

**Reference:** 19/2/5/4/B2/32/WL0120/20

The Municipal Manager  
Breede Valley Municipality  
Private Bag x3046  
**WORCESTER**  
6849

Tel: (023) 348 2602  
Email: [Dmcthomas@bvm.gov.za](mailto:Dmcthomas@bvm.gov.za)

**For attention:** Mr David McThomas

**VARIATION WASTE MANAGEMENT PERMIT ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT (ACT NO. 59 OF 2008) FOR THE WORCESTER WASTE DISPOSAL FACILITY (WDF) ON A PORTION OF REMAINDER OF ERF NO. 4014 AND A PORTION OF REMAINDER OF RE/4015, WORCESTER.**

## **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 54 (a) and (d) of the NEM:WA, replace the existing Permit (Ref.: 19/2/5/4/B2/32/WL0126/18) issued by the Department of Environmental Affairs and Development Planning with this Waste Management 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 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 operation of the Worcester WDF (hereafter "the Facility") on a portion of remainder of Erf No. 4014 and a portion of remainder of Erf 4015, Worcester.

**B. DESCRIPTION OF THE ACTIVITY:**

The activities for this G:M: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) (now the Department of Water and Sanitation(DWS)) (referred to as “Minimum Requirements”) and for any new waste cells that will be developed, as per the NEM:WA “*National Norms and Standards for Disposal of Waste to Landfill*”, contained in Government Notice (GN) No. R. 636 (GN No. R. 636) of 23 August 2013, will entail but not be limited to the following:

- (a) Disposal of general waste
- (b) WDF Facility auditing
- (c) Gate or weighbridge recording procedures
- (d) Volume surveys
- (e) Collection and processing of other data
- (f) Leachate and water quality monitoring
- (g) Gas monitoring
- (h) Air quality monitoring
- (i) Monitoring of rehabilitated areas
- (j) Attending to the health of workers
- (k) The crushing of construction and demolition (C&D) waste and chipping of the green waste; and
- (l) Establishment of a waste reclamation area.

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 of Resource Protection and Waste of the Department of Water and Sanitation: Western Cape Provincial Operations, who may be contacted at the address below:

Director: Resource Protection and Waste  
Department of Water and Sanitation  
Private Bag X16

**SANLAMHOF**

7532

**C. PERMIT CONDITIONS**

**PERMIT NUMBER:** 19/2/5/4/B2/32/WL0120/20  
**WASTE APPLICATION:** FURTHER OPERATION OF THE WORCESTER WDF (CLASS B)  
**CLASS:** CLASS B  
**LOCATION:** PORTION OF A REMAINDER OF ERF NO. 4014 AND PORTION OF A REMAINDER OF ERF RE/4015, BREEDE VALLEY MUNICIPAL AREA; WESTERN CAPE PROVINCE  
**PERMIT HOLDER:** BREEDE VALLEY MUNICIPALITY  
**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER  
**ADDRESS:** PRIVATE BAG X3046, WORCESTER, 6849

**1. LOCATION**

- 1.1. This Permit authorises the development and further operation of a WDF on a portion of a remainder of Erf No. 4014 and a portion of a remainder of Erf No. Re/ 4015 of the Worcester Municipal Area, Worcester (hereinafter referred to as "the Facility"), according to the variation permit application by the Breede Valley Municipality, dated February 2021 (hereinafter referred to as "the Report"), submitted by the Permit Holder. The boundaries of the Facility shall be as indicated as per the Variation Report, dated February 2021, submitted by the Permit Holder.
- 1.2. Location of the entrance of the property on which Facility is situated:

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

Latitude (S)	Longitude (E)
33°40'49.37"	19°28'10.85"

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

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

Number of corners	Latitude (S)	Longitude (E)
1	33°40'51.86"	19°28'18.51"
2	33°41'07.26"	19°28'14.00"
3	33°41'02.93"	19°28'02.26"
4	33°40'50.03"	19°28'03.18"
5	33°40'47.11"	19°28'04.41"

- 1.4 The Permit holder must verify the accuracy of the coordinates of the boundary of the Facility within 90 (ninety) days of the date of signature of this Permit.
- 1.5 The footprint of the Facility and its associated infrastructure is 176 063 m<sup>2</sup>.

