Recovery of general waste;
- (c) WDF auditing;
- (d) Gate recording procedures;
- (e) Surveys;
- (f) Collection and processing of other data;
- (g) Leachate and water quality monitoring;
- (h) Organic waste diversion planning;
- (i) Nuisance monitoring;
- (j) Monitoring of rehabilitated areas; and
- (k) Attend to the health of workers.

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**

8000

In this Permit, "Director: RPW" means the Director: Resource Protection and Waste of the DWS: 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. PERMIT CONDITIONS**

**PERMIT NUMBER:** 19/2/5/4/F5/1/WL0080/19  
**WASTE APPLICATION:** FURTHER OPERATION OF THE HIGHLANDS (MALMESBURY) WDF  
**LOCATION:** ERF 356, ABBOTSDALE, DISTRICT OF MALMESBURY  
**CLASS:** CLASS B  
**PERMIT HOLDER:** SWARTLAND LOCAL MUNICIPALITY  
**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE  
MANAGER/OFFICER  
**ADDRESS:** PRIVATE BAG X52, MALMESBURY, 7299

**1. LOCATION**

1.1. This Permit authorises the operation and further development of a WDF on Erf 356, Abbotsdale, District of Malmesbury, as indicated in the approved Plan No. MM – P4, dated September 1992 (hereinafter referred to as "the Plan"), submitted by the Permit Holder. The boundaries of the Facility will be as indicated below.

1.2. The location of the entrance to the property, on which the Facility is situated, is as follows:

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

Latitude (S)	Longitude (E)
33°29'02.90"	18°40'03.46"

1.3. The boundaries of the Facility must be according to the co-ordinates below:

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

Corner Points	Latitude (S)	Longitude (E)
1	33°28'57.85"	18°39'58.33"
2	33°29'03.22"	18°40'04.81"
3	33°29'04.86"	18°40'07.35"
4	33°29'24.25"	18°39'57.17"
5	33°29'20.32"	18°39'46.52"

1.4. The footprint of the Facility and its associated infrastructure is approximately 115 315m<sup>2</sup>.

1.5. The Surveyor General 21 Digit code of the Facility is as follows: C04600160000035600000.

## **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. The Permit Holder shall take all reasonable steps to ensure that:
  - 2.2.1 no hazardous waste; and
  - 2.2.2 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.
- 2.3 The Permit Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.4 All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Permit.
- 2.5 Organic waste can be disposed of at the Facility, but must be in accordance with the Organic Waste Diversion Plan, targets and procedures referred to in Conditions 16.6 and 16.7 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.
- 3.3 The WMCO/ ECO must:
  - 3.3.1 report any non-compliance with any Permit conditions or requirements or provisions of the NEM:WA to the Licensing Authority through means reasonably available;
  - 3.3.2 monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs; and
  - 3.3.3 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.

## **4. CONSTRUCTION**

- 4.1 The Facility or any portion thereof may only be used for the disposal of permissible waste if the Facility or any such portion has been constructed or developed according to Condition 4 of this Permit.
- 4.2 Further development within the Facility shall be carried out under the supervision of a suitably qualified person proposed by the Permit Holder and approved by the Director.
- 4.3 Should any 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 4.2 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 4.2. 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 disposal of waste.

- 4.4 The Permit Holder shall take all reasonable steps, such as suitable zoning and/or written agreements with adjacent landowners, to establish and maintain an unbuilt area or "buffer zone" of 500 (five-hundred) metres between the Facility and the nearest residential area during the operative life of the Facility. The buffer zone restriction excludes the current Abbotsdale housing development positioned north and west of the Facility. Note, no further development into the buffer zone is allowed.
- 4.5 Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the Facility in a legal manner, all runoff water arising on land adjacent to the Facility, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of 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.
- 4.6 Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the working face of the Facility, all runoff water arising on the Facility, which could be expected as a result of the estimated maximum precipitation and to prevent such runoff water from coming into contact with leachate from the Facility. Such works shall, under the said rainfall event, maintain a freeboard of half a metre and be lined to the satisfaction of the Director and Director: RPW, to prevent pollution to groundwater.
- 4.7 Runoff water referred to in Condition 4.5 shall comply with the quality requirements as 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.
- 4.8 Runoff water referred to in Condition 4.6 which does not comply with the quality requirements applicable in terms of Condition 4.7 and all sporadic leachate from the Facility shall, by means of works which shall be constructed and maintained on a continuous basis by the Permit Holder:
- 4.8.1 be discharged into any convenient sewer if accepted by the Authority in control of that sewer,
- 4.8.2 be treated to comply with the aforementioned standard and discharged in a legal manner; and/or,
- 4.8.3 with the written approval of the Director be evaporated in dams and/or be evaporated by spraying over those portions of the Facility which comply with the requirements set in terms of Condition 4.1.
- 4.9 Works constructed in compliance with Condition 4.8 shall be of such a capacity as to accommodate all runoff and leachate which could be expected as a result of the estimated maximum precipitation. Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 4.10 The Facility shall be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 4.11 The maximum height of the Facility shall not exceed 6 (six) metres above natural ground level along the eastern boundary of the Facility.
- 4.12 The slope of the sides of the Facility shall be constructed in such a manner that little or no erosion occurs.
- 4.13 The Permit Holder shall make provision for adequate sanitation facilities at the Facility.

