



Reference: 19/2/5/4/A6/79/WL0112/23

The City Manager
City of Cape Town
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For attention: Mr. Rustim Keraan

VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE SIMONSTOWN HISTORIC WASTE DISPOSAL FACILITY (WDF), ON ERF 420, SIMONSTOWN.

WASTE MANAGEMENT LICENCE

A. DECISION

I, Lance McBain-Charles, in my capacity as the Acting Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), as amended, hereby vary and replace the existing variation Waste Management Licence (Licence No. 19/2/5/4/A6/79/WL0113/19) of the City of Cape Town (hereinafter referred to as 'the Municipality') for the decommissioning of the Simonstown historic WDF on Erf No. 420, Simonstown, Cape Town (hereinafter referred to as "the Facility").

LICENCE NUMBER: 19/2/5/4/A6/79/WL0112/23

WASTE APPLICATION: DECOMMISSIONING OF THE SIMONS TOWN HISTORIC WASTE DISPOSAL FACILITY

LOCATION: ERF NO. 420, SIMONS TOWN, CAPE TOWN

LICENCE HOLDER: CITY OF CAPE TOWN

CONTACT PERSON: CITY MANAGER AND/OR DESIGNATED WASTE MANAGER

ADDRESS: P.O. BOX 298, CAPE TOWN, 8000

DESCRIPTION OF THE ACTIVITY:

The activity of closure and decommissioning of this Facility as per the "Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry" (DWAF), Second Edition 1998 ("Minimum Requirements") and the requirements of the National Environmental Management Waste Act (59 of 2008) Government Notice R634, R635 and R636 (as amended), for the Facility, will entail but not limited to the following:-

- The Facility, or any portion thereof must be covered and must be maintained in such a way that:-
 - The formation of pools due to rain is prevented;
 - Free surface runoff of rain-water is ensured;
 - Contamination of stormwater is prevented;
 - No objects or material which may hamper the rehabilitation of the Site are present; and
 - Little or no erosion occurs.
- Conduct semi-annual visual inspections of the Facility to monitor waste body cover integrity and erosion, and to rectify if needed which includes collecting and removing any exposed or illegally dumped waste;
- Implement a programme to identify and eradicate any declared weeds and alien invader species at the Facility; and
- Capping of the Facility.

The following activity is identified in GN No. 921 (The list of waste management activities that have, or are likely to have, a detrimental effect on the environment) 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.

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 of the Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

Director: RPW: Western Cape Provincial Operations

Department of Water and Sanitation

Private Bag X16

SANLAMHOF

7532

B. LICENCE CONDITIONS

1. LOCATION

- 1.1 This Licence authorises City of Cape Town to decommission the Facility on Erf No. 420, Simons Town, Cape Town.
- 1.2 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 21 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 Waste Facility

Number of corners	Latitude (S)	Longitude (E)
Corner 1	34° 10' 7.96"	18° 25' 26.26"
Corner 2	34° 10' 6.21"	18° 25' 30.39"
Corner 3	34° 10' 8.16"	18° 25' 33.65"
Corner 4	34° 10' 11.28"	18° 25' 30.49"

- 1.3 Location of property on which Facility is situated:

Latitude (S)	Longitude (E)
34° 10' 8.21"	18° 25' 30.04"

- 1.4 The footprint of the Facility and its associated infrastructure is 17,500m².
- 1.5 The SG 21 Digit code of the Facility is: - C01600540000042000000

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

2.1. 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 (EMP), prior to any major construction / remediation activities being undertaken on Facility. The WMCO/ECO must:

- (a) Report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through the means reasonably available; and

- (b) Monitor the construction / remediation activities to ensure that the layout plans are in accordance with the approved designs and record important findings of the Facility inspection.

3. GENERAL MANAGEMENT

- 3.1. The draft EMP dated March 2014, submitted as part of the final Basic Assessment Report, is hereby approved, and must be implemented together with all the conditions of this Licence.
- 3.2. An application for the amendment to the EMP must be submitted to the Licensing Authority if any further amendments are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the Licensing Authority.
- 3.3. The Licence Holder must ensure that no illegal dumping occurs on any portion of the Site.
- 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, 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 is properly implemented and that cover integrity and erosion is monitored on site and that any declared weeds and alien invader species on the Facility are eradicated to ensure the successful implementation of the intended after-use.
- 3.6. Exposed waste and illegally dumped waste need to be collected and disposed of.
- 3.7. The Licence and EMP 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.
- 3.8. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising.
- 3.9. The Licence Holder must communicate the intended after use of the Closed Facility to the Licensing Authority before any development commences.