1.6 The Surveyor General 21 Digit Codes of the Facility are: C08500040000401400000 & C085000400001500000.

## **2. PERMISSIBLE WASTE**

- 2.1. Any portion of the Facility, as demarcated in condition 1.3 of this Permit, may be used for the disposal of general waste. Only waste that is classified as general waste, according to the NEM:WA, or any current and future Norms and Standards developed by the Department, 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 risk waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007 (Act No. 7 of 2007), may 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 by this Permit.
- 2.6. 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 19.10 and 19.11 of the Permit.

## **3. APPOINTMENT OF A 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)/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, prior to any construction activities being undertaken at the Facility. 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. Development of the Facility shall be done according to the Variation Report, dated February 2021.
- 4.3. Further Construction and further 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 dam. The Permit Holder must submit design drawings to the Director for approval 90 (ninety) days before commencement of the listed waste management activities.

- 4.4. Should a portion of the Facility be further developed, the Permit Holder shall notify the Director thereof and the person referred to in condition 4.3 shall submit a letter to the Director that the further 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 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 any further development within the Facility and has given written permission, the Permit Holder may use the Facility or any further development within the Facility for the disposal of waste.
- 4.5. 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 South African Heritage Resource Agency must be contacted within 48 (forty-eight) hours.
- 4.6. After construction of the Facility or further development within the Facility, the Permit Holder must notify the Director thereof and the person referred to in condition 4.3 must submit a certificate or alternatively a letter to the Director that the construction of the Facility or further development within the Facility, as proposed by the Permit Holder and approved by the Director, is in accordance with recognised civil engineering practice and the requirements of this Permit, before disposal 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 Permit Holder may use the Facility or any further development within the Facility for the disposal of waste.
- 4.7. The Facility must be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 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 500 (five hundred) metres between the Facility and the nearest residential 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. Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500 (five hundred) m 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).
- 4.10. 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.
- 4.11. Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the Facility in a legal manner, all runoff water arising on land adjacent to the Facility, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in fifty years (hereinafter the "estimated maximum precipitation"). Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 4.12. 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 the Director: RPW to prevent pollution to groundwater.
- 4.13. Runoff water referred to in condition 4.12 shall comply with the quality requirements prescribed by the Director and the Director: RPW, which may be determined from time to time and shall be drained from the Facility in a legal manner.

- 4.14. Runoff water referred to in condition 4.12 which does not comply with the quality requirements applicable in terms of condition 4.13 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:
  - 4.14.1. be discharged into any convenient sewer if accepted by the authority in control of that sewer;
  - 4.14.2. be treated to comply with the aforementioned standard and discharged in a legal manner; and/or,
  - 4.14.3. with the written approval of the Director, be evaporated in dams and/or be evaporated by spraying over portions of the Facility.
- 4.15. The maximum height of the Facility above ground level shall not exceed 25 (twenty-five) metres above natural ground level.
- 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. ACCESS CONTROL**

- 5.1. Weatherproof, durable and legible notices must be displayed at each entrance in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry, state the hours of operation, include the types of waste permissible, 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) m, with gates of the same height at all entrances, to reasonably prevent unauthorised entry and curtail the spreading of wind-blown paper and plastic materials.
- 5.3. The Permit Holder shall ensure effective access control.
- 5.4. The Permit Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 5.5. The Permit Holder shall 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. 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.
- 6.2. 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.
- 6.3. 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 Department and record it in terms of condition 13.
- 6.4. 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.
- 6.5. A copy of this Permit must be kept at or near 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.

