



Western Cape
Government
Environmental Affairs and
Development Planning

BETTER TOGETHER.

DIRECTORATE: WASTE MANAGEMENT
ETIENNE ROUX

Etienne.Roux@westerncape.gov.za

REFERENCE: 19/2/5/4/B3/14/WL0042/18

The Municipal Manager
Drakenstein Local Municipality
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For attention: Mr Thys Serfontein

OF THE WASTE MANAGEMENT LICENCE FOR THE CLOSURE OF THE GOUDA WASTE DISPOSAL FACILITY, FARM NO. 585, GOUDA

WASTE MANAGEMENT LICENCE

A. DECISION

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereafter "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby vary and replace the existing Waste Management Licence (WML) (Licence No.: 19/2/5/1/B3/14/WL0031/14) issued by the Department on 29 September 2014, and issue this WML (hereafter "the Licence") to the abovementioned Licence Holder for the closure of the Gouda WDF (hereafter "the Facility") on Farm No. 585, Gouda.

B. DESCRIPTION OF THE ACTIVITY:

The activities for the decommissioning for this 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 Department of Water and Sanitation (DWS)) (referred to as "Minimum Requirements"), will entail, but not be limited to the following:

- (a) Remedial design to address identified problem areas;
- (b) Final shaping, landscaping and re-vegetation;
- (c) Final landfill cover or capping design;
- (d) Construct the capping layer to minimum quality and thickness;
- (e) Permanent storm water diversion measures, run-off control and anti-erosion measures; and
- (f) Any infrastructure relating to the End-use Plan.

The following activity listed in the NEM:WA "*List of waste management activities that have, or are likely to have a detrimental effect on the environment*", GN No. 921 of 29 November 2013, is hereby authorised:

Category A

- 3 (14) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

The granting of this Waste Management Licence is subject to compliance with the conditions set out in Section C.

In this Licence, "Director" means the Director: Waste Management of the Western Cape Department of Environmental Affairs and Development Planning, who may be contacted at the address below:

Director: Waste Management
Department of Environmental Affairs and Development Planning
Private Bag X 9086
CAPE TOWN
8000

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the National 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. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/B3/14/WL0042/18
WASTE APPLICATION: DECOMMISSIONING OF THE GOUDA WASTE DISPOSAL FACILITY
LOCATION: FARM TULBACH NO. 585, GOUDA
LICENCE HOLDER: DRAKENSTEIN MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/
OFFICER
ADDRESS: PO BOX 1, PAARL, 7620

1 LOCATION

- 1.1 This Licence authorises the Drakenstein Local Municipality to decommission the Facility on Farm Tulbach No. 585, Gouda.
- 1.2 The location of the entrance of the Facility must be according to co-ordinates indicated on the WML Application Form dated January 2014 and WML Application Additional Information Annexure dated May 2014, submitted by the Licence Holder, which is defined as follows:

Location of entrance of the Facility:

Latitude (S)	Longitude (E)
33°17'55.6"	19°01'32.6"

- 1.3 The location of the Facility must be according to co-ordinates indicated on the WML Application Form dated January 2014 and Waste Management Licence Application Additional Information Annexure dated May 2014 submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility:

Corner numbers	Latitude (S)	Longitude (E)
1	33°17'58.54"	19°1'32.99"
2	33°17'55.16"	19°1'30.63"
3	33°17'53.35"	19°1'34.92"
4	33°17'56.10"	19°1'35.69"
5	33°17'55.92"	19°1'33.44"

- 1.4 The footprint of the Facility and its associated infrastructure is 8 267 m².
- 1.5 The Surveyor General 21 Digit Code of the Facility is: C07500010000058500000

2. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER/ENVIRONMENTAL CONTROL OFFICER

- 2.1 The waste management activities that are authorised by this Licence, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them
- 2.2 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 Licence and Environmental Management Programme (EMPr) dated 14 May 2014, prior to any construction activities being undertaken on the Facility. The WMCO/ECO must:
 - 2.1.1 report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Director through the means reasonably available;
 - 2.1.2 monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs; and
 - 2.1.3 submit a declaration to the Director upon completion of the construction works that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.

