



**REFERENCE:** 19/2/5/4/D3/11/WL0067/18

The Municipal Manager  
Kannaland Local Municipality  
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6655

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**For attention:** Reynold Stevens

**VARIATION WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) FOR THE CLOSURE OF THE VAN WYKSDORP WASTE DISPOSAL FACILITY, FARM NO. 115, AND REMAINDER OF FARM NO. 110, VAN WYKSDORP**

## 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 (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 Waste Management Licence (Licence No. 19/2/5/1/D3/11/WL0014/14) of the Kannaland Local Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the Van Wyksdorp Waste Disposal Facility (WDF) on Farm No. 115, and remainder of Farm No. 110, Van Wyksdorp, Kannaland Municipal Area (hereinafter referred to as "the Facility").

## **B. DESCRIPTION OF THE ACTIVITY**

The activities for decommissioning of a Communal WDF such as this Facility as per the Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry (DWAF, 1998) (Second Edition, referred to as the "Minimum Requirements") for the Facility will entail but not 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 a minimum quality and thickness;
- (e) Permanent storm water diversion measures, runoff control and anti-erosion measures; and
- (f) Any infrastructure relating to the End-use Plan.

The following activities have been identified in Government Notice 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 are 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 the event of constructing and operating a Drop-off facility on the aforementioned facility, the following waste management activities in Category C may be triggered if the volumes are exceeded.

### Category C

5(1) The storage of general waste at a facility that has the capacity to store in excess of 100m<sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.

5(2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m<sup>3</sup> of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.

5(3) The storage of waste tyres in a storage area exceeding 500m<sup>2</sup>.

Should these volumes be exceeded then it would be required for the applicant to comply with the NEM:WA, "National Norms and Standards for Storage of Waste", Government Notice No. 926 of 29 November 2013 (GN No. 926).

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

Provincial Head: Western Cape Provincial Operations  
Department of Water and Sanitation  
Private Bag X16  
SANLAMHOF  
7532

### C. LICENCE CONDITIONS

<b>LICENCE NUMBER:</b>	19/2/5/4/D3/11/WL0067/18
<b>WASTE APPLICATION:</b>	DECOMMISSIONING OF THE VAN WYKSDORP WASTE DISPOSAL FACILITY
<b>CLASS:</b>	Class B (G:C:B <sup>-</sup> )
<b>LOCATION:</b>	FARM NO. 115, AND REMAINDER OF FARM NO. 110, VAN WYKSDORP
<b>LICENCE HOLDER:</b>	KANNALAND LOCAL MUNICIPALITY
<b>CONTACT PERSON:</b>	THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
<b>ADDRESS:</b>	PRIVATE BAG 30, LADISMITH, 6655

### 1. LOCATION

- 1.1. This Licence authorises the Kannaland Local Municipality to decommission the Facility on Farm No. 115, and remainder of Farm No. 110, Van Wyksdorp.
- 1.2. Location of entrance to the property, on which the Facility is situated, is as follows:

Latitude	Longitude
33°44'25.62"S	21°27'45.08"E
33°44'22.55"S	21°27'41.54"E

- 1.3. The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 20 March 2014 and Waste Management Licence Application Additional Information Annexure dated 20 March 2014 submitted by the Licence Holder, which is defined as follows:

Numbered corners	Latitude	Longitude
1	33°44'27.20"S	21°27'44.24"E
2	33°44'25.00"S	21°27'49.70"E
3	33°44'21.00"S	21°27'44.89"E
4	33°44'21.78"S	21°27'42.61"E
5	33°44'21.55"S	21°27'40.09"E
6	33°44'24.10"S	21°27'38.13"E
7	33°44'25.25"S	21°27'41.65"E
8	33°44'25.21"S	21°27'42.71"E

- 1.4. The footprint of the Facility and its associated infrastructure is approximately 29 720m<sup>2</sup>.
- 1.5. The Surveyor General 21 Digit codes of the Facility are as follows:  
C04200020000011000000 and C04200020000011500000.

