



M 3/6/5

Ms A America
The Municipal Manager
Prince Albert Municipality
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PRINCE ALBERT
6930

e-mail: ashley@pamun.gov.za

Dear Ms America

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, AGAINST THE VARIATION OF THE WASTE MANAGEMENT PERMIT CONDITIONS OF THE PRINCE ALBERT WASTE DISPOSAL FACILITY ON ERVEN 1588 AND 1589, PRINCE ALBERT

The appeal lodged against the variation Waste Management Permit ("WMP") issued by the Department of Environmental Affairs and Development Planning for the Prince Albert Waste Disposal Facility on Erven 1588 and 1589, Prince Albert ("the property"), refers.

After careful consideration of the appeal, as well as supporting documentation received, I have decided to confirm the decision of the delegated competent authority in terms of section 43(6) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA").

Kindly ensure that you comply with all the conditions of the variation Waste Management Permit granted to the municipality on 31 August 2018.

The reasons for the confirmation of the aforementioned decision of the delegated officer are contained in the attached letter to the appellant.

Yours faithfully



ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 8/19/2019

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M 3/6/5

Dr S J Dean
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6930

e-mail: WkiConsResOrg@gmail.com

Dear Dr Dean

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After careful consideration of the appeal, as well as supporting documentation received, I have decided to confirm the decision of the delegated competent authority in terms of section 43(6) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA").

The reasons for the confirmation of the aforementioned decision of the delegated officer are listed below and includes responses to the issues you have raised.

1. REASONS FOR THE DECISION

The following are reasons to confirm the variation Waste Management Permit ("WMP") issued by the Delegated Competent Authority:

1.1 *The variation WMP will allow the facility to operate for an additional three (3) years.*

The WMP clearly stipulates that "18.3 This permit is valid until the Facility reaches a maximum height above ground level of 2 (two) meters." Same applies per the original ECA permit which

states that "3.10 The maximum height of the Site above ground level shall not exceed 2 meters."

The lifespan of the facility can only be extended through the efficient use of available airspace or by means of a new application.

- 1.2 *Plastic, polystyrene, feral animals (dogs and cats) and people move across the boundary from the landfill site into the nature reserve.*

No windblown waste was visible at the time the site inspection was conducted but it will form part of the investigation to be undertaken by the Directorate: Environmental Law Enforcement. It should be noted that windblown waste is not addressed in the ECA permit.

- 1.3 *The nature reserve owners were not consulted on the variation WMP application and permit extension.*

The variation WMP formed part of a review and variation of the permits of waste disposal facilities across the Western Cape in order to align the permit conditions with current waste legislation. The amendments were considered non-substantive. No public participation was therefore required.

- 1.4 *The Municipality has failed to fence the landfill site. The nature reserve paid for and erected a fence on the boundary between the landfill and the reserve.*

At the time of the site inspection, conducted by officials from the Sub-directorate: Environmental Appeals Management the area was fenced. The fencing of the site will, however form part of the compliance inspection to be undertaken by the Directorate: Waste Management.

- 1.5 The Municipality is currently in violation of the following permit conditions:

- a) *No leachate and containment barrier as per condition 4.3. The appeal submitted suspended the operation of the variation WMP, the municipality is not required in terms of the ECA permit to install containment barriers.*

The installation of such containment barriers would also only apply to areas not previously developed by the Municipality.

- b) *The facility shall be fenced. As stated above the reserve erected the fence with assistance from CapeNature. After a fire destroyed the fence poles in October 2014, the cost of replacing the fence were born by CapeNature and the nature reserve.*

The fencing of the site will form part of the compliance inspection to be undertaken by the Directorate: Waste Management.

- c) *The entrance gates are not always locked outside of hours of operation.*

In the event that the gates are not always locked outside of operating hours, the necessary steps will be taken to ensure that the Municipality complies with the condition.

- d) *Prevent nuisance condition of health hazards. There is continual movement of garbage from the landfill to the nature reserve.*

Condition 6.2 of the variation WMP was suspended due to the appeal, a compliance inspection will be undertaken to ensure compliance with the condition as the variation WMP is in force.

- e) *Waste outside the boundaries must be removed on a daily basis and dispose of within the boundaries of the landfill. The garbage is collected by nature reserve staff once a month at a cost to the nature reserve.*

Condition 6.5 of the variation WMP was suspended due to the appeal, a compliance inspection will be undertaken to ensure compliance with the condition as the variation WMP is in force.

- f) *The maximum height of the facility shall not exceed 2m above ground level. The height exceeds that of the 2.5m fence built on the boundary.*

The Directorate: Waste Management compliance inspection will make a determination as to whether the Facility has reached a maximum height above ground level of 2 (two) meters.

- g) *No targets set to recover recyclables.*

Condition 6.11 of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

- h) *Waste must be compacted and covered on a daily basis. This is not done.*

Condition 6.14 of the variation WMP was suspended due to the appeal, a compliance inspection will be undertaken to ensure compliance with the condition as the variation WMP is in force.

- i) *Any complaint from the public must be attended to by the permit holder. Complaints from the nature reserve relating to fencing and littering have never been addressed.*

Condition 6.24 of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force. Non-compliance by the Municipality can also be reported to the Directorate: Environmental Law Enforcement.

- j) *The permit holder must maintain at least one downstream borehole. The nature reserve received no information in this regard.*

Condition 9.1. of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

k) *No background water monitoring has been undertaken as far as the nature reserve is aware.*

Condition 9.2. of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

l) *Findings of external audits shall not be treated as confidential. Such information has never been shared with the nature reserve.*

Condition 10.2. of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

m) *Monitoring committee shall be representative of Interested and Affected Parties ("I&AP's"). The nature reserve is an I&AP and has not received any notice of the annual committee meeting.*

Condition 11 of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

n) The Department must be informed of a breach of permit conditions.

Condition 13.8.2 of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

o) *Has the organic waste diversion plan been submitted within the 90 days of the permit being issued?*

Condition 18.8 of the variation WMP was suspended due to the appeal, the Directorate: Waste Management will ensure compliance with the condition as the variation WMP is in force.

The concerns raised, relate mainly to non-compliance with conditions as contained in the variation WMP. As is clear from the responses above, the variation WMP conditions are more stringent than those in the original ECA permit and will serve in protecting the receiving environment.

Your interest in the future of our environment is appreciated.

Yours faithfully



ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 8/10/2019