3. GENERAL MANAGEMENT

- 3.1 The draft EMPr for the closure of the Facility dated 14 May 2014, submitted as part of the final Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.2 An application for the amendment to the EMPr must be submitted to the Director if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Director.
- 3.3 The closure and rehabilitation of the Facility must be managed by a fit and proper person who is competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 3.4 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it. This must be kept at or near the place where those duties will be carried out.
- 3.5 The Licence Holder must ensure that the intended after-use of the Facility is properly implemented and that the landscaping of the Facility, the drainage system and vegetation form part of the development to ensure the successful implementation of the intended after-use.
- 3.6 A copy of this Licence and the EMPr must be kept at or near the Facility where the waste listed activity will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 3.7 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

4. **DECOMMISSION PHASE**

- 4.1 The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Director for approval, 90 (ninety) days prior to construction for decommissioning of the Facility.
- 4.2 An alien invasive plant management programme must be established at the Facility.
- 4.3 Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 4.4 The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 4.5 The Facility, or any portion thereof must be covered and the Facility must be maintained in such a way that:
 - 4.5.1 the formation of pools due to rain is prevented;
 - 4.5.2 free surface runoff of rain-water is ensured;
 - 4.5.3 contamination of storm water is prevented;
 - 4.5.4 no objects or material which may hamper the rehabilitation of the Facility are present; and
 - 4.5.5 little or no erosion occurs.
- 4.6 The slope of the sides of the Facility must be constructed and maintained in such a manner that the occurrence of erosion is prevented.
- 4.7 The leachate collection tank, which must contain all leachate from the Facility, must be installed and monitored for 18 (eighteen) months as indicated in the EMPr.
- 4.8 Sporadic leachate from the Facility may only be discharged into any convenient sewer, if available, and if accepted by the authority responsible for that sewer.
- 4.9 Any development which occurs within the 1:100 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) (NWA).
- 4.10 Works constructed in compliance with Condition 4 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate:
 - 4.10.1 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 once in the fifty years; and
 - 4.10.2 all expected leachate.
- 4.11 Works constructed in compliance with Condition 4.10 must, on a continuous basis, be properly maintained.
- 4.12 All runoff water (storm water) arising as a result of precipitation on land adjacent to the Facility, must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with Condition 4.
- 4.13 Stormwater leaving the Facility shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled at the Facility.
- 4.14 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.

5. **FACILITY SECURITY AND ACCESS CONTROL**

- 5.1 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 5.2 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of 1.8m and a gate with the same height.
- 5.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs at the Facility.
- 5.4 The Licence Holder shall ensure effective access control.

6. **IMPACT MANAGEMENT**

- 6.1 The Licence Holder shall retain the responsibility for the Facility, and its monitoring after decommissioning of the Facility is according to the Minimum Requirements and any relevant Norms and Standards that may replace the Minimum Requirements.
- 6.2 The presence of any nuisances such as flies, exposed waste, and bad odours must be prevented and monitored every 6 (six) months and the monitoring results kept in terms of Condition 13.
- 6.3 Any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Department and record it in terms of Conditions 13 and 14.

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 on the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 7.2 Should the investigation carried out as per Condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

8. **MONITORING METHODS AND PARAMETERS**

- 8.1 The Licence Holder shall carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008), to analyse the samples taken under the monitoring programmes specified in Condition 9.
- 8.2 The Licence 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 to be used is at least equivalent to the SABS method.
- 8.3 A monitoring report done by a geohydrologist should be compiled at the end of the 18 (eighteen) months, using monitoring data collected. This report will then be evaluated to determine whether future monitoring may be needed.
- 8.4 In the event of contamination/pollution being found, the DWS should be notified as soon as possible and a remediation plan be provided for approval. Potential receptors are to be identified immediately and action taken to ensure that there is no health risk.

