



	023 347 2012		Private Bag X3055, Worcester, 6849		Mr P Mqondeki
	072 380 9396				023 346 8071
e-mail:	pmqondeki@bocma.co.za			Ref	4/9/7/K30B/Erf 464, George

For Attention: Mr Sivuyile Mtila

George Local Municipality
PO Box 19
George
6530

BY EMAIL

Email: smtila@george.gov.za

Dear Sir

COMPLIANCE MONITORING INSPECTION FINDINGS LETTER: COMPLIANCE INSPECTION TO MONITOR COMPLIANCE WITH THE ISSUED VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE GWAING WASTE DISPOSAL FACILITY (WDF) WITH REFERENCE NUMBER: 19/2/5/4/D2/19/WL0139/19, ISSUED TO GEORGE LOCAL MUNICIPALITY, REMAINDER ERF 464, GEORGE

1. Reference is made to the compliance monitoring (audit) inspection conducted by the Breede-Olifants Catchment Management Agency ("BOCMA") officials on 11 September 2024 at Gwaing Waste Disposal Facility located on remainder Erf 464, George.
2. The BOCMA through the Compliance Monitoring and Enforcement (CME) unit is responsible for the auditing of water use authorisations issued to water users as well as identifying unlawful water users.
3. Based on the observations and outcome of the compliance monitoring inspection conducted, the BOCMA would like to bring the following non-compliance findings to your attention:



Table 1: Non-compliances to conditions of the Waste Management Licence, with licence no: 19/2/5/4/D2/19/WL0139/19

CONDITIONS	FINDINGS	FURTHER ACTIONS
2. PERMISSIBLE WASTE 2.1 Any portion of the Facility which has been constructed or developed according to this Licence, 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, is permitted.	Non-Compliant. The facility is currently being operated outside of the authorized boundaries.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
2.5 Organic waste is allowed to be disposed of at the Facility but must be in accordance with the Organic Waste Diversion Plan, targets and procedures referred to in conditions 19.8 of the Licence.	Non-Compliant. There is a plan in place to divert organic waste to a compost facility as per the report titled: George Local Municipality Waste Minimisation Plan dated July 2021. The compost facility is under construction. The condition has thus not yet been fully implemented.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.



5.6 Watercourses must not be contaminated by pollutants, and measures placed to prevent erosion and increased storm water runoff impacting on land, river health and water course integrity.	Non-Compliant. The facility has encroached into the banks of the watercourse.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
5.7 Any development which occurs within the 1:100 (one in one hundred) year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998).	Non-Compliant. The development outside of the authorised boundaries of the Waste Management Licence (WML) are within a regulated area of a watercourse. This is not authorised in terms of the NWA.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
5.8 Leachate from the Facility shall, by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder and be lined as approved by the Director and/or Director: RPW, to prevent pollution to groundwater: 5.8.1 with the written approval of the Director and/or Director: RPW be evaporated in lined dams as approved by the Director and/or Director: RPW; and/or 5.8.2 be discharge into any convenient sewer	Non-Compliant. There is no leachate management measures in place at the facility.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.



8. WATER QUALITY MANAGEMENT 8.1 Works constructed in compliance with condition 5 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate: 8.1.1 all stormwater runoff, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of 1 (one in fifty) years; and 8.1.2 all expected leachates.	Non-Compliant. No stormwater management measures were observed during the inspection.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
8.2 Works constructed in compliance with condition 5 must, on a continuous basis, be properly maintained.	Non-Compliant. No stormwater management measures were observed during the inspection.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
8.3 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 5.	Non-Compliant. No stormwater management measures were observed during the inspection.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.



8.4 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.	Non-Compliant. Stormwater diversion infrastructure was not observed at the facility at the time of inspection.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
11.2.2 The audit report must specifically state whether the conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.	Non-Compliant. Departmental and internal audit reports only state whether conditions of the Licence are adhered to but do not include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
11.2.3 The audit report must contain recommendation regarding non-compliance or potential noncompliance with the Licence conditions and must specify target dates for the implementation of the recommendations by the Licence Holder.	Non-Compliant. The audit report contains recommendations with no target dates for implementation.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
15.2 No new waste cell may be developed, and the existing waste cells may not be expanded unless authorisation is granted by the Director and plans approved by the Director: RPW.	Non-Compliant. Waste cell has been expanded outside of authorized boundary.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.



