



REFERENCE: 19/2/5/4/E1/7/WL0074/18

The Municipal Manager
Cape Agulhas Municipality
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Attention: Walter Linnert

WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE DECOMMISSIONING OF THE WAENHUISKRANS WASTE DISPOSAL FACILITY PORTION OF FARM NO. 264, ALONG THE R316, WAENHUISKRANS, CAPE AGULHAS MUNICIPAL AREA

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 repeal the Waste Management Licence with reference No.: 19/2/5/1/E1/7/WL0009/14, and issue this varied Waste Management Licence to the Cape Agulhas Municipality (hereinafter referred to as 'the Municipality') to decommission the Waenhuiskrans Waste Disposal Facility (WDF) (hereinafter referred to as 'the Facility') on Portion of Farm No. 264, along the R316, Waenhuiskrans, Cape Agulhas Municipal Area.

B. DESCRIPTION OF THE ACTIVITY:

The Cape Agulhas Local Municipality applied for the closure of the Waenhuiskrans Waste Disposal Facility. The facility is situated alongside R316 Regional Road, Waenhuiskrans. Historically the facility accepted general domestic waste. The site still receives building rubble and garden waste. Currently building rubble is used to cover the garden waste from time to time. A waste drop-off was constructed during 2005/6 and is currently operational. The waste drop-off facility is Authorised and the Cape Agulhas Municipality is in possession of the permit (Permit No.: 12/9/11/P19).

The activities for decommissioning of a Communal WDF such as this Facility as per the of the Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry, Second Edition, 1998 (referred to as "Minimum Requirements") 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) Attend 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.

The following activity listed in the NEM: WA, '*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 (GN No. 921), as amended, 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 above-mentioned 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, "*the 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 National Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

Director: Resource Protection and Waste
Department of Water and Sanitation
Private Bag X16
SANLAMHOF
7532

The granting of this Waste Management Licence is subject to compliance with the conditions set out in section C.

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/E1/7/WL0074/18
WASTE APPLICATION: DECOMMISSIONING OF THE WAENHUISKRANS WASTE DISPOSAL FACILITY
CLASS: B (G:C:B)
LOCATION: PORTION OF FARM NO. 264, ALONG THE R316, WAENHUISKRANS, CAPE AGULHAS MUNICIPAL AREA
LICENCE HOLDER: CAPE AGULHAS MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: P.O. BOX 51, BREDASDORP, 7280

1. Location

1.1. This Licence authorises the Cape Agulhas Local Municipality to decommission the Facility on a portion of Farm No. 264, alongside the R316 Regional Road, Waenhuiskrans.

1.2. Location of property on which Facility is situated:

Table 1-1: Location of the Facility

Latitude	Longitude
34°40'25.04''S	18°55'17.70''E

1.3. The location of the Facility must be in accordance with co-ordinates indicated on the waste management Licence application form dated 9 January 2014 and additional information contained in the annexure dated 1 April 2014. The coordinates are given in the table below:

Table 1-2: Footprint of the Facility

Corner Points	Latitude	Longitude
1	34°40'27.99''S	20°13'15.43''E
2	34°40'27.38''S	20°13'17.12''E
3	34°40'25.85''S	20°13'18.36''E
4	34°40'24.54''S	20°13'18.02''E
5	34°40'25.40''S	20°13'16.51''E
6	34°40'25.95''S	20°13'13.99''E
7	34°40'27.45''S	20°13'11.39''E

1.4. The footprint of the Facility and its associated infrastructure is approximately 1ha in extent.

1.5. The Surveyor General 21-digit code of the Facility is: C01100000000026400006.

2. Permissible Waste

- 2.1. Any portion of the Facility which has been constructed or developed according to condition 7 of this Licence, may be used for the transfer, recovery, sorting and 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 of Environmental Affairs, is permitted.
- 2.2. If more than 80m³ of hazardous waste is going to be stored at the Facility, a registration form must be completed and the waste must be stored in accordance with the relevant NEM: WA, National Norms and Standards for the Storage of Waste (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.
- 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 19.9 and 19.10 of the 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 the correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr) dated 10 February 2014, prior to any construction activities being undertaken on 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 closure and/or construction plans are in accordance with the approved engineering design.