9. MONITORING

9.1 WATER QUALITY MONITORING

- 9.1.1 The Licence Holder must establish and maintain a ground water monitoring borehole network with at least one upstream and one downstream borehole, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 9.1.2 Monitoring boreholes must be equipped with lockable caps. The Director and Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 9.1.3 The details of the boreholes should be provided to the DWS. This should include the depth, diameter, coordinates, lithological logs (geology), water strikes, groundwater level, construction details, field Electrical conductivity, pH, etc.
- 9.1.4 The area of the landfill Facility should be capped in such a way that it would limit the formation of leachate, and control the flow of storm water in such a way that it would minimise the possibility of contamination to groundwater.
- 9.1.5 The groundwater monitoring programme should include both the water quality and water level monitoring.
- 9.1.6 Water levels should be measured at least monthly and the readings recorded against time and date.
- 9.1.7 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.

9.2 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 9.5 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 and/or Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in Condition 9.3, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme until such time that the variable is within acceptable limits.

9.5 **POST-CLOSURE MONITORING**

- 9.5.1 Groundwater monitoring by the Licence Holder, in accordance with Condition 9.3 or 9.4, 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.

9.6 **FURTHER INVESTIGATION**

- 9.6.1 If, in the opinion of the Director: RPW, groundwater, surface water and/or air pollution have occurred or may possibly occur, the Licence Holder shall conduct the necessary investigations and implement additional monitoring and rehabilitation measures, which shall be to the satisfaction of the Director: RPW.

10. **AUDITING**

10.1 **INTERNAL AUDITS**

- 10.1.1 Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in Condition 10.2.1 and the Director within 30 (thirty) days of the date the audit was conducted, if requested.

10.2 **EXTERNAL AUDITS**

- 10.2.1 The Licence 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, which must be submitted by the Licence Holder to the Director.
- 10.2.2 The audit report must:
- 10.2.2.1 specifically state whether the conditions of this licence are being adhered to;
 - 10.2.2.2 include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment;
 - 10.2.2.3 specify target dates for the implementation of the recommendations to achieve compliance; and
 - 10.2.2.4 specify whether the corrective action taken after the previous audits was adequate.
- 10.3 The external audit report must be submitted to the 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.
- 10.4 Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 10.5 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 and 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.

- 11.2 The Licence 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.
- 11.3 The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

12 **MONITORING COMMITTEE**

- 12.1 The Licence 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.
- 12.2 The Monitoring Committee shall be representative of relevant interested and affected parties (I&APs) and may consist of at least 3 (three) of the following representatives:
 - 12.2.1 Licence Holder and/or his/her 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 I&APs of each meeting.
- 12.3 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 10.2.1, and submitted in terms of Condition 10.3.
- 12.4 The Licence 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.

13. **RECORD KEEPING**

- 13.1 The Licence 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 Licence must:
 - 13.2.1 be legible;
 - 13.2.2 be made available and should form part of any audit report;
 - 13.2.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 13.2.4 be retained in accordance with documented procedures which are approved by the Department; and
 - 13.2.5 be made available upon the request of the Director and/or the Director: RPW.
- 13.3 The Licence Holder shall record all borehole data and chemical analysis in a format agreed upon in writing between the Director: RPW, the Licence Holder, and a relevant specialist if so required.
- 13.4 The Licence 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), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>, as required by the Department.

14. **REPORTING**

- 14.1 The Licence 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.
- 14.2 The Licence Holder must, within 14 (fourteen) days, or a shorter period of time, if 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, 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 to address impacts caused by the incident referred to in Condition 14.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 14.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 14.5 The Licence Holder or duly appointed person must keep an incident report and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 14.6 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.
- 14.7 The Department must be notified within 14 (fourteen) days of the following changes:
- 14.7.1 Licence Holder's trading name, registered name or registered office address;
 - 14.7.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 14.7.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 14.8 The Department must be notified without delay in the case of the following:
- 14.8.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - 14.8.2 the breach of conditions of this licence; and
 - 14.8.3 any significant adverse environmental and health effects.
- 14.9 Prior written notification must be given to the Director of the following events and within the specified timeframes:
- 14.9.1 as soon as practicable prior to the permanent cessation of any operational activities;
 - 14.9.2 full or partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
 - 14.9.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under 14.9.1 above.