## **2. PERMISSIBLE WASTE**

- 2.1. Any portion of the Facility which has been constructed or developed according to condition 5 of this Licence, may be used for the disposal, recovery and sorting of general waste. Only waste that is classified as general waste, according to the NEM:WA, or any current and future Norms and Standards developed by the Department, is permitted.
- 2.2. If more than 80m<sup>3</sup> of hazardous waste is going to be stored at the Facility, registration in terms of GN No. 926 must be completed and the waste must be stored in accordance with the GN No. 926.
- 2.3. The Licence Holder must take all reasonable steps to ensure that:
  - 2.3.1. no hazardous waste; and
  - 2.3.2. no health care waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007, (Act No. 7 of 2007), be disposed of at the Facility.
- 2.4. The Licence Holder must prevent the acceptance of any waste not authorised at the Facility
- 2.5. All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.

## **3. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER/ENVIRONMENTAL CONTROL OFFICER**

- 3.1. 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.
- 3.2. A Waste Management Control Officer ("WMCO") or 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 22 March 2014.

The WMCO/ ECO must:

- 3.2.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through means reasonably available;
- 3.2.2. identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and
- 3.2.3. monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

## **4. MANAGEMENT**

- 4.1. General Management
  - 4.1.1. The EMP for the decommissioning of the Facility submitted as part of the final Basic Assessment Report (dated 1 April 2014), is hereby approved and must be implemented together with all the conditions of this Licence.
  - 4.1.2. 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.

- 4.1.3. 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.
- 4.1.4. 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.
- 4.1.5. A copy of this Licence and the EMP must be kept at the Facility where the waste listed activity will be undertaken. 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 who works or undertakes work at the Facility.
- 4.1.6. The Licence Holder must remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

## **5. DECOMMISSION PHASE**

- 5.1. The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Licensing Authority for approval, 90 (ninety) days prior to construction for decommissioning of the Facility.
- 5.2. Construction for the decommissioning of the Facility must also be in accordance with the proposed Closure Report for the Facility in the EMP and final BAR as prepared by AECOM dated 1 April 2014.
- 5.3. The Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil, 450mm of compacted clay Layer (CCL) (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding 10<sup>-6</sup>cm/sec or have static infiltration less than 0,5m/year, over a compacted waste body shaped to have a slope between 1v:4h (25%) and 1v:50h (2%). An alternative to the 450mm CCL of specified performance clay is acceptable in which the 450 mm CCL is replaced with 450mm random soil compacted fill over a Geosynthetic Clay Layer.
- 5.4. 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).
- 5.5. The waste body must be covered with the surrounding indigenous vegetation.
- 5.6. The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 5.7. The slopes of the sides of the Facility must be constructed and maintained in such a manner the occurrence of erosion is prevented, which must be in accordance with Condition 5.6.
- 5.8. The Facility, or any portion thereof must be covered and must be maintained in such a way that: –
  - 5.8.1. The formation of pools due to rain is prevented;
  - 5.8.2. Free surface runoff of rain-water is ensured;
  - 5.8.3. Contamination of stormwater is prevented;
  - 5.8.4. No objects or material which may hamper the rehabilitation of the Site are present; and
  - 5.8.5. Little or no erosion occurs.

- 5.9. 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).

## **6. IMPACT MANAGEMENT**

### **6.1. Facility Security and Access Control**

- 6.1.1. 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.
- 6.1.2. 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.
- 6.1.3. The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs on the Facility.

## **7. FACILITY MANAGEMENT AND OPERATIONS**

- 7.1. The Licence Holder must retain the responsibility for the Facility, and its monitoring after decommissioning of the facility is according to the Minimum Requirements (1998) and any relevant Norms and Standards that may replace the Minimum Requirements and ensure that:
- 7.2. The presence of any nuisances such as flies, exposed waste, and bad odours must be monitored regularly and monitoring results must be kept in terms of Condition 15.
- 7.3. 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 15.

## **8. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 8.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be caused by 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.
- 8.2. Should the investigation carried out, as per Condition 8.1 above, reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **9. WATER QUALITY MANAGEMENT**

### **9.1. Runoff Management**

- 9.1.1. Works constructed in compliance with Condition 5 must, on a continuous basis, be properly maintained.
- 9.1.2. All runoff (stormwater) 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 5.
- 9.1.3. 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 stormwater channel.

