



Your reference

Our reference: 16/5/1/3 EJ Nkabinde

The Head of Department
c/o Assistant Director: Pollution and Waste Control
Department of Agriculture, Rural Development, Land Administration and Environment
Piet Koornhof Building
Witbank
1035

Dear Mr. JM Mabuza

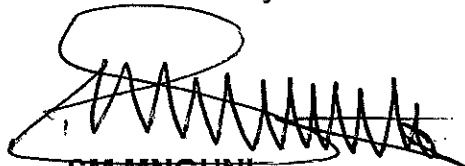
**SUBJECT: SUBMISSION OF AUDIT ACTION PLAN FOR NON-COMPLIANCE OF THE
MIDDELBURG RIETFontein LANDFILL SITE: LICENSE NO. 17/04/WL/MP313/12/01**

1. The abovementioned refers.
2. Compliance gaps, operational findings, and control deficiencies were revealed during a compliance inspection of the Middelburg Landfill conducted by your office. Furthermore, an External Audit that was conducted on 20 June 2026 also revealed noncompliance issues. Effectively, your office requested that the municipality should develop an intervention plan that will address the noncompliance issues at the Middelburg Landfill.
3. Attached to this letter is a formal intervention plan for your perusal and approval.
4. Please take further note that the municipality has already implemented the following interventions in an attempt to address some of the noncompliance issues raised in both your compliance notice and the External Audit report findings:
 - 4.1. Municipality took over the operation and management of the site on 11 March 2026.
 - 4.2. Budget has been allocated for 2026/27 for the in-house operation and maintenance of the site.
 - 4.3. Budget has been allocated for 2026/27 for the appointment of consultants as and when needed.
 - 4.4. An organogram for the operation of landfill site has been approved and budget allocated. Advert for filling of all critical positions for the landfill closed on the 10 July 2026.
 - 4.5. A qualified landfill site supervisor has been appointed on an acting capacity
 - 4.6. A landfill management committee is sitting quarterly
 - 4.7. Waste picking at the landfill has been outsourced to a service provider.
5. Steve Tshwete Local Municipality wish to express its commitment to resolving noncompliance issues Management is committed to resolving these findings. Please take note that some noncompliance can only be resolved in the medium to long term and the municipality will provide progress updates on a quarterly basis or as requested by your office.

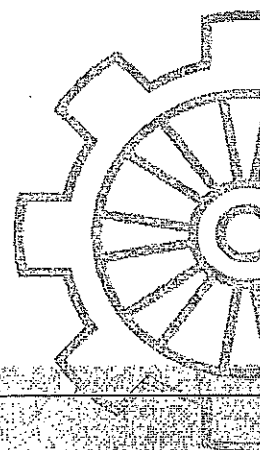
6. A detailed action plan for addressing the noncompliance issues at the landfill is attached as Annexure.

We trust that you will find the above to be in order.

Yours faithfully

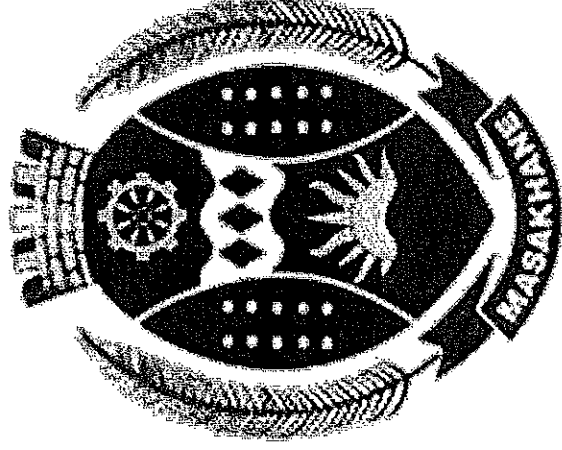
A handwritten signature in black ink, consisting of a series of sharp, overlapping loops and strokes, positioned above the printed name.