## **5 ACCESS CONTROL**

- 5.1 Weatherproof, durable and legible notices in both of the 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 1.8m 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 and that no illegal dumping occurs at the Facility.
- 5.4 The Permit Holder shall ensure that all the entrance gates are 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 disposed of on the Facility shall be compacted and covered on a daily basis with a minimum of 150 (one-hundred and fifty) millimetres of soil or other material, such as builders' rubble, approved by the Director.
- 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 vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise.
- 6.3 Reclamation of waste may occur at the Facility at the discretion of the Permit Holder, but may not take place at the active working face and must adhere to the NEM:WA National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste (GN No. 1093 of 11 October 2017).
- 6.4 All persons reclaiming waste must be wearing suitable personal protection equipment.
- 6.5 The Permit Holder shall keep a record of the volume and nature of the waste materials which are reclaimed and report this on a monthly basis to the Director.
- 6.6 Waste may not be burned at the Facility.
- 6.7 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.
- 6.8 The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 6.9 If waste other than builders' rubble is disposed of, the Permit Holder must ensure that a stockpile of at least 3 (three) weeks of suitable cover material is available at all times.
- 6.10 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) millimetres of suitable cover material.
- 6.11 The Licence Holder must within 6 (six) months of the date of signature of this Permit, undertake a topographical survey of the Facility, determine the actual corner co-ordinates and use the data to calculate the side slope angles and the remaining volume of airspace on the Facility and the estimated remaining time left for the disposal at the Facility and submit a WDF Airspace Determination Report to inform the Director thereof in writing. Thereafter, annual reports must be submitted to the Director.
- 6.12 The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.

- 6.13 A copy of this Permit must be kept at or near the place at the Facility. 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.
- 6.14 If more than 80m<sup>3</sup> of hazardous or 100m<sup>3</sup> of general waste is going to be stored at the Facility, the Permit Holder must register and comply to the relevant NEM:WA National Norms and Standards for the Storage of Waste (Government Notice No. 926 of 29 November 2013).

## **7. MONITORING**

### **7.1 WATER MONITORING**

- 7.1.1 A ground water monitoring system must be implemented and maintained by the Permit Holder to the satisfaction of the Director and Director: RPW, so that unobstructed sampling, as required in terms of this Permit, can be undertaken.
- 7.1.2 Monitoring boreholes shall be equipped with lockable caps. The Director and Director: RPW reserves the right to take water samples at any time and to analyse these samples or have them analysed at the cost of the Permit Holder.
- 7.1.3 Surface water monitoring must be performed, when possible, in all storm water drain outlets that discharges to the natural environment at locations and at such frequency as approved by the Director and the Director: RPW.

### **7.2 BACKGROUND MONITORING**

- 7.2.1 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 7.3, 7.4 or 7.5 for the water quality variables as agreed by the Director and Director: RPW.

### **7.3 DETECTION MONITORING**

- 7.3.1 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 Director: RPW.

### **7.4 INVESTIGATIVE MONITORING**

- 7.4.1 If, in the opinion of the Director and Director: RPW, a water quality variable listed under the detection monitoring referred to in Condition 7.3, shows an increasing trend, the Permit Holder shall initiate a monthly monitoring programme until such time that the variable is within acceptable limits or as is agreed to by the Director or the Director: RPW.

### **7.5 POST-CLOSURE MONITORING**

- 7.5.1 Groundwater monitoring by the Permit Holder, in accordance with Condition 7.3 or 7.4, shall commence immediately upon closure of the Facility and be maintained for a period of 30 (thirty) years, or such lesser period as may be determined by the Director and Director: RPW.