## **9.2. Leachate Management**

- 9.2.1. Sporadic leachate from the Site must, by means of works which must be constructed and maintained on a continuous basis by the License Holder and be lined as approved by the Responsible Authority, to prevent pollution to groundwater:-
- (a) With the written approval of the Responsible Authority be evaporated in lined dams as approved by the Responsible Authority; and/or
  - (b) Be discharged into any convenient sewer if accepted by the authority in control of that sewer.

## **10. MONITORING COMMITTEE**

- 10.1. The Licence Holder must establish a Monitoring Committee for the normal operative lifetime of the Facility.
- 10.2. 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 two years after the closure of the Facility, or such longer period as may be determined by the Director.
- 10.3. The Monitoring Committee must be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
- 10.3.1. Licence Holder and/or his/her appointed consultant(s) or advisor(s);
  - 10.3.2. representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
  - 10.3.3. representative(s) of this Department; and
  - 10.3.4. at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the Monitoring Committee to interested and affected parties of each meeting.
- 10.4. The Monitoring Committee must 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 13.2.1, and submitted in terms of condition 13.2.5.
- 10.5. 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.

## **11. MONITORING**

### **11.1. Water Quality Monitoring**

- 11.1.1. The Licence Holder must establish and maintain a ground water monitoring plan with at least 1 (one) upstream borehole and 1 (one) downstream borehole, and submit the plan to the Director and the Director: RPW for approval, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 11.1.2. Monitoring boreholes must be equipped with lockable caps. The Director and the Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 11.1.3. Surface water monitoring must be performed in all stormwater drain outlets that discharge into the natural environment and adjacent to the Facility at locations selected

in conjunction with the Director and the Director: RPW and at such a frequency as determined by the Director and the Director: RPW

### **11.2. Detection monitoring**

- 11.2.1. Monitoring must be conducted on a biannual basis (twice per year), in late summer and late winter, to capture seasonal variation, for the water quality variables as agreed by the Director and Director: RPW.

### **11.3. Investigative monitoring**

- 11.3.1. If, in the opinion of the Director and Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 11.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme for the water quality variables as agreed by the Director and Director: RPW.

### **11.4. Further investigation**

- 11.4.1. If, in the opinion of the Director and the Director: RPW, groundwater and/or surface water pollution have occurred or may possibly occur, the Licence Holder must conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director.

## **12. ANALYSIS OF SAMPLES**

### **12.1. Monitoring Methods and Parameters**

- 12.1.1. The Licence Holder must 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 11.2.
- 12.1.2. The Licence Holder may only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to the Director and the Director: RPW.
- 12.1.3. The Licence Holder must put in place a monitoring and measurement plan that must inter alia include:
- (a) mass (in tonnes or kilograms) received, recycled, reclaimed,
  - (b) treated and transferred;
  - (c) waste types and sources;
  - (d) air quality monitoring; and
  - (e) an annual topographical survey submitted to the Director in the form of an Airspace Determination Report, which must estimate the remaining volume of airspace on the Facility and the remaining lifetime for the disposal of waste at the Facility.

## **13. AUDITING**

### **13.1. Internal audits**

- 13.1.1. Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report according to condition 13.2.6 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 13.2.1 and the Department (if requested), according to condition 14.2.



## **13.2. External audits**

- 13.2.1. The Licence Holder must appoint an independent external auditor to conduct annual audits before the decommissioning of the Facility commences and after the decommissioning phase has been concluded, to audit the site annually and this auditor must compile an audit report according to condition 13.2.6 documenting the findings of the audit, which must be submitted by the Licence Holder to the Department.
- 13.2.2. The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
- 13.2.3. The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Licence conditions, and must specify target dates for the implementation of the recommendations by the Licence Holder.
- 13.2.4. The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 10.1 above, within 3 (three) months, from the date on which the external auditor finalised the report.
- 13.2.5. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 13.2.6. Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

## **14. DEPARTMENTAL AUDITS AND INSPECTIONS**

- 14.1. 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 Provincial Head may decide, or to have the Facility audited or inspected.
- 14.2. 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.
- 14.3. 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 and must not be treated as confidential.