SM MNGUNI
MUNICIPAL MANAGER
24 August 2026



Audit Action Plan

Middelburg Landfill Site



August 2026

Introduction

Steve Tshwete Local Municipality operates Middelburg Landfill site, Licence Number 17/04/WL/MP313/12/01, issued in 17 March 2014. The validity period for Licence Number 17/04/WL/MP313/12/01 has been extended to December 2026.

To monitor and measure the level of compliance, Steve Tshwete Local Municipality appointed Masase Cooperation to conduct an annual external environmental compliance audit at the landfill site. Site inspection was conducted on the 13th June 2026 and findings were documented in the audit report dated 20 June 2026

The conditions of the Minimum Requirements as well as Licence conditions were reviewed by the Auditor and integrated into a single audit checklist. Each item contained in the audit checklist was audited based on a level of compliance. Compliance levels are considered as Compliant (C), Non-Compliance (NC), Partially Compliant (PC) and Not Applicable (N/A). Where non-compliance was encountered, the significance of the associated impact was recorded.

All conditions have been assessed, tallied, and the overall compliance of the landfill site was calculated. Based on the following method

Compliance Indication List		
Level of Compliance	Compliance Percentage (%)	Color code
Non-Compliant	0% to 49%	
Partial Compliant	50% to 79%	Amber
Compliant	80% to 100%	Green

This report will therefore focus on the partial and non-compliant conditions.

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

PARTIAL COMPLIANT CONDITIONS

Audit report page number	Condition	Finding	Audit Recommendations	Action	Due date
26	The licence Holder must ensure effective access control on the Site by having it fenced to a minimum height of 1.8 metres, with gates of the same height at all entrances, to reasonably prevent unauthorised Entry.	The site is fenced with 2.4m concrete palisade wall. Waste pickers were observed gaining access through the damage wall area. Portion closer to the mine and recycling area was found to have gaps on the concrete palisade wall.	The gap between the nearby mine dump and the site should be fenced and the damaged concrete wall must be repaired to avoid unauthorized entry to the site.	Budget allocated for the fixing of the damaged concrete wall Budget allocation for the for the new fence between the mine and the landfill site	2 nd Quarter 2027/28 financial year
27	The activities must be managed and operated: a) in accordance with an environmental management plan that interlia identifies and minimise threats of pollution, including those arising from construction, maintenance, accidents, incidents and nonconformance's	Most of the conditions of the environmental Management plan are adhered to. Condition that are not adhered to are that there is waste found outside the working phase and there are missing palisade blocks in the wall. There was smoke observed on the slopes which Leads to air pollution. Debris was observed on the new cell development	It is recommended that license owner must ensure compliance to the conditions by managing the storm water ponds and fixing the broken fence.	Daily covering or compaction of waste to prevent fires and wind-blown litter.	Ongoing

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	and those drawn to the attention of the licence holder as a result of complaints b) in accordance with conditions of the licence c) in accordance with any other written instruction by the competent authority and d) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the construction of the activities	area.			
29	Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage resources Act 1999(Act No.25 of 1999). Should an archaeological artefact be exposed during excavation for the purpose of construction,	The leachate dam was polluted with plastics and Vegetation on the sides which is a contravention to The conditions on the Minimum Requirements for Waste Disposal by Landfill	Leachate dam must be Cleared of waste and Vegetation and comply With this requirement.	Monitoring and cleaning of the leachate dam. Clearing of vegetation	Weekly Monthly

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances are any applicable provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993) - All applicable provisions of the National Water Act 1998, (Act 36 of 1998) - All applicable provisions of the National Forest Act 1998, (Act No. 84 of 1998). All applicable provisions of the National Environmental Management Biodiversity Act 2004 Act 10 of 2004. All applicable provisions of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)-Should fill material be required for				
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Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	any purpose the use of property must be must comply with the provisions of the minerals and petroleum resources Development Act, 2002 (Act No.28 of 2002) administered by the Department of Minerals and Energy.				
32	Report any non-compliance with any Licence conditions or requirements or provisions of National Environmental Management: Waste Act to the Competent Authority Through means reasonably available.	Although non-compliances were observed, there was no proof of reporting non-compliance with the license conditions to the Competent Authority.	The license owner must Report any non-Compliances to the Competent authority and keep a report.	Report any non-Compliances to the Competent Authority and keep a record.	Within 30 days after audit
34	Any portion of the Site which has been constructed or developed according to condition 4 of this Licence may be used for the storage, sorting, recovery and disposal of general waste	The site has been allocated for the purpose of storage, sorting and recovery of general waste for waste pickers, however the site is not constructed and the fence that demarcates the area is broken.	Where the site development may impact on the type of waste received, proper applications must be made with authorities	Repair fence surrounding recovery area	4 th Quarter

