



REFERENCE: 19/2/5/4/D6/21/WL0066/18

The Municipal Manager
Mossel Bay Local Municipality
Private Bag X 29
MOSSSEL BAY
6500

Tel: (044) 606 5143
Fax: (044) 606 5147
Email: smtila@mosselbay.gov.za

For attention: Sivuyile Mtila

VARIATION WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) FOR THE CLOSURE OF HERBERTSDALE WASTE DISPOSAL FACILITY, ON FARM 24, HERBERTSDALE EAST, MOSSSEL BAY

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/D6/21/WL0082/14) of the Mossel Bay Local Municipality (hereinafter referred to as 'the Municipality') for the closure of the Herbertsdale Waste Disposal Facility (WDF) on Farm 24, Herbertsdale East, Mossel Bay (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, Second Edition, 1998 (referred to as the "Minimum Requirements") for the Facility will entail but not limited to the following:

- (a) Disposal of general waste;
- (b) Storage of waste;
- (c) WDF Facility Auditing;
- (d) Gate or weighbridge recording procedures;
- (e) Volume Surveys;
- (f) Collection and processing of other data;
- (g) Leachate and water quality monitoring;
- (h) Gas monitoring;
- (i) Air quality monitoring;
- (j) Monitoring of rehabilitated areas;
- (k) Attending to the health of workers;
- (l) The determination of the total airspace at the waste disposal facility within 12 (twelve) months after this Licence is issued;
- (m) Remedial design to address identified problem areas;
- (n) Final shaping, landscaping and re-vegetation;
- (o) Final landfill cover or capping design;
- (p) Construct the capping layer to a minimum quality and thickness;
- (q) Permanent stormwater diversion measures, run-off control and anti-erosion measures; and
- (r) Any infrastructure relating to the End-use Plan;
- (s) The compaction and shaping of the side slopes to gradients between a minimum of 1:50 and a maximum of 1:4;
- (t) The design and compliance are to be confirmed by a registered Professional Engineer;
- (u) Permanent stormwater diversion measures, run-off control and anti-erosion measures; and
- (v) Any infrastructure relating to the End-use plan.

The following activities have been identified in NEM: WA The list of waste management activities that have, or are likely to have, a detrimental effect on the environment Government Notice No. 921 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 100m³ 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 80m³ 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 500m².

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:

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

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/D6/21/WL0066/18
WASTE APPLICATION: CLOSURE OF HERBERTSDALE WASTE DISPOSAL FACILITY, MOSSEL BAY LOCAL MUNICIPALITY, WESTERN CAPE
CLASS CLASS B (G:C:B)
LOCATION: HERBERTSDALE EAST, FARM 24, MOSSEL BAY
LICENCE HOLDER: MOSSEL BAY MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: PRIVATE BAG X29, MOSSEL BAY 6500

1. LOCATION

1.1. This Licence authorises the Mossel Bay Local Municipality to close the Facility on the Farm no. 24 Herbertsdale.

1.2. Location of property on which the Facility is established: -

Latitude	Longitude
34° 0'56.47"S	21°46'24.46"E

1.3. The boundaries of the Facility must be according to the following co-ordinates:

Number of corners	Latitude	Longitude
1	34° 0'53.11"S	21°46'23.32"E
2	34° 0'54.31"S	21°46'23.14"E
3	34° 0'55.25"S	21°46'22.82"E
4	34° 0'55.97"S	21°46'19.60"E
5	34° 0'53.94"S	21°46'18.44"E
6	34° 0'52.64"S	21°46'21.86"E

1.4. The footprint of the Facility and its associated infrastructure is 7,500 m².

1.5. The SG 21 Digit code of the Facility is: C05100050000002400000.

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 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 Environmental Affairs, is authorised.

- 2.2. If more than 80m³ of hazardous waste is going to be stored at the Facility, registration in terms of the relevant National Norms and Standards for the Storage of Waste (Government Notice No. 926 of 23 August 2013) must be completed and stored accordingly.
- 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 authorised by this Licence.
- 2.6. Organic waste is allowed to be disposed of at the Facility but must be in accordance with the Organic Waste Diversion Plan, targets and procedures referred to in conditions 16.5 and 16.6 of the Permit.