4. DECOMMISSION PHASE

- 4.1. Construction for the decommissioning of the Facility must be in accordance with the final Basic Assessment Report: City of Cape Town dated May 2014 prepared by SRK Consulting SA (Pty) Ltd.
- 4.2. The Facility must be capped with an appropriate infiltration control cap comprising out of 200 mm topsoil, 450 mm of compacted clay (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding 10^{-6} cm/sec or have static infiltration less than 0,5 m/year, over a compacted waste body shaped to have a slope between 1v:4h (25%) and 1v:50h (2%). An alternative to the 450 mm Compacted Clay Liner (CCL) of specified performance clay is acceptable in which the 450 mm CCL is replaced with 450 mm random soil compacted fill over a Geosynthetic Clay Layer.

- 4.3. The waste body must be covered with the surrounding indigenous vegetation, if applicable.
- 4.4. The Facility, or any portion thereof must be covered and must be maintained in such a way that: -
 - 4.4.1. The formation of pools due to rain is prevented;
 - 4.4.2. Free surface runoff of rain-water is ensured;
 - 4.4.3. Contamination of stormwater is prevented;
 - 4.4.4. No objects or material which may hamper the rehabilitation of the Site are present; and
 - 4.4.5. Little or no erosion occurs.
- 4.5. The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 4.6. The slopes of the sides of the Facility must be constructed and maintained in such a manner that the occurrence of erosion is prevented.
- 4.7. 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).
- 4.8. Construction within the Site 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).

5. IMPACT MANAGEMENT

- 5.1. Weatherproof, durable, and legible notice must be displayed at an entrance to the Facility in at least 3 (three) official languages applicable to the area. This notice must prohibit illegal dumping on site and must contain the name, address and telephone number of the Licence Holder and the person responsible for the Site, to which any complaints can be made regarding the site.
- 5.2. 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 Condition 12.
- 5.3. The presence of any nuisance such as vectors (flies and vermin), exposed waste, windblown litter, bad odours, etc. must be regularly monitored every 6 (six) months and the monitoring results must be kept in terms of Condition 12.

6. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 6.1. 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.

6.2. Should the investigation carried out as per condition 6.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

7. WATER QUALITY MANAGEMENT

7.1. 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.

7.2. 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.

7.3. Sporadic 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: RPW, to prevent pollution to groundwater –

7.3.1. with the written approval of the Director: RPW be evaporated in lined dams as approved by the Responsible Authority; and/or,

7.3.2. be discharged into any convenient sewer if accepted by the authority in control of the sewer.

8. MONITORING

8.1. Water Quality Monitoring

8.1.1. A monitoring borehole network for the Facility, at least one borehole upstream and one borehole downstream of the Facility must be established and maintained by the Licence Holder so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

8.1.2. Monitoring boreholes must be equipped with lockable caps. The Responsible Authority reserves the right to take water samples at any time and to analyse these samples or have them analysed.

8.1.3. Water quality in the nearby wetland or river must be monitored for Ca, Na, Mg, Fe, K, SO₄, HCO₃, Cl, NH₄, NO₂, NO₃, F, PO₄, Si, as well as physical parameters such as pH, temperature, EC, DO and Redox Potential every six months.

8.1.4. Monitoring for water quality must be conducted:

8.1.4.1. for variables listed in Annexure II – bi-annually (twice a year)

8.1.4.2. for variables listed in Annexure III - annually

or such frequency as may be determined by the Responsible Authority.

8.2. If, in the opinion of the Director: RPW, a water quality variable listed under 8.1.3. or 8.1.4. shows and increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

9. ANALYSIS OF SAMPLES

9.1. Monitoring Methods and Parameters

9.1.1 The Licence Holder must carry out all tests required in terms of this Licence 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).

9.1.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licensing Authority, specifying that the method to be used is at least equivalent to the SABS method.

10. AUDITING

10.1. Internal audits

10.1.1. Internal audits must be conducted annually by the Licence Holder and on each audit occasion an official report must be compiled by the relevant internal auditor to report the findings of the audits, which must be submitted to the Director. The records kept in terms of Condition 12 must also be included in the audit report.

10.2. External audits

10.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility yearly 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 and must comply with Condition 11.2.

10.2.2. All audit reports must:

- 10.2.2.1. Specifically state whether conditions of this Licence are adhered to;
- 10.2.2.2. Include an interpretation of all available data and test results regarding the operation of the Site 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 corrective action which was taken for the previous audit's non conformities was adequate.