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

36	The Licence Holder must take all reasonable steps such as suitable zoning and/or written agreements with the adjacent landowners, to establish and maintain a nun built area or buffer zone of 500meters between the site and the nearest residential and/or light industrial areas during the operative life of the site. Heavy industries or industry ,which may create nuisance conditions, maybe Licenced within the buffer zone in terms of appropriate legislation	There are not any light industrial or residential area within 500m of the site. However squatter camps were observed encroaching buffer zone next to the nearest residential area (Tokologo).	The Licence Holder must prevent encroachment of the buffer zone from any development.	Report the informal settlement to the human settlement and town planning department Include the encroachment of the buffer zone by the informal settlement on Municipal Risk Register	1st Quater 2nd Quater
38	Run-off referred to in condition 4.5 must comply with the quality requirements of the General standards, as published in Government Notice 991 of 18 May 1984, or with such quality requirements from time	Contaminated run-off waste is directed to the contaminated leachate dam on site. The leachate dam is contaminated with plastic waste and vegetation. Seepage of leachate was observed on site.	A drainage system should be developed to prevent runoff and pollution to the ground.	Upgrade the drainage system to prevent the runoff	4th Quater

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	to time be determined by Minister and must be drained from site in a legal manner		Leachate must be treated As per the permit conditions.		Budget for the treatment of the leachate dam	2027/28 Financial year
39	Be treated to comply with the aforementioned Standard discharged in a legal manner, and/or	Leachate on site is not treated but rather evaporated and used for dust suppression.			Constructs beam to prevent stormwater runoff from entering the leachate dam.	3 rd Quarter
40	Works constructed in compliance with the condition 4.7 must be of such capacity as to accommodate all runoff and leachate which would be expected a result of the estimated maximum precipitation. Such works must, under said rainfall event, maintain a freeboard of half a metre	The leachate dam has the required free board of 0.5 m, but an extension is require.	Leachate pond must have Freeboard of half a meter to prevent overflow and runoffs of leachate.		Monitoring and maintenance of the leachate dam to prevent sudden loss of the freeboard Provision of budget for mechanical evaporator system	Ongoing
40	The site must be constructed in accordance with civil engineering practice to ensure that it remains stable.	Construction of the site was observed to be active however vegetation was also observed on the new cell, which showed that work was completed. No authorization for disposal was issued.	An approval to use new cell to prevent damage to line area should be requested by the municipality.		Municipality to get approval of new cell once the construction has been completed	2027/28 Financial year 4 th Quarter

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

40	The slope of the sides of the Site must be constructed in such a manner that little or no erosion occurs	Slopes of the facility were observed to be very steep in gradient and not compacted, there was evidence of erosion	Slopes must be shaped And compacted in a way that they prevent erosion and landfill collapse.	Waste compaction to be done as per the licence condition	Ongoing
45	The Licence Holder must ensure that litter and mud arising from the activities must be cleared from affected areas outside the Site as soon as practicable	There was no litter. However there was mud outside of the site caused by leachate leaking from the pond. There was waste that has fallen off the slope an also waste (litter) in the evaporation pond	Licence Holder should ensure that the waste and litter are cleaned. Regular inspection of litter and mud arising should be implemented with immediate effect.	Litter picking and waste clearing to be done on daily basis. Stabilize and clear standing water to prevent mud Regular grading and sloping of the working phase and the road	Ongoing Ongoing Ongoing
46	Specific area must be demarcated for fuelling and workshop services and such area must be banded to reduce the possibility of soil and water contamination	There is an area that is demarcated for fuelling and workshop services however the area is not banded.	The workshop should be banded to avoid possibility of soil and water contamination with immediate effect. Avoid spillage of oil and other chemicals.	Provide spill kits and absorbents for the immediate response to leaks.	Ongoing 2 nd Quarter
48	The Licence Holder must ensure that the Site is operated in such a manner that nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards are prevented	The facility is partially operated in a manner that complies to some of the licence conditions.	Waste is being compacted but the litter falling down from the slope needs to be addressed	Litter picking and compaction to be done on daily basis	Ongoing