15.9 The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.	Non-Compliant. The waste body has been expanded outside of authorized boundary.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.
15.12 All persons reclaiming waste must be wearing suitable personal protection equipment.	Non-Compliant. Some of the persons reclaiming waste on-site were not wearing appropriate PPE.	An action plan which details the steps to be taken to rectify the non-compliance within thirty (30) working days upon receipt of this letter must be submitted to BOCMA.

4. Figure 1 below provides a summary of compliance inspection status (score card) for the facility:

Summary of compliance Inspection Status				
George Local Municipality (Gwaing Waste Disposal Facility)				
Conditions	Full (Compliant)		None (Non-Compliant)	
Number	39		16	
Number & percentage for compliance and non compliance	70.91%		29.09%	
Number & percentage for compliance and non compliance to administrative and technical actions	A:5	12.82%	A:0	0.00%
	T:34	87.18%	T:16	100.00%

Green color indicates compliance and red colour is non-compliance.
A: Administrative actions
T : Technical actions

Summary Comment:
George Local Municipality (Gwaing Waste Disposal Facility) was found to be compliant with 70.91% made up of 12.82% Administrative and 87.18% Technical. The conditions which were found to be non compliant (100.00%) made up of 0.00% Administrative and 100.00% Technical. There is a Waste body at the facility beyond licenced footprint of the Waste Management Licence and encroaches on the banks of the Gwaing River. Conditions related to the decommissioning phase of the WDF were no assessed as the facility is still operational.

Figure 1: Compliance inspection status, Gwaing Waste Disposal Facility.

5. Figure 2 below shows the authorised boundaries of the facility as per the Department of Environmental Affairs & Development Planning (DEA&DP) titled “Clarity on Licenced Footprint of the Gwaing Waste Disposal Facility (WDF), Erf 464, George” dated 30 June 2024.