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)/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 1 April 2014, prior to any construction activities being undertaken at the Facility. 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 EMPr for the decommissioning of the facility mentioned in Condition 3.2, submitted as part of the final Basic Assessment Report, 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 EMPr must be submitted to the Licensing Authority if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the 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 EMPr must be kept at the Facility where the waste listed activity will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 4.1.6. The Licence Holder shall 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 shall retain the responsibility for the Facility, and its monitoring after decommissioning of the Facility is according to the Minimum Requirements and any relevant Norms and Standards that may replace the Minimum Requirements and ensure that:
 - 5.1.1. the presence of any nuisances such as flies, exposed waste, and bad odours must be monitored regularly, and monitoring results are kept in terms of Condition 15.
 - 5.1.2. 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 Conditions 15.
- 5.2. 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 3 (three) months prior to construction taking place as part of the decommissioning of the Facility.
- 5.3. For decommissioning/construction of the Facility must be considered in accordance with the proposed Closure Report for the Facility in the EMPr and final BAR as prepared by AECOM dated 1 April 2014 and this Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil on top of a 450mm of compacted clay (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding 10-6cm/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 Compacted Clay Layer ("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 (GCL).
- 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 114 of 1990).
- 5.5. The waste body must be covered with the surrounding indigenous vegetation.
- 5.6. The Licence Holder must establish an alien invasive plant management programme on Site.
- 5.7. Construct the closure of the Facility in accordance with recognised civil engineering practices, with special consideration to stability.
- 5.8. Construct and maintain the slope of the sides of the Facility in such a manner that the occurrence of erosion is prevented.
- 5.9. The closure of the Facility must ensure that aquatic ecological support areas located within 100m from the Facility is considered and safe guarded for its continued functioning of aquatic species and ecosystem.

- 5.10. The Facility, or any portion thereof must be covered, and the Facility must be maintained in such a way that:
- 5.10.1. the formation of pools due to rain is prevented;
 - 5.10.2. free surface runoff of rain-water is ensured;
 - 5.10.3. contamination of stormwater is prevented;
 - 5.10.4. no objects or material which may hamper the rehabilitation of the Facility are present; and
 - 5.10.5. little or no erosion occurs.
- 5.11. 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. Access Control

- 6.1.1. The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed and a gate of the same height.
- 6.1.2. All entrances to the Facility must be manned during operating hours and locked outside operating hours.
- 6.1.3. 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 Facility. The notices must also indicate the alternative waste management or disposal options.
- 6.1.4. The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs at the Facility.
- 6.1.5. The Licence Holder must ensure that all roads at the Facility are maintained to allow access to all areas by vehicle.

7. CONDITION OF OPERATIONS UNTIL CLOSURE

- 7.1. The Licence Holder shall take all reasonable steps to ensure the Facility is operated in a manner which shall prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours, burning waste and noise.
- 7.2. The Facility must be managed and operated:
 - 7.2.1. in such a manner that no nuisance conditions such as odour or health hazards occur.
 - 7.2.2. so that no general waste is burned at the Facility.
- 7.3. Waste disposed of at the Facility must be compacted and covered on a daily basis with a minimum of approximately 150 millimetres of soil or other material approved by the Director.
- 7.4. The Licence Holder must take responsibility for the health and safety of workers and employees at the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 7.5. Reclamation of waste may not occur at the Facility.
- 7.6. 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.

7.7. 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).

8. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 8.1. 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.
- 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 be of such a capacity as to maintain a freeboard of half a meter and to accommodate:
- (a) all stormwater runoff, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of once in the fifty years; and
 - (b) all expected leachate.
- 9.1.2. Works constructed in compliance with Condition 9.1. must, on a continuous basis, be properly maintained.
- 9.1.3. 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.
- 9.1.4. 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 Facility 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 Director and Director RPW, to prevent pollution to groundwater-
- (a) Written approval of the Director and Director RPW be evaporated in lined dams as approved by the Director and Director: RPW; and
 - (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. A monitoring borehole network for the Facility, at least 1 (one) upstream and 1 (one) 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.
- 11.1.2. Monitoring boreholes must be equipped with lockable caps. The Department and DWS reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.

11.2. Detection monitoring

- 11.2.1. Monitoring for groundwater and surface water shall be conducted: -
 - (a) Bi-annually (twice a year) for the water quality variables determined by the Licensing Authority;
 - (b) Such frequency as may be determined by the Licencing Authority.

11.3. Investigative monitoring

- 11.3.1. If, in the opinion of the Director, a water quality variable referred to in Condition 11.2, shows an increasing trend, the Licence Holder must initiate a monthly monitoring programme.