14.10 All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

15. **LEASING AND ALIENATION OF THE FACILITY**

15.1 Should the Licence 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 subsequent Licence Holder shall remain liable to compliance with all Licence conditions.

16. **TRANSFER OF MANAGEMENT LICENCE**

16.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM:WA, 2008.

16.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.

17. **COMMENCEMENT**

17.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.

17.2 Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorised activities, he/she may not commence with the activities until authorised by the Director in writing.

17.3 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.

17.4 This decommissioning phase must commence before 29 September 2019. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.

17.5 If the proponent anticipates that commencement of the activity would not start before the date stipulated in Condition 17.4, he/ she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to its expiry date.

18. **GENERAL**

18.1 This Licence shall not be transferable unless such transfer is subject to Condition 16 above.

18.2 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.

18.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.

18.4 This Licence is valid until 29 September 2024. The licence may be reviewed every 3 (three) years after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.

- 18.5 Should the Licence Holder want to conduct the waste management activity beyond 29 September 2024, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 18.6 Transgression of any condition of this Licence could result in the suspension of the Licence by the Director and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA, 2008.
- 18.7 In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the NWA, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understand the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.

D. APPEAL OF LICENCE

- 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 This appeal and 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 J. de Villiers
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

- 1.6 A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@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 Licence 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: 30-08-2018

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

Email: NoeM@dws.gov.za

Email: MoolmanW@dws.gov.za

ANNEXURE I

REASONS FOR THE DECISION (APPEALABLE)

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

1. The 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".
2. 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".
3. The review and subsequent non-substantive amendment was conducted in order to align the Gouda WML conditions with current waste legislation and replace the existing Licence (Ref: 19/2/5/1/B3/14/WL0031/14), issued by the Department and issue this Licence.

ANNEXURE II

REASONS FOR THE DECISION (NOT APPEALABLE)

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

- (a) The information contained in the Application Form for a Waste Management Licence dated 15 January 2014.
- (b) The BAR dated 14 May 2014, compiled by SRK Consulting (Pty) Ltd, including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto.
- (d) A site visit undertaken by Tanya Faber from this Department on 8 April 2014.
- (e) Relevant information contained in the Departmental information base; and
- (f) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

A summary of the issues which, in the Department's view were of the most significance, are set out below.

Environment

The Facility is located 2 to 3 km from the western edge of the town of Gouda in the Western Cape. The property on which the Facility is located is zoned as Commonage. A drop-off transfer station (with a current capacity lower than 100 m³) is located to the south of the site and the Gouda Waste Water Treatment Works (WWTW) is located to the east of the site. The areas to the north and west of the site comprise agricultural land, mostly used for wheat farming. The drop-off transfer station is entirely fenced and access is regulated. The site is only accessible via an access road leading from the drop-off station.

Deviation

The applicant requested permission for the deviation from Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010, namely the requirement to fix notice boards and place site notice on alternative sites which is hereby granted permission for such deviation, as the Facility is an existing WDF.

ALTERNATIVES

The following alternatives were considered:

Site Alternatives

No site alternatives have been assessed as the Application is for the closure of the existing Facility.

Activity Alternatives

There are no direct activity alternatives as the process will involve the closure of the current Facility.

Design Alternatives

The project will entail the closure of an existing WDF.

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following:

- (a) 40-day I&AP public review and comment period on draft BAR (28 March 2014 to 12 May 2014) A copy of the final BAR was made available at the Gouda Public Library, Malva Street, Gouda.
- (b) Notification sent to registered I&APs via couriered mail on 25 March 2014.
- (c) Engagements were held with several stakeholders between 17 February 2014 and 28 March 2014.
- (d) Advertisements were placed in "Die Burger" and "Paarl Post" on 27 March 2014.
- (e) Fixing of notice board at the entrance to the Gouda drop-off facility which provides access to the Waste Disposal Facility; and
- (f) Submission of the final BAR to the Department in May 2014.

Authorities Consultation:

- (a) Cape Nature; and
- (b) Department of Water Affairs (DWA) regional office, Western Cape.

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities objected to the commencement of the activity. Where possible and relevant, the conditions imposed by Cape Nature and DWA have been included in the Waste Management Licence.

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