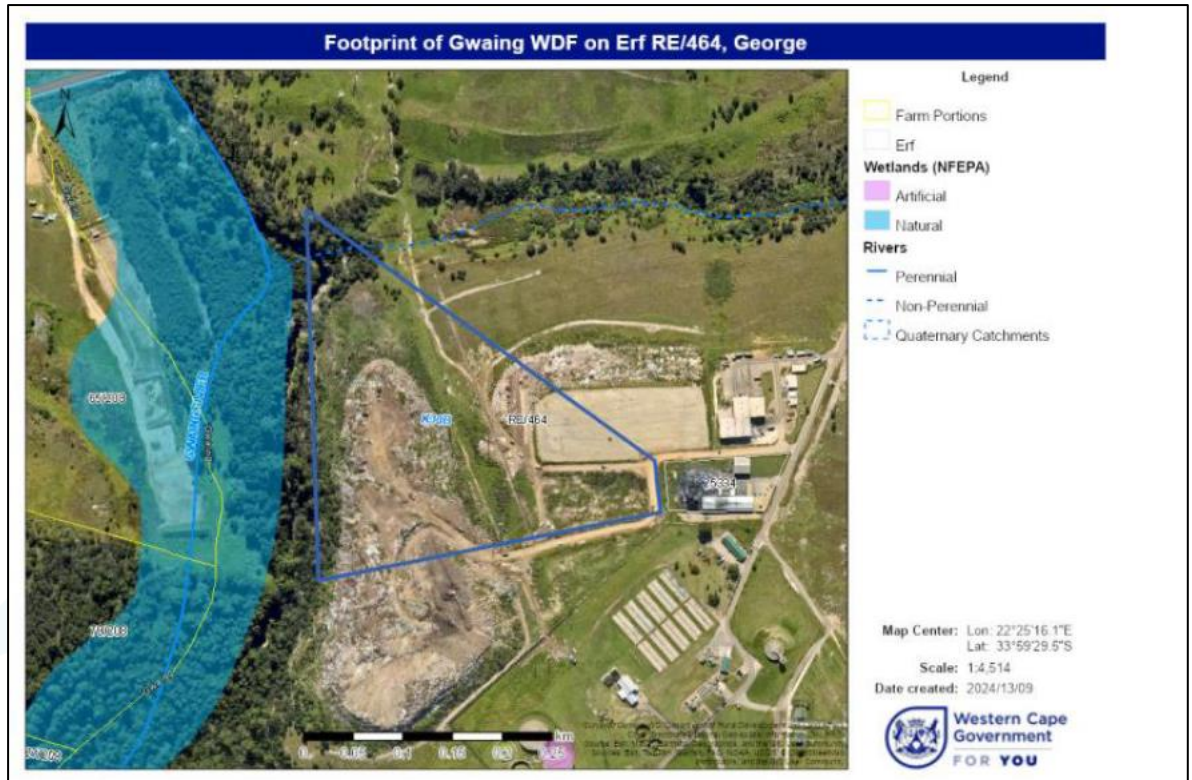


Figure 2: Gwaing WDF authorised boundaries are highlighted by the blue polygon. Waste disposed outside of the boundaries is unlawful.

6. You are hereby required to submit an action plan on measures to be taken to rectify non-compliant conditions and comply with the timeframes set out on further actions column on table 1 above.
7. Your attention is drawn to Section 54 of the National Water Act No 36 of 1998 (NWA), which states:

54.(1) Subject to subsections (3) and (4), a responsible authority may by notice to any person entitled to use water under this Act suspend or withdraw the entitlement if the person fails—

- (a) to comply with any condition of the entitlement.*
- (b) to comply with this Act; or*
- (c) to pay a charge which is payable in terms of Chapter 5.*

(2) An entitlement may be suspended under subsection (1)—

- (a) for the period specified in the notice of suspension; or*
- (b) until the responsible authority is satisfied that the person concerned has rectified the failure which led to the suspension.*

(3) A responsible authority may only suspend or withdraw an entitlement under subsection (1) if the responsible authority has directed the person concerned to take specified steps to rectify



the failure within a specified period, and the person concerned has failed to do so to the satisfaction of the responsible authority.

(4) The person concerned must be given an opportunity to make representations, within reasonable period, on any proposed suspension or withdrawal of an entitlement to use water

(5) A responsible authority may, for good reason, reinstate an entitlement withdrawn under subsection (1).

8. The BOCMA reserves the right to make any further recommendations and/or provide inputs based on the activities authorised under your authorisation should the need arise, based on any impacts on the surrounding water resources and/or the surrounding environment
9. Please return the acknowledgment of receipt below to the official under enquires.
10. Should you have any enquires please feel free to contact the official who appears above at enquiries.

Representations must be forwarded to:

Mr. Phumlani Mqondeki
Breede-Olifants Catchment Management Agency
PO Box 1205
GEORGE
6530
Fax No: 023 347 2012

11. We wish to make it clear that the instructions contained in this letter are made in the interest of responsible water resource management, and with a view to a co-operative resolution of the issue.
12. Should you have any further queries, please contact Mr P Mqondeki at the above number.

Yours faithfully

P.P

MR. JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)

DATE: 31/01/2025.....



Acknowledgement of Receipt:

	023 347 2012		Private Bag X3055, Worcester, 6849		Mr P Mqondeki
	072 380 9396				023 346 8071
e-mail:	pmqondeki@bocma.co.za			Ref	4/9/7/K30B/Erf 464, George

COMPLIANCE MONITORING INSPECTION FINDINGS LETTER: COMPLIANCE
INSPECTION TO MONITOR COMPLIANCE WITH THE ISSUED VARIATION OF THE
WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE GWAING
WASTE DISPOSAL FACILITY (WDF) WITH REFERENCE NUMBER:
19/2/5/4/D2/19/WL0139/19, ISSUED TO GEORGE LOCAL MUNICIPALITY, REMAINDER
ERF 464, GEORGE

Received by Mr./Ms. _____

On behalf of the company _____

on this _____ day of _____ 2025, at _____

Signature: _____