11. DEPARTMENTAL AUDITS AND INSPECTIONS

- 11.1. The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director.
- 11.2. The Licence Holder must make any records or documentation available to the Director and Director upon request, as well as any other information the Director may require.
- 11.3. The findings of these audits or inspections must be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

12. RECORD KEEPING

- 12.1. All records required or resulting from activities required by this Licence must:-
 - 12.1.1. Be legible;
 - 12.1.2. Be made available and should form part of the external audit report;
 - 12.1.3. If amended, be amended in such a way that the original and any subsequent
 - 12.1.4. Amendments remain legible and are easily retrievable;
 - 12.1.5. Be retained in accordance with documented procedures which are approved by the Department;
 - 12.1.6 The reports must be in the format required by the Director; and
 - 12.1.7. Be made available to the Department upon the request of the Director.

13. REPORTING

- 13.1. The Licence Holder must, within 24 (twenty four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused any pollution.
- 13.2. The Licence Holder must, within 24 (twenty four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused water pollution.
- 13.3. The Licence Holder must, within 14 (fourteen) days, or as specified by the Director and/or Director from the occurrence or detection of any incident referred to in condition 13.1 and/or 13.2, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by management, to the satisfaction of the Director of measures taken to: –
 - 13.3.1. Correct the impact resulting from the incident;
 - 13.3.2. Prevent the incident from causing any further impact; and
 - 13.3.3. Prevent a recurrence of a similar incident.

- 13.4. 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 conditions 13.1 and/or 13.2, or measures which have been implemented are inadequate, the Director and/or Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 13.5. The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 13.6. The Department must be notified within 14 (fourteen) days of the following changes:-
- 13.6.1. Licence Holder's trading name, registered name or registered office address;
 - 13.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary);
 - 13.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.7. 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.
- 13.8. The Licence Holder must register and report to the Departmental Integrated Pollutant and Waste Information System (IPWIS), if applicable, which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>.

14. OTHER REPORTS

- 14.1. The information required in terms of Condition 8 must be reported to the Director in a yearly report. The information must also be included into a trend report, which must contain a graphical presentation of all results obtained previously at any specific point, as well as an interpretation and discussion of the results of each monitoring occasion.

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 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.

16.3. The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:–

16.3.1. The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including: -

16.3.1. confirmation that the Licence is still in force (i.e. that the validity period has not yet expired or the listed activities were lawfully commenced with);

16.3.1.1. the contact details of the person who will be the new Licence Holder;

16.3.1.2. the reasons for the transfer;

16.3.1.3. an originally signed letter from the proposed new Licence Holder

16.3.1.4. acknowledging the rights and obligations contained in the Licence and

16.3.1.5. indicating that he/she has the ability to implement the mitigation and

16.3.1.6. management measures and comply with the stipulated conditions.

16.3.2. The Licensing Authority will issue an amendment to the new Licence Holder either by way of a new Licence or an addendum to the existing Licence if the transfer is found to be appropriate.

17. COMMENCEMENT

17.1. No construction or rehabilitation activities of this licensed activity may commence within 20 (twenty) days of the date of signature of the Licence.

17.2. Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized 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. The decommissioning phase must commence by **11 August 2028 (five years)**. 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 occur by **11 August 2028**, he/ she must apply and show good cause for an extension of the 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. Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA, 2008.

18.5. 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 National Water Act (Act No. 36 of 1998), 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.

18.6. This Licence is **valid** until **11 August 2033 (ten years)**. The licence may be reviewed at any time. 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.

18.7. Should the Licence Holder want to conduct the waste management activity beyond the validity years, the Licence Holder must apply for a review 1 (one) year before the expiry date.

C. 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 The appeal and the 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 Marius Venter (Tel: 021 483 3721)
Room 809; 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: DEADP.Appeals@westerncape.gov.za

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Marius.Venter@westerncape.gov.za.

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Marius.Venter@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.

Yours faithfully,

Lance McBain-Charles
Acting Director: Waste Management

Date: 2023/08/11

ANNEXURE I

A. 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 received a non-substantive variation application on 3 July 2023 to apply for a postponement of the commencement date, citing that due to other waste management activities requiring funding, the decommissioning of the Simonstown Historic Landfill cannot commence before the required commencement date. Budget allocations are prioritised next to rehabilitate the Belville WDF and Gordons Bay WDF.
2. This licence repeals the previous licence (Ref: 19/2/5/4/A6/79/WL0113/19).
3. In accordance with the Licence condition **17.4 and 18.6**, the Department has also reviewed and updated the Licence and has extended the commencement of decommissioning to **11 August 2028** and the validity of this Licence to **11 August 2033**.