- 6.6. 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, annual 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 12 (twelve) months from the date of this Permit.
- 6.8. 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.
- 6.9. All staff and visitors' occupational health and safety risks must be identified and managed. Protective clothing must be worn at the Facility.
- 6.10. The Permit Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 6.11. Waste disposed of at 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 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) millimetres of suitable cover material.
- 6.12. The Permit Holder must ensure that a stockpile of at least 3 (three) weeks of suitable cover material is available at all times.
- 6.13. The topsoil must be stockpiled separately to be used for the final capping processes.
- 6.14. The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 6.15. No burning of waste is allowed at the Facility.
- 6.16. The skips or bins used for temporary storage must be clearly marked to indicate the different waste types of waste which can be accepted.
- 6.17. An Emergency Response Plan (ERP) must be developed, and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire evacuations, injury on duty, accidents, and procedures caused by unexpected hazardous waste ending up at the Facility.
- 6.18. 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).
- 6.19. Reclamation of waste may occur at the facility at the discretion of the BVM 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 (GNR 1093, 11 October 2017). All persons reclaiming waste must wear suitable personal protection equipment. A record of the volume and nature of the waste materials which are reclaimed must be maintained and reported on a monthly basis to the Director.
- 6.20. All invasive alien vegetation must be removed annually.
- 6.21. The Permit Holder shall implement adequate measures to the satisfaction of the Director, to ventilate, flare or otherwise control methane gas gathered at the Facility so that the build-up of dangerous concentrations is prevented. The concentration of methane gas from the Facility shall not exceed 1% by volume and the concentration of carbon dioxide shall not exceed 0.5% by volume and shall be determined by sub-surface measurements done at the perimeter of the Facility inside the fence.
- 6.22. All sumps for water or gas monitoring at the Facility must be routinely inspected and cleaned.
- 6.23. 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.
- 6.24. Skips or bins used to collect waste must be clearly marked to indicate the different waste types acceptable to be disposed of in it.

- 6.25. Spill kits, which include hydrocarbon absorbent material, must be kept at the Facility and staff must be trained to use these spill kits.

## **7. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

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

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

- 8.1. The Permit Holder shall carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008), to analyse the samples taken under the monitoring programmes specified in condition 9.
- 8.2. The Permit Holder may only use another method of analysis if written proof is submitted to and accepted by the Director and Director: RPW, specifying that the method is at least equivalent to the SABS method.
- 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) of waste received and disposed;
  - 8.3.2. waste types and sources;
  - 8.3.3. air quality monitoring; and
  - 8.3.4. an annual (once a year) topographical survey submitted to the Director in the form of an Airspace Determination Report, which must estimate the remaining volume of airspace at the Facility and the remaining lifetime for the disposal of waste at the Facility.

## **9. MONITORING**

### **9.1. WATER QUALITY MONITORING**

- 9.1.1. Monitoring boreholes BH1 and BH2 shall be maintained by the Permit Holder to the satisfaction of the Director and the Director: RPW so that unobstructed sampling, as required in terms of this Permit, can be undertaken.
- 9.1.2. The Permit Holder must establish and maintain a ground water monitoring plan with at least one upstream and one downstream borehole, within 3 (three) months of obtaining this Permit and submit the plan to the Director and the Director: RPW for approval, so that unobstructed sampling, as required in terms of this Permit, can be undertaken.
- 9.1.3. Monitoring boreholes must be equipped with lockable caps. The Director and the Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 9.1.4. Surface water monitoring must be performed in all storm water drain outlets that discharges to the natural environment and adjacent to the Facility 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.



9.1.5. Treated leachate discharged into a water course shall be monitored and the standards, parameters and sample frequency of monitoring shall be determined and from time to time adjusted by the Manager: Scientific Services.

## 9.2. **BACKGROUND MONITORING**

9.2.1. 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 9.3, 9.4 or 9.6 for the water quality variables as agreed by the Department and the Director: RPW.

## 9.3. **DETECTION MONITORING**

9.3.1. 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 Department and the Director: RPW.

## 9.4. **INVESTIGATIVE MONITORING**

9.4.1. If, in the opinion of the Director or/and the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 9.3.1, shows an increasing trend, the Permit Holder shall initiate a monthly monitoring programme.

## 9.5. **FURTHER INVESTIGATION**

9.5.1. If, in the opinion of the Director and/ or the Director: RPW, groundwater and/or surface water pollution have occurred or may possibly occur, the Permit Holder must conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director and/ or the Director: RPW.

## 9.6. **POST-CLOSURE MONITORING**

9.6.1. Groundwater monitoring by the Permit Holder, in accordance with condition 9.3 and 9.4, shall commence immediately upon closure of the Facility and be maintained for a period of 30 years, or such lesser period as may be determined by the Director: RPW.

## 10. **AUDITING**

### 10.1. **INTERNAL AUDITS**

10.1.1. Internal audits must be conducted quarterly by the Permit Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in condition 10.2.1 and the internal audit report must be submitted to the Director.

### 10.2. **EXTERNAL AUDITS**

10.2.1. 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 documenting the findings of the audit.

10.2.2. 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.