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 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 tons or kilograms) received;
 - (b) waste types and sources;
 - (c) air quality monitoring which addresses dust and odours; and
 - (d) an annual (once per year) 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 in terms of 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. and the Director (if requested), according to condition 15.3.5.

13.2. External audits

- 13.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report in terms of Condition 13.2.6 documenting the findings of the audit 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 propose 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 below, 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 Director and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.
- 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 shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

15. RECORD KEEPING

- 15.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility or Municipal offices.
- 15.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility or Municipal offices 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 16.1.1, 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.
 - 16.1.3. In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in condition 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.
 - 16.1.4. 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.

- 16.2. 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.
- 16.3. The Department must be notified within 14 (fourteen) days of the following changes:
 - 16.3.1. licence Holder's trading name, registered name or registered office address;
 - 16.3.2. particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 16.3.3. steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 16.4. 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.
- 16.5. 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.
- 16.6. The information within the Organic Waste Diversion Plan must:
 - 16.6.1. 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
 - 16.6.2. 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. LEASING AND ALIENATION OF THE FACILITY

- 17.1. Should the Licence Holder want to alienate or lease the Facility, he/she shall notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction.

18. TRANSFER OF LICENCE

- 18.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM:WA.
- 18.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

19. COMMENCEMENT

- 19.1. This decommissioning phase must commence within 5 years (by 7 November 2019). If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.
- 19.2. If the proponent anticipates that commencement of the activity would not occur by 7 November 2019, he/ she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to its expiry date.

20. GENERAL

- 20.1. This Licence shall not be transferable unless such transfer is subject to Condition 18 above.
- 20.2. 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.

- 20.3. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 20.4. This Licence is valid until 7 November 2024. The licence may be reviewed at any time after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 20.5. 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.
- 20.6. 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.
- 20.7. In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the 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.

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&AP by the applicant:
 - 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.

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

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 Jaap.DeVilliers@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 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: 07-09-2016

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

Fax: (086) 634 5998

E-mail: 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 Herbertsdale Licence conditions with current waste legislation and repeal the existing Licence (Ref: 19/2/5/1/D6/21/WL0082/14) 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 29 January 2014;
- b) The Basic Assessment Report (BAR) dated 01 April 2014, compiled by AECOM (Pty) Ltd., including the Waste Management Licence Application Additional Information Annexure.
- c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- d) 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 Herbertsdale Waste Management Facility falls within the Mossel Bay Shale Renosterveld vegetation type, which is considered a threatened vegetation type. The Facility was previously used for the disposal of general waste, including domestic, garden and building rubble. The Facility is fenced but access control is not implemented. The site is surrounded by vacant untransformed land. An unknown building is located approximately 100m south east of the facility. SANBI Geographical Information System indicates an aquatic ecological support area that is located approximately 100 m west of the facility and an aquatic critical biodiversity area which is located approximately 100 m north of the facility. The Gourits River is situated approximately 1.5 km west of the waste disposal facility. The river as well as its banks is considered a wetland according to SANBI GIS.

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 been non-operational for some time now.

ALTERNATIVES

No alternatives were considered as part of the BAR process as the proposal is for the closure an existing facility, which has been non-operational for some time.

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.

No-Go Alternative

This alternative entails not closing the waste management facility on Farm 24, Herbertsdale. In terms of Section 19 of the National Environmental Management: Waste Act 59 of 2008, activities listed in Government Notice 921 of 2013 requires a Waste Management License and the application for such a license requires the undertaking of an environmental impact assessment process as contemplated in Sections 24(A) and 24(D) of National Environmental Management Act 107 of 1998. The Herbertsdale Waste Disposal Site is closed; failure to comply with the above requirement to obtain a Waste Management License for the closure of the site may result in a penalty of up to 10 million rand and/or ten years' imprisonment.

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following: -

- a) The project was advertised in Die Burger from 12-16 January 2014
- b) 40-day I&AP Registration and public review and comment period on draft BAR (6 March 2014 to 8 April 2014);
- c) Advertisements were placed in the "Cape Argus" on 26 February 2014, in "Die Burger" on 24 January 2014 and "Standard" on 4 March 2014;
- d) Two Site Notices was erected, one at the local Municipal Offices and one at entrance to the landfill on 24 January 2014;
- e) Notification sent to registered I &AP's via sms and email on 17 February 2014; and
- f) Submission of the final BAR to the Department on 01 April 2014.

Authorities Consultation: -

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

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

_____END_____