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

48	Access to the site must be from 07H00 – 18H00 Monday to Saturdays and from 09H00 – 16H00 Sundays and Public Holidays	The site is not operated within the stipulated time intervals on Sundays and Public holidays.	The Licence Holder is advised to amend the time intervals for Sundays and public holidays with the competent authority.	Request for the amendment of the operation time to be included on the licence review process	3 rd Quarter
49	The Licence Holder must ensure the health and safety of workers and employees on Site, in terms of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993)	The facility is operated by the Municipality, and no safety file was provided.	The Licence holder must compile a safety file. Ensure that the operator of the site does hold meetings, and safety talks on health and safety.	Safety file to be developed by the inhouse safety officer.	2 nd Quarter
52	All runoff water (storm water) arising as a result of precipitation on land adjacent to the Site must be prevented from entering the Site and must be diverted and drained from the Site, by means of works constructed by the Licence Holder in accordance with condition 4	There is a storm water system that prevent the run off from entering the site However stormwater was observed adjacent to the working cell.	Storm water drainage system must be improved.	Improve drainage system to prevent runoff from entering the site.	4 th Quarter
55	All records required or resulting from activities required by this Licence must: a) be legible	Not all records required for the compilation of this external audit were made available by the Licence Holder.	All records should be made available to the external auditor upon request.	Develop document management system to ensure that all documents required by the external auditor are filed and made available when requested	3 rd Quarter

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	b) be made as soon as reasonably practicable and should form part of the external audit report; c) if amendments, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable and d) be retained in accordance with documented procedures which are approved by the Department.				
56	Copies of the safe disposal certificates of the waste disposed of at a licenced waste disposal Site must be forwarded to the Competent Authority on an annual basis.	No proof of safe disposal certificates of waste disposed was forwarded to the Competent Authority.	The Licence Holder must record and submit copies of certificates as per the requirement	Copies of the certificate to be submitted to the competent authority as required.	4th Quarter
57	The Licence Holder must, within 24 hours, notify the Competent Authority of the occurrence or detection of any incident on the Site,	The Competent Authority was not informed of incidents or detections that has potential to cause water pollution as it was observed on the leachate ponds.	All incidents and accidents must be reported to the Regional Director within 24 hours as mentioned in the condition.	Develop an incident register, record all incidents and report to the regional director within 24 hours of occurrence.	1st Quarter and Ongoing

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	which has the potential to cause, or has caused water pollution				
62	Licence Holder must initiate a public participation process which must include at least public meeting and continuous consultations with all Interested and Affected Parties. The proceedings of all meetings and consultations must be recorded and minutes be forwarded to the Competent Authority.	The Licence Holder has continuous consultations with all interested and Affected Parties through monthly meetings and landfill site committee; however, the minutes are not forwarded to the Competent Authority.	The minutes should be taken and forwarded to the Competent Authority as required.	Submit all meeting minutes to the competent authority	Quarterly
65	The Licence is valid for period of 10 years and the Licence Holder must initiate a Licence review process 5 years from audit reports and or changing legislation, the Licence could be amended or withdrawn or validity thereof extended	The Licence Holder must note the validity period of the licence lapses on the 17 March 2024. The licence submitted for this audit has expired and the municipality indicated that they were in a process of obtaining a new operating licence. The municipality has requested for a new licence	A review of the Licence should be considered in line with the recommendations of the letter dated 4th of December 2025 from competent authority	Commence with the review process for the renewal of the site.	1 st Quarter

