



REFERENCE: 14/1/1/E3/4/10/3/L907/17
ENQUIRIES: Ms N Ndlumbini

Denron Quarries
Rietvlei Road
Bitou Business Park
Plettenberg Bay
6600

BY EMAIL

Tel: 044 533 0884

Email: ronald@denron.co.za

Attention: Mr Ronald Derbyshire (Snr)

COMPLIANCE NOTICE

Dear Sir

COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998 IN RESPECT OF A CONTRAVENTION OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

1. The Department's Pre-Compliance Notice dated 11 November 2017 and your representation for the section 24G application dated 07 November 2017 has reference.

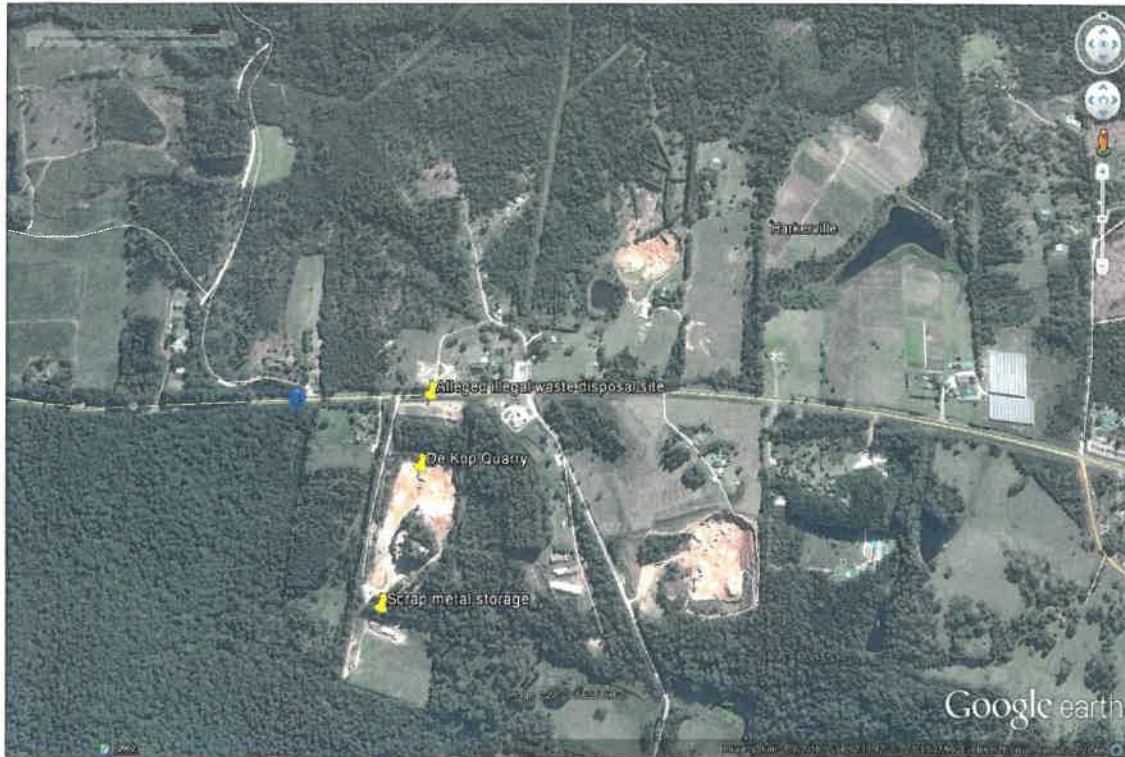
2. Having considered your representation and all the evidence in this matter, I, Dr Eshaam Palmer, in my capacity as an Environmental Management Inspector Grade 1, hereby issues Mr Ronald Derbyshire (Snr) representing Denron Quarries with a Compliance Notice in terms of section 31L of the National Environmental Management Act, 1998 ("NEMA").

3. This Compliance Notice relates to non-compliance with the provisions of Government Notice 921 of 29 November 2013 promulgated in terms of section 19(1) and 20 of the National Environmental Management: Waste Act, 2008 ("NEM: WA")

Details of conduct constituting non-compliance

4. During an investigation into allegations of the commencement of a listed activity in terms of the National Environmental Management: Waste Act, 2008("NEM: WA"), a site inspection was conducted at De Kop Quarry erf 16/422, Harkerville, Knysna by an Environmental Management Inspector from the Department's Directorate: Environmental Law Enforcement on 28 August 2017 and a follow-up site inspection dated 12 April 2018 and it was confirmed that you have commenced with the disposal of building rubble and huge storage of scrap metal without the requisite Waste Management Licence ("WML").