## **15. RECORD KEEPING**

- 15.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 15.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 15.5.
- 15.3. All records required or resulting from activities required by this Licence must:
  - 15.3.1. be legible;
  - 15.3.2. be made available and should form part of any audit report;
  - 15.3.3. If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 15.3.4. be retained in accordance with documented procedures which are approved by the Department; and

- 15.3.5. be made available upon the request of the Director and/or the Provincial Head.
- 15.4. The Licence Holder must record all borehole data and chemical analysis in a format agreed upon in writing between the Director and the Director: RPW, the Licence Holder, and a relevant specialist if so required, for interpretation in terms of condition 13.2.2.
- 15.5. 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.

## 16. REPORTING

### 16.1. Reporting of Incidents

- 16.1.1. 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.
- 16.1.2. 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 16.3.1, submit an action plan, which must include a detailed time schedule, to the satisfaction of the Director of measures taken to:
- (a) correct the impact resulting from the incident;
  - (b) prevent the incident from causing any further impact; and
  - (c) prevent a recurrence of a similar incident.
- 16.2. 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 16.1.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 16.3. 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.
- 16.4. 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.
- 16.5. The Department must be notified within 14 (fourteen) days of the following changes: -
- 16.5.1. Licence Holder's trading name, registered name or registered office address;
  - 16.5.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - 16.5.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 16.6. 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.
- 16.7. The Licence Holder must submit an Organic Waste Diversion Plan to the Director 90 (ninety) days after the signature of this Licence and annually thereafter.
- 16.8. The information within the Organic Waste Diversion Plan must: -

- 16.8.1. provide a status quo of current organic waste sources and volumes disposed at municipal WDFs, and current rates and procedures of organic waste diversion from WDFs; and
- 16.8.2. set annual targets and identify procedures from 2018 that will be implemented to meet these targets for the diversion of organic waste from municipal WDFs, in order to reach a 50% diversion by the year 2022 and 100% diversion by the year 2027.

## **17. CONDITION OF OPERATIONS UNTIL CLOSURE**

- 17.1. The Facility must be managed and operated: -
  - 17.1.1. in such a manner that no nuisance conditions such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise or health hazards occur; and
  - 17.1.2. so that no waste is burned at the Facility.
- 17.2. The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 17.3. Waste disposed of at the Facility must be compacted and covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Director.
- 17.4. The Licence Holder must ensure the health and safety of workers and employees on the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 17.5. The Licence Holder must apply sufficient dust control measures to prevent wind-blown dust.
- 17.6. Reclamation of waste, below the legislated thresholds, may occur at the Facility at the discretion of the Licence Holder, but may not take place at the active working face.
- 17.7. All persons reclaiming waste must be wearing suitable personal protection equipment.
- 17.8. An Emergency Response Plan (ERP) must be developed, and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire evacuations, injury on duty, accidents, and procedures caused by unexpected hazardous waste ending up at the Facility.
- 17.9. The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environmental Conservation Act, 1989 (Act No. 73 of 1989).

## **18. LEASING AND ALIENATION OF THE FACILITY**

- 18.1. 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.

## **19. TRANSFER OF LICENCE**

- 19.1. 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.
- 19.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

## **20. COMMENCEMENT**

- 20.1. 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.

- 20.2. The decommissioning phase must commence by 10 December 2019. If commencement of the activity does not occur by then, the validity of this Licence lapses and a new application for a Licence must be made in order for the activity to be undertaken.
- 20.3. If the proponent anticipates that commencement of the activity will not occur by 10 December 2019, he/ she must apply and show good cause for an extension of the period during which the commencement must take place, 6 (six) months prior to the expiry date of this Licence.