B. 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.

1. The subsequent non-substantive amendment was conducted in order to extend the commencement date for decommissioning of this Facility. This licence repeal the previous licence (Ref: 19/2/5/1/A6/79/WL0038/14).

C. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (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 21 January 2014, compiled by SRK Consulting (Pty) Ltd;
- (b) The Final Basic Assessment Report (BAR) dated 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 ("PPP"), the Applicant and the Environmental Assessment Practitioner's responses thereto;

- (d) A site visit undertaken by Marius Venter from this Department on 1 April 2014;
- (e) Record of Decision by the Department of Water and Sanitation 28 Augustus 2014;
- (f) Relevant information contained in the Departmental information base; and
- (g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998).

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

ENVIRONMENT

The Facility is located on the lower slope of the mountains at the end of Dido Valley, above the coastline between Glencairn and Simons Town.

The Facility is underlain by white sand with finely crushed shell, pebbles and shells originating from beaches. The quaternary sands are underlain by quartzitic sandstone with thin lenses of grit, conglomerate and shale of the Peninsula formation, Table Mountain group.

The nearest surface water feature to the Facility is the mouth of the Else River and its estuarine wetlands at Glencairn, approximately 1 km north of the Facility.

The Facility is located within the area of original extent of a threatened terrestrial ecosystem, namely Endangered Peninsula Sandstone Fynbos, which once occurred all over the southern Cape Peninsula from Kommetjie / Fish Hoek southwards. However, the Facility itself and the areas immediately to the north, east and southeast of the Facility are completely transformed with no natural vegetation remaining. Natural vegetation, including Endangered Peninsula Sandstone Fynbos, occurs to the west and south-west of the Facility.

The Facility now comprises vacant land that is used by local residents as a recreational area / playing field.

DEVIATION

The Applicant requested and was granted deviation the from PPP requirements in terms of Regulation 54(2) of GN No. R. 543 of 18 June 2010. The application is for the formal decommissioning of a waste disposal site that has been closed for more than 30 years and currently comprises vacant land. The requirements to directly notify owners and occupiers of adjacent properties are considered unnecessary. Owners and occupiers of land adjacent to the site will still have an opportunity to participate in the process through site notices and newspaper advertisements.

ALTERNATIVES

Site Alternatives

No site alternatives have been assessed as the activity focuses on the closure of the existing Facility

Activity Alternatives

Compacting, shaping and capping of the waste body according to specifications based on the waste type and/or the waste site classification. The purpose of compacting, shaping and capping of a waste site is to reduce the risk of groundwater contamination through leachate generation, by preventing the ingress of water which percolates through the waste body and generates leachate.

The removal of all waste from site and the disposal at an appropriately designed and construction waste disposal facility, which would entail earthworks and transportation of waste material, require rehabilitation of the excavated waste site area and put additional pressure on existing landfill capacity.

Design Alternatives

No design alternatives were assessed.

Technology Alternatives

No technology alternatives were assessed.

Operational Alternatives

No operational alternatives were assessed.

The No-Go Option

The site is an existing waste disposal facility that has not been operational for several years, but was never formally permitted / licensed in terms of relevant legislation. The current waste management licence application for the formal decommissioning of the site in terms of the NEMA:WA in order to ensure that the site is legally compliant. The No-Go option is not considered a reasonable or feasible alternative, as this would mean that the site would remain unlicensed in contravention of the NEMA:WA and contrary to the principles set out in Chapter 2 of NEMA.

PUBLIC PARTICIPATION

The PPP comprised of the following:-

- (a) Advertisements were placed in the "Fals Bay Echo" and "People's Post" on 27 March 2014;
- (b) Copies of the draft Basic Assessment Reports were sent to CapeNature and Department of Water Affairs on 25 March 2014 and a copy of the draft Basic Assessment Report was sent to the Simons Town Public Library on 26 March 2014.
- (c) Fixing of notice board at the boundary of the Facility was done on 27 March 2014;

- (d) 40-day I&AP Registration and public review and comment period on draft BAR (28 March 2014 to 12 May 2014);
- (e) 21-day commenting period on the final Basic Assessment Report which started on 19 May 2014.

AUTHORITIES CONSULTATION

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

No authorities have objected to the proposed activities. Where possible and relevant, the conditions imposed by these authorities have been included in this Licence insofar as it relates to the environmental aspects of the proposed activities. This Licence is issued only in terms of the waste management legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

_____End_____

ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor:

Alkalinity (P.Alk)

Ammonia (NH₃-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

_____ End _____

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor:

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO₄)

_____End_____