- 10.2.3. 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.
- 10.2.4. The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 12 below, within 3 (three) months from the date on which the external auditor finalised the report.
- 10.2.5. Each external audit must be submitted to the Director within 30 (thirty) days from the date on which the external auditor finalised the report.
- 10.2.6. Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

## **11. DEPARTMENTAL AUDITS AND INSPECTIONS**

- 11.1. 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.
- 11.2. The Permit Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.
- 11.3. The findings of these audits or inspections must be made available to the Permit Holder and Residents Monitoring Committee within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

## **12. MONITORING COMMITTEE**

- 12.1. The Permit Holder must take all reasonable steps to establish and maintain a Worcester WDF Environmental Monitoring Committee (in this Permit referred to as the "Monitoring Committee") for the normal operative lifetime of the Facility.
- 12.2. The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least the following persons:
  - 12.2.1. Permit Holder and/or his appointed consultant(s) or advisor(s);
  - 12.2.2. representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
  - 12.2.3. representative(s) of this Department; and
  - 12.2.4. 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 persons (I&APs) of each meeting.
- 12.3. 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 10.2.1 has been submitted according to condition 10.2.4.
- 12.4. The Permit 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.

### **13. RECORD KEEPING**

- 13.1. The Permit Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 13.2. All records required or resulting from activities required by this Permit must:
  - 13.1.1. be legible;
  - 13.1.2. be made available to anyone who may request them and should form part of the any audit report;
  - 13.1.3. if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 13.1.4. be retained in accordance with documented procedures which are approved by the Department; and
  - 13.1.5. be made available upon the request of the Director.

### **14. REPORTING**

- 14.1. 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, or has caused any pollution.
- 14.2. The Permit 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 14.1 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:
  - 14.2.1. correct the impact resulting from the incident;
  - 14.2.2. prevent the incident from causing any further impact; and
  - 14.2.3. prevent a recurrence of a similar incident.
- 14.3. 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 Permit Holder.
- 14.4. The Permit Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 14.5. 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.
- 14.6. The Department must be notified within 14 (fourteen) days of the following changes:
  - 14.6.1. Permit Holder's trading name, registered name or registered office address;
  - 14.6.2. particulars of the Permit Holder's ultimate holding company (including details of an ultimate holding where a Permit Holder has become a subsidiary); and
  - 14.6.3. steps taken with a view to the Permit Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 14.7. All audit reports (internal and external) must be submitted to the Director within thirty (30) days from the date on which the auditor finalised the audit.
- 14.8. The Permit Holder must register and report quantities of waste 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>. Reporting on IPWIS must be done on a quarterly basis.

- 14.9. The Department must be notified without delay in the case of the following:
- 14.9.1. any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
  - 14.9.2. the breach of conditions of this Permit; and
  - 14.9.3. any significant adverse environmental and health effects.
- 14.10. Prior written notification must be given to the Director of the following events and within the specified timeframes:
- 14.10.1. as soon as practicable prior to the permanent cessation of any operational activities;
  - 14.10.2. partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
  - 14.10.3. full or partial resumption of the operation of all or part of the activities after a cessation notified under conditions 14.10.1 and 14.10.2 above.

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

- 15.1. 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.
- 15.2. 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:
- 15.2.1. the formation of pools due to rain is prevented;
  - 15.2.2. free surface runoff of rain-water is ensured; and
  - 15.2.3. no objects or materials which may hamper the rehabilitation of the Facility are present.
- 15.3. 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.

## **16. LEASING AND ALIENATION OF THE FACILITY**

- 16.1. 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 Permit Holder shall remain liable to compliance with all Permit conditions.

## **17. TRANSFER OF THE WASTE MANAGEMENT PERMIT**

- 17.1. Should the Permit Holder want to transfer holdership of this Permit, he/she must apply in terms of section 52 of the NEM: WA, 2008.
- 17.2. Any subsequent Permit Holder shall be bound by the conditions of this Permit.

## **18. COMMENCEMENT**

- 18.1. The activities hereby permitted may not commence within 20 (twenty) days of the date of signature of this Permit.
- 18.2. Should the Permit Holder be notified by the Director of a suspension of the Permit pending any appeals decision on the authorised activities, he/she may not commence with the activities until authorised by the Director in writing.
- 18.3. After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.