4. General Management

- 4.1. The EMPr for the decommissioning of the facility mentioned in condition 3.2, submitted as part of the final BAR, is hereby approved and must be implemented together with all the conditions of this Licence.
- 4.2. 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.

- 4.3. 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.
- 4.4. 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.
- 4.5. The Licence Holder must ensure that the intended end-use of the Facility is properly implemented and that the landscaping of the Facility, the drainage system and vegetation form part of the development to ensure the successful implementation of the intended end-use plan.
- 4.6. 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 must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Director for approval 90 (ninety) days prior to construction for decommissioning of the Facility to begin.
- 5.2. Construction for decommissioning 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.
- 5.3. The 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^{-6} 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 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.
- 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 Facility, or any portion thereof must be covered, and the Facility must be maintained in such a way that: –
 - 5.7.1. the formation of pools due to rain is prevented;
 - 5.7.2. free surface runoff of rain-water is ensured;
 - 5.7.3. contamination of stormwater is prevented;
 - 5.7.4. no objects or material which may hamper the rehabilitation of the Facility are present; and
 - 5.7.5. little or no erosion occurs.
- 5.8. A leachate conservancy tank which will collect all leachate from the Facility must be installed and monitored on quarterly intervals and the results must be reported to the Director according to the EMPr for the closure of Waenhuiskrans Waste Disposal Facility.

- 5.9. Sporadic leachate from the Facility may only be discharged into any convenient sewer if accepted by the authority responsible for that sewer.
- 5.10. Any development which occurs within the 1:100-year flood line and/or within 500m (five hundred metres) 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. Access Control

- 6.1. The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of and a gate with the same height.
- 6.2. 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 Facility. The notices must also indicate the alternative waste management or disposal options.
- 6.3. The Licence Holder must ensure that there is no illegal access to the Facility and that no illegal dumping occurs at the Facility.
- 6.4. The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.5. The Licence Holder shall take all reasonable steps to maintain service roads in a condition which ensures unimpeded access to the Facility for vehicles transporting waste and keep the roads free of waste.

7. Facility Management and Operations

- 7.1. 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:
- 7.1.1. the Facility is operated in a manner which must prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise, which must be monitored on a regular basis and the monitoring results must be kept in terms of condition 14.
- 7.1.2. 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 14 and 15.
- 7.1.3. no waste is burned at the Facility.
- 7.2. The Licence Holder must ensure that all roads at the Facility are maintained to allow access to all areas by vehicle.
- 7.3. 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.
- 7.4. Areas that will not be used for waste disposal for longer than a year must be covered with a minimum of at least 200mm of suitable cover material.
- 7.5. 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).

- 7.6. The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 7.7. The types of waste accepted for disposal must comply with the NEM: WA, National Norms and Standard for disposal of Waste to Landfill, GN No. R636 of 23 August 2013.
- 7.8. Reclamation of waste may not take place at the Facility.
- 7.9. Waste may not be burned at the Facility.
- 7.10. 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.
- 7.11. 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 and the Director: RPW, 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. Runoff Water Quality Management

- 9.1. Works constructed in compliance with condition 5 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate: -
 - 9.1.1. 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
 - 9.1.2. all expected leachate.
- 9.2. Works constructed in compliance with condition 9.1 must, on a continuous basis, be properly maintained.
- 9.3. All runoff water (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.
- 9.4. 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 storm water channel.