## **21. GENERAL**

- 21.1. The Licence Holder must remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 21.2. This Licence must not be transferable unless such transfer is subject to Condition 19 above.
- 21.3. This Licence must not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act 61 of 2003), the National Water Act, 1998 (Act 36 of 1998) or any applicable act, ordinance, regulation or by-law.
- 21.4. Transgression of any condition of this Licence could result in the suspension of the Licence by the Director.
- 21.5. This Licence is valid for a period of 10 (ten) years from the date of issue of this Licence. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance with the Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 21.6. Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 21.7. 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.
- 21.8. In terms of sections 28 and 30 of the NEMA, and sections 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 understands 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 the environmental risks of their work and training them to operate in an environmentally acceptable manner.

## **D. APPEAL OF LICENCE**

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
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:
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 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.

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:
  - 3.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
  - 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.
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.
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](mailto:Jaap.DeVilliers@westerncape.gov.za).

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](mailto: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: 24-07-2018**

CC: (1) Malise Noe (Water Affairs and Sanitation)

Fax: (086) 634 5998

E-mail: [NoeM@dws.gov.za](mailto:NoeM@dws.gov.za)

## **ANNEXURE 1**

### **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 conducted a review of selected WML as per Section 53 (1) of the NEM:WA, 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 Van Wyksdorp Licence conditions with current waste legislation and repeal the existing Licence (Ref: 19/2/5/1/D3/11/WL0014/14) issued by Department of Environmental Affairs and Development Planning, and issue this Licence.

### **B. 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 20 March 2014;
- (b) The Basic Assessment Report (BAR) dated 1 April 2014, compiled by AECOM (Pty) Ltd., including the Waste Management Licence Application Additional Information Annexure;
- (c) Comments raised by I&APs throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) Relevant information contained in the Departmental information base; and
- (e) 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, are set out below.

## **Environment**

The environment in which the site is located is very arid and is disturbed, with scattered alien vegetation to the West, South and East ends of the Site. There is a drainage channel running past the North-Western edge of the site, into which stormwater flows. To the North of the Site are natural veld and the Rooiberg Mountain 1km away. South of the Site is an undeveloped area. South-West of the Site is a residential area. There is a small dam 200m away in the Easterly direction, while to the West of the Site a cemetery is located.

## **Deviation**

The applicant requested deviation from Regulation 54(2) (a) (ii) of GN No. R. 543 of 18 June 2010 and is granted permission for such deviation from the site alternatives, as the Facility is already an existing waste disposal facility which has recently been non-operational for some time.

## **ALTERNATIVES**

No alternatives were considered as part of the BAR process, because the proposal is for the decommissioning an existing facility, which has been non-operational for some time. All of Van Wyksdorp's waste has since been diverted to the Ladismith landfill site.

## **Design Alternatives**

The project will entail the closure and rehabilitation of an existing waste disposal facility, where the approval of the Closure Report will determine the design.

## **PUBLIC PARTICIPATION PROCESS (PPP)**

The PPP comprised of the following:

- (a) Initial newspaper advertisements notifying the public about the environmental application for the proposed project were placed in the following newspaper during the week of the 12 to 18 January 2014;
- Die Burger
  - The Cape Argus
  - Swartland Gazette
  - Standard
  - Weslander
  - Theewaterskloof Gazette
  - Die Son



- Ons Kontrei
  - The Courier
- (b) 40-day I&AP Registration and public review and comment period on draft BAR (17 February 2014 to 28 March 2014);
- (c) A follow-up advertisement that indicated the corrections and availability of the draft BAR was placed during the week of the 17 February 2014;
- (d) Two Site Notices were erected; one at the local municipal offices and one at entrance to the landfill on 24 January 2014;
- (e) Notification with regard to the availability of the draft BAR was sent to registered I&APs via sms and email on 17 February 2014;
- (f) Technical meetings with relevant municipal representatives were held from 20 February 2014 to 7 March 2014; and
- (g) Submission of the final BAR to the Department on 1 April 2014.

**Authorities consulted:**

- (a) Cape Nature;
- (b) Kannaland Local Municipality;
- (c) Heritage Western Cape; and
- (d) Department of Water and Sanitation (DWS): Western Cape Provincial Operations.

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 DWS have been included in the Waste Management Licence.

\_\_\_\_\_END\_\_\_\_\_