- 18.4. This activity must commence within a period of 3 (three) years from the date of issue. If commencement of the activity does not occur within that period, the validity of this Permit lapses and a new application for waste management Permit must be made in order for the activity to be undertaken.
- 18.5. If the proponent anticipates that commencement of the activity would not occur within 3 (three) year period, he/she must apply and show good cause for an extension of the Permit 6 (six) months prior to its expiry date.

## **19. GENERAL**

- 19.1. This Permit shall not be transferable unless such transfer is subject to condition 17 above.
- 19.2. This Permit shall not be construed as exempting the Permit Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-law and relevant National Norms and Standards.
- 19.3. Transgression of any condition of this Permit could result in the suspension of the Permit by this Department.
- 19.4. This Permit is valid until the waste disposal airspace capacity has been reached as determined in condition 6.6. The Permit may be reviewed at any time before that date. 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.
- 19.5. All operations at the current Worcester WDF must immediately cease as soon as the Regional Waste Disposal Facility has commenced with operations.
- 19.6. The current Worcester WDF must be decommissioned within 2 years after the Regional Waste Disposal Facility has commenced with operations.
- 19.7. Should the Permit Holder want to conduct the waste management activity beyond the airspace capacity, the Permit Holder must apply for a review of the Permit 1 (one) year before the expiry date.
- 19.8. Non-compliance with a condition of this Permit may result in criminal prosecution or other actions provided for in section 67(1) of the NEM:WA.
- 19.9. In terms of sections 28 and 30 of the NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Permit Holder reads through and 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 environmentally acceptable manner.
- 19.10. The Permit Holder must submit an Organic Waste Diversion Plan to the Director 90 (ninety) days after the issue of this Permit and annually thereafter.
- 19.11. The information within the Organic Waste Diversion Plan must:
- 19.11.1. 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
- 19.11.2. set annual targets and identify procedures from 2021 that will be implemented to meet these targets for the diversion of organic waste from municipal WDFs, in order to reach a 50% diversion by the year 2022 and 100% diversion by the year 2027.

## **D. APPEAL OF 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

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 [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,

**DIRECTOR: WASTE MANAGEMENT**

Cc: (1) Mr Noe Malise (DWS: Resource Protection and Waste)  
(2) Ms Wilna Moolman (DWS: Resource Protection and Waste)

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

## **ANNEXURE**

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

The reasons for 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 Notice of Intent received by the Department on 27 August 2019 and the pre-application meeting held at the Department on 18 September 2019.
- b) The information contained in the Pre-Variation Application Report received by the Department on 13 July 2020.
- c) The information contained in the Substantive Variation Application Form for a Waste Management Licence received by the Department on 13 November 2020 to apply for the height increase of the current Worcester WDF and the subsequent non-substantive variations regarding the corrections of the Erf number for the Facility.
- d) The Draft Variation Report and Final Variation Report dated 13 November 2020 and 10 February 2021, respectively, compiled by Legacy Environmental Management Consulting.
- 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. Worcester Visual Impact Assessment, Air Quality Impact Assessment and Stability Assessment Report.

The PPP comprised of the following:

- (a) 30-day I&AP's Registration and public review and comment period on pre-application variation report (14 July 2020 - 17 August 2020);
- (b) 30-day I&AP's Registration and public review and comment period on the draft variation report (13 November 2020 - 14 December 2020);
- (c) Advertisements were placed in the "The Worcester Standard" and in "Die Burger" in Afrikaans and English respectively on 9 July 2020;
- (d) Fixing of notice board at the Worcester Waste Disposal Facility, Worcester Day Clinic and at the Municipal Offices of the Breede Valley Municipality;
- (e) Notification sent to registered I&AP's via email and letter drop; and
- (f) Submission of the final variation report to the Department on 10 February 2021.



**B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE PERMIT (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 subsequent non-substantive amendment was conducted in order to extend the commencement date for decommissioning of this Facility.

**Authorities Consultation**

- (a) DEA&DP: Waste Management Licensing;
- (b) DEA&DP: Air Quality Management;
- (c) DEA&DP: Pollution and Chemical Management;
- (d) Breede Gouritz Catchment Management Agency;
- (e) Department of Agriculture (National);
- (f) Provincial Department of Agriculture;
- (g) CapeNature;
- (h) Department of Health;
- (i) Heritage Western Cape.

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application.