## **7.6 FURTHER INVESTIGATIONS**

7.6.1 If, in the opinion of the Director or the 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 or the Director: RPW.

## **8. MONITORING METHODS AND PARAMETERS**

8.1 The Permit Holder shall carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008), to analyse the samples taken under the monitoring programmes specified in Condition 7.

8.2 The Permit Holder may only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to the Director and Director: RPW.

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

8.3.1 mass (in tonnes or kilograms) received, recycled, reclaimed, treated and transferred;

8.3.2 waste types and sources;

8.3.3 air quality monitoring; and

## **9 AUDITING**

### **9.1 INTERNAL AUDITS**

9.1.1 Internal audits must be conducted quarterly (four times per year) by the Permit Holder and on each audit occasion an official report, in the format specified 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 (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 specified by the Director, documenting the findings of the audit to the Director.

9.2.2 The audit report must specifically state whether conditions of this Permit are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.

9.2.3 The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Permit Conditions and must specify target dates for the implementation of the recommendations by the Permit Holder.

9.2.4 The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in Condition 10 below, within 3 (three) months, from the date on which the external auditor finalised the report.

9.2.5 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.

9.2.6 Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.



### **9.3 DEPARTMENTAL AUDITS AND INSPECTIONS**

- 9.3.1 The Director and/or the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.
- 9.3.2 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 this Department; 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, and submitted in terms of Condition 9.2.4.
- 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 recovered must be kept at the Facility and reported to the Director as per Conditions 6.5 and 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 and interpret all borehole data and chemical analysis in a format agreed upon in writing between the Director and 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, recovered, disposed of or stored to the Department's Integrated Pollutant and Waste Information System (IPWIS) monthly, which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>, as required by the Director.

## **12. REPORTING**

- 12.1 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.
- 12.2 The Permit Holder must, within 14 (fourteen) days, or a shorter period of time, as specified by the Director, from the occurrence or detection of any incident referred to in Condition 12.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by management, to the satisfaction of the Director of measures taken to:
- 12.2.1 correct the impact resulting from the incident;
  - 12.2.2 prevent the incident from causing any further impact; and
  - 12.2.3 prevent a recurrence of a similar incident.
- 12.3 In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in Condition 12.2, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Permit Holder.
- 12.4 The Permit Holder or duly appointed person must keep an incident report and complaints register, which must be made available to both external and Departmental auditors.
- 12.5 The Director must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 12.6 The Director must be notified within 14 (fourteen) days of the following changes:
- 12.6.1 Permit Holder's trading name, registered name or registered office address;
  - 12.6.2 particulars of the Permit Holder's ultimate holding company (including details of an ultimate holding where a Permit Holder has become a subsidiary); and
  - 12.6.3 steps taken with a view to the Permit Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 12.7 The Director must be notified without delay in the case of the following:
- 12.7.1 any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
  - 12.7.2 the breach of conditions of this Permit; and
  - 12.7.3 any significant adverse environmental and health effects.
- 12.8 Prior written notification must be given to the Director of the following events and within the specified timeframes:

- 12.8.1 as soon as practicable prior to the permanent cessation of any operational activities;
- 12.8.2 partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
- 12.8.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under Conditions 12.8.1 and 12.8.2 above.

### **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 any further requirements determined by the Director and 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 shall notify the Director in writing of such an intention at least 120 (one-hundred and twenty) days prior to the said transaction.

### **15. TRANSFER OF PERMIT**

- 15.1 Should the Permit Holder want to transfer holdership of this Permit, he/she must apply in terms of section 52 of the NEM:WA.
- 15.2 Any subsequent Permit Holder shall be bound by the conditions of this Permit.

### **16. GENERAL**

- 16.1 The Permit Holder shall 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 National Water Act, 1998 (NWA) (Act No. 36 of 1998) or any applicable act, ordinance, regulation or by-law.
- 16.3 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.
- 16.4 Transgression of any condition of this Permit could result in the suspension of the Permit by the Licensing Authority and may render the Permit Holder liable for criminal prosecution or other actions provided for in section 67(1) of the NEM:WA.