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

NON-COMPLIANT CONDITIONS

Audit report page number	Condition	Finding	Audit Recommendations	Action	Due date
33	The Licence Holder must maintain and implement an emergency preparedness plan, review it after each emergency and/or major accident and annually when conducting an audit. The plan must among others include: a) Vehicle/machinery fire and malfunction b) natural disaster such as flood c) industrial action d) contact details of police ambulance and any emergency centre closer to the Site e) site fires	Safety file of the facility was not presented to the audit or with details as required by the licence conditions.	It is recommended that the Licence Holder maintain and implement an emergency preparedness plan in line with the Licence conditions as the site is currently operated by the Municipality.	Develop and maintain a safety file and an emergency preparedness plan	1 st Quarter

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

33	Waste on site must not be allowed to burn and suitable measures must be implemented to prevent fires which might occur	During the audit there was evidence of smoke at bottom of the slope next to the recycling area which indicates that there was a fire	Burning of waste outside the site should not be allowed and fires should be prevented	Compact and cover waste on daily basis as per licence condition. Regular site monitoring for fires and extinguish all active fires immediately.	Ongoing Ongoing
37	Works must be constructed and maintained at continuous basis by the License Holder to divert and drain from the site in a legal manner, all run-off water arising on land adjacent to the Site, which could be expected as result of the estimated maximum precipitation during a period of 24 hours with an average frequency of once in fifty years (hereinafter referred to as the "estimated maximum precipitation") such works must, under the said rainfall event,	Borrow pit for cover material next to the new cell development area was observed to be full of storm water. Storm water drains on site are not properly constructed and is full of litter. There is no free board of half a meter	Storm water drains Should be constructed properly and the drainage should be made free of litter. A freeboard of half a meter must be maintained. Water must be properly channelled.	Upgrade the drainage system to prevent the runoff Constructs beam to prevent stormwater runoff from entering the leachate dam. Monitoring and maintenance of the leachate dam to prevent sudden loss of the freeboard Provision of budget for mechanical evaporator system	4 th Quarter 3 rd Quarter Ongoing 2027/28 Financial year

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

	maintain a freeboard of the half meter				Budget for the treatment of the leachate dam Monitoring and cleaning of the leachate dam. Clearing of vegetation	2027/28 Financial year Weekly Monthly
38	Works must be constructed and maintained at continuous basis by the Licence Holder to divert from the working face of the site and drain from the Site in a legal manner, all run-off water rising on the site, which could be expected as result of the estimated maximum precipitation and prevent such runoff of water from coming with leachate from the Site. Such works must, under said rainfall event, maintain the freeboard of the half a meter	There is plastic litter and growing vegetation in the leachate pond. There is still no freeboard of half a meter on the leachate dam. There was also evidence of runoffs to the nearest stream and creating mud outside the site.	The leachate dam must be cleaned, treated and frequently drained and be used for dust suppression around the site.			
40	The maximum height of the site above ground level must not exceed seven meters above ground height	The working face height has exceeded 7 meters.	The municipality should apply for height extension or start making use of the new cell developed.	Apply for height extension during the review process		2 nd Quarter

Audit Action Plan to address Middelburg Landfill site External Audit Finding
20 July 2026

46	Any waste handled on Site must not be allowed to burn and suitable measures must be implemented to prevent fires on the Site extinguish fires which may occur	There was a fire observed at the bottom of the slope facing the recycling area.	Fires observed should be put off using an extinguisher. Reclaimers should be monitored and given instructions to not burn waste on the site.	Ensure daily compaction of waste to prevent fires from occurring and regular monitoring of fires. Include fire awareness as part of toolbox talks for the reclaimers and landfill site personnel Equip site with fire extinguish equipment.	Ongoing Ongoing 2 nd Quarter
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Conclusion

While the DARLEA no compliance notice and External audit of the Middelburg landfill site highlights critical areas requiring urgent operational and infrastructural improvement, the-set action plan provides a clear, structured path to achieve compliance. By committing to these prioritized corrective measures, fixed target dates, and continuous monitoring, the Steve Tshwete Local Municipality can mitigate environmental risks, protect surrounding natural resources, and restore sustainable waste management standards at the site.