GPS COORDINATES: S 34° '02'14.31."; E23° 13' 23.37"



Aerial map: Location of alleged illegal activity.

5. No activity listed in Government Notice 921 of 29 November 2013 [promulgated in terms of section 19(1) and 20 of the NEM: WA, may commence without a WML from the competent authority.
6. On considering the evidence before me there are reasonable grounds to believe that you have commenced the following activity without WML:

Category A.

Activity no. (2):

The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area in excess of 1000m².

Activity no. (9):

The disposal of inert waste to land in excess of 25 tons but not exceeding 25000 tons, excluding the disposal of such waste for the purposes of levelling and building which has been authorised by or under other legislation.

Activity no. (10):

The disposal of general waste to land covering an area of more than 50m² but less than 200m² and with a total capacity not exceeding 25000 tons.

Category B

Activity no. (7):

The disposal of any quantity of hazardous waste to land.



Photo1: Illegal dumping of building rubble and soil



Photo2: Far view of the area used for illegal dumping of building rubble and soil



Photo3: Far view of the illegal storage of scrap metal waste



Photo4: Close view of the illegal storage of waste at De Kop Quarry erf 16/422, Harkeville



Photo5: View of the scrap metal waste storage where it starts there's stream running through the property



Photo6: Close view of the stream

7. **You are hereby directed to:**

- 7.1 immediately cease the above listed activities;
- 7.2 submit to the Department within **30 (thirty) calendar days** of receipt of this Compliance Notice a report compiled by a suitably qualified and experienced independent environmental assessment practitioner, which must include the following:
 - 7.2.1 assessment and evaluation of the impact on the environment;
 - 7.2.2 identification of proposed remedial and/or mitigation measures;
 - 7.2.3 you must comply with the National Norms and Standards for Storage of Waste promulgated in Government Notice No. 926 of 29 November 2013 if you wish to continue storing scrap metal above the thresholds 100m³ of general waste (non-hazardous metals) and/or 80m³ for hazardous waste (hazardous metals/alloys), for longer than 90 days;

- 7.2.4 if the volumes/are less than these thresholds, you must adhere to section 28 of the NEMA (duty of care); and
- 7.2.5 the quarry must advise on what the 'miscellaneous scrap' consist of.

- 8. Approval of the report by the Department does not remedy the unlawful commencement of the above activities, which remain unlawful in terms of section 67(1)(a) of the NEM: WA.
- 9. You may apply to the Department in terms of section 24G of the NEMA, on the prescribed form, to continue a listed activity.

Procedure for lodging an objection to this Compliance Notice (section 31L and 31M of NEMA)

- 10. If you would like to vary this Compliance Notice or extend the period to which it relates, you may make representations to me, in writing, to do so.
- 11. If you wish to lodge an objection to this Compliance Notice, you may do so by making representations, in writing, to the Provincial Minister of Environmental Affairs and Development Planning ("the Minister") within 30 days of receipt of this Compliance Notice.
- 12. You may also make representations, in writing, to the Minister to suspend the operation of this Compliance Notice pending finalisation of the objection.
- 13. The objection must be in writing and forwarded to the Appeal Administrator, Mr Jaap de Villiers at the contact details below and must be accompanied by a statement detailing the grounds of the objection and supporting documentation, if any.

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

Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: Jaap.DeVilliers@westerncape.gov.za

14. Irrespective of any representations you may make to me or to the Minister, you must comply with this Compliance Notice within the time period stated in the Compliance Notice unless the Minister agrees to suspend the operation of this Compliance Notice.

Failure to comply with this Compliance Notice (section 31N of the NEMA) and related offences in terms of the respective legislation

15. In terms of section 67(1) (a) of the NEM: WA it is an offence to commence a listed activity without a WML. A person convicted of the above offence is liable to a penalty of a maximum fine of R10 million or 10 years imprisonment or both such fine and such imprisonment.
16. Furthermore, failure to comply with a Compliance Notice is an offence in terms of section 49A(1)(k). A person convicted of such an offence is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

17. Any non-compliance will be reported to the Minister, who may:

- 17.1 revoke any authorisation to which this Compliance Notice relates; and/or
- 17.2 take any steps necessary to ensure compliance with the provisions of the law or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.
- 17.3 on your behalf, take any steps necessary to ensure compliance with the provisions of the law, permit or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.



Dr E Palmer

Director: Environmental Law Enforcement

Grade 1 Environmental Management Inspector

Date: 23/4/2018

Cc: Ronald Derbyshire Jnr (Denron Quarries Manager), email: ronald@denronquarries.co.za