- 16.5 In terms of section 28 and 30 of the NEMA, and section 19 and 20 of the NWA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Permit Holder reads through and understands the legislative requirements pertaining to the project. It is the Permit Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.
- 16.6 The Permit Holder must submit an Organic Waste Diversion Plan to the Director within 90 (ninety) days after the date of issue of this Permit and annually thereafter.
- 16.7 The information within the Organic Waste Diversion Plan must:
- 16.7.1 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
- 16.7.2 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, to reach a 50% diversion by the year 2022 and 100% diversion of organic waste by the year 2027.

**D. APPEAL OF PERMIT**

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 1.2 An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
  - 1.2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.3 An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
  - 1.3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
  - 1.3.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.4 The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 1.5 The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning

Private Bag X9186

**CAPE TOWN**

8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

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

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

**E. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Permit shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

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

Yours faithfully,



**EDDIE HANEKOM**

**DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION: 09-01-2020**

CC: (1) Mr Malise Noe: (DWS: Resource Protection and Waste)  
(2) Ms Wilna Moolman (DWS: Resource Protection and Waste)  
(3) Ms Esmari Steenkamp (Swartland Municipality)

Email: [NoeM@dws.gov.za](mailto:NoeM@dws.gov.za)

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## **ANNEXURE I**

### **A. REASONS FOR THE DECISION (APPEALABLE)**

The reasons for this decision, as well as the factors affecting the broader development that were considered in the NEMA EIA application to ensure the effective implementation of this decision, are explained below. All the following information that was available to the Department was taken into account in the Department's consideration of the application:

- a) The information contained in the Substantive Variation Application Form for a Waste Management Licence received by the Department on 22 May 2019 to apply for the minimisation of the buffer zone and the subsequent non-substantive variations regarding the corrections of the geographic coordinates and the Erf number for the Facility.
- b) The Draft Variation Report and Final Variation Report, dated 28 May 2019 and 11 October 2019, respectively, compiled by Legacy Environmental Management Consulting.
- c) The site visit and audit conducted on 2 October 2019 by the Department.
- d) The Additional Information received on 18 June 2019 and revised Variation Application Form received on 11 October 2019.
- e) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process (PPP), and the Environmental Assessment Practitioner's responses thereto.
- f) The objectives and requirements of relevant legislation, applicable policies and guidelines, including Section 2 of NEMA.
- g) All relevant information contained in the Specialist Reports i.e. Highlands Waste Disposal Facility Buffer Zone Determination Report.
- h) Kindly note, the desktop air pathway study was based on a general landfill, abattoir waste and all vectors as a result of this disposal of abattoir waste was not adequately assessed.
- i) Landfill gas emissions was estimated based on the waste quantities estimations. Waste type should have been taken into consideration, as the disposal of certain waste types with an increased moisture content, such as blood from abattoir waste, will significantly increase the amount of landfill gas produced.
- j) Abattoir waste is received in significant quantities and daily at the landfill, leading to a significant increase in odour and associated nuisance conditions such as flies, and an increase in landfill gas due to the increase in moisture from the abattoir waste compared to a landfill that does not receive abattoir waste. This was not taken into consideration in the buffer zone determination study.
- k) As is, there is a significant odour footprint in the existing buffer zone, albeit classified as low in the study. Vectors, such as flies, follow odour, and there will consequently be a significantly higher number of flies in the existing buffer zone. As the future land use of the proposed reduction of the existing buffer zone was not specified, it is not possible for the Department to determine if the future land use will be compatible with the odour and associated nuisance conditions and health risks associated with the landfill, and to evaluate if the proposed mitigating measures will be adequate.



- l) The Department is of the opinion that dust fallout should have been assessed, and that dust would be a major nuisance for any development north east of the landfill during months that the south-westerly winds are prevalent.
- m) Comments received from the Directorate: Air Quality Management regarding the Highlands Waste Disposal Facility Buffer Zone Determination Report.

**B. REASONS FOR THE DECISION (NOT APPEALABLE)**

The reasons for the Permit decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this 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". The proposed variation was in line with section 54 (1)(a) and (d) of the NEM:WA, which states that: "(1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence-  
(a) if it is necessary or desirable to prevent pollution; (and)  
(d) to make a non-substantive amendment".
2. The review and subsequent non-substantive amendment was conducted in order to align the Highlands (Malmesbury) Permit conditions with current waste legislation and replace the existing Permit (Ref: B33/2/720/132/P67) issued by the then Department of Water Affairs and Forestry (now Department of Water and Sanitation) on 10 May 1993, and issue this Variation Permit.

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END