10. Monitoring

- 10.1. Water Quality Monitoring
 - 10.1.1. The Licence Holder must establish and maintain a ground water monitoring borehole network with at least 1 (one) upstream and 2 (two) downstream boreholes, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

- 10.1.2. 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.
- 10.2. Detection monitoring
 - 10.2.1. Monitoring for groundwater and surface water shall be conducted for the water quality variable as agreed to by and at such frequency as determined by the Director and the Director: RPW.
- 10.3. Investigative monitoring
 - 10.3.1. If, in the opinion of the Director, a water quality variable listed as referred to in condition 10.2, shows an increasing trend, the Licence Holder must initiate a monthly monitoring programme.
- 10.4. Further investigation
 - 10.4.1. If, in the opinion of the Director, 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.

11. Monitoring Methods and Parameters

- 11.1. The Licence Holder must carry out all tests required in terms of condition 10.2 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).
- 11.2. 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
- 11.3. The Licence Holder must put in place a monitoring and measurement plan that must inter alia include:
 - 11.3.1. mass (in tonnes or kilograms) received, disposed;
 - 11.3.2. treated and transferred;
 - 11.3.3. waste types and sources;
 - 11.3.4. air quality monitoring; and
 - 11.3.5. 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.

12. Audits

- 12.1. Internal Audits
 - 12.1.1. Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor, in the format referred to in condition 12.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 12.2.1 and the Department (if requested), according to condition 12.4.2.
- 12.2. External Audits
 - 12.2.1. 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 the format referred to in condition 12.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

- 12.2.2. 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.
 - 12.2.3. The audit report must specify target dates for the implementation of the recommendations to achieve compliance and specify whether corrective action which was taken for the previous audits non-conformities was adequate.
 - 12.2.4. The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in condition 13 below, within 3 (three) months, from the date on which the external auditor finalised the report.
 - 12.2.5. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 12.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.
- 12.4. Departmental Audits and Inspections
- 12.4.1. The Director and the Director: RPW reserves the right to audit and/or inspect the Facility without prior notification at any time and at such a frequency as the Director and the Director: RPW may decide, or to have the Facility audited or inspected.
 - 12.4.2. 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 the Director: RPW may require.
 - 12.4.3. 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.

13. Monitoring Committee

- 13.1. The Licence Holder must establish a Monitoring Committee for the normal operative lifetime of the Facility.
- 13.2. 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.
- 13.3. The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
 - 13.3.1. Licence Holder and/or his/her appointed consultant(s) or advisor(s);
 - 13.3.2. representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 13.3.3. representative(s) of this Department; and
 - 13.3.4. 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.
- 13.4. The Monitoring Committee shall meet annually (once per year) and no later than 3 (three) months after the finalisation of the external audit report referred to in condition 12.2.1, and submitted in terms of condition 12.2.4.
- 13.5. 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.

14. Record Keeping

- 14.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 14.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 14.5.
- 14.3. All records required or resulting from activities required by this Licence must:
 - 14.3.1. be legible;
 - 14.3.2. be made available and should form part of any audit report;
 - 14.3.3. amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 14.3.4. be retained in accordance with documented procedures which are approved by the Department; and
 - 14.3.5. be made available upon the request of the Director and/or the Director: RPW.
- 14.4. The Licence Holder shall record and interpret 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.
- 14.5. The Licence Holder must register and report all waste volumes or masses received, recovered, disposed 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.

15. Reporting

- 15.1. 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.
- 15.2. The Licence Holder must, within 14 (fourteen) days, or as specified by the Director from the occurrence or detection of any incident referred to in condition 15.1, 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:
 - 15.2.1. correct the impact resulting from the incident;
 - 15.2.2. prevent the incident from causing any further impact; and
 - 15.2.3. prevent a recurrence of a similar incident.
- 15.3. 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 15.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 15.4. The Licence Holder must keep and maintain an incident and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 15.5. 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.
- 15.6. The Department must be notified within 14 (fourteen) days of the following changes:
 - 15.6.1. Licence Holder's trading name, registered name or registered office address;
 - 15.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and

15.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.

15.7. All internal and external audit reports must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

16. Leasing and Alienation of the Facility

16.1. 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. Should the approval be granted, the subsequent Licence Holder shall remain liable to compliance with all Licence conditions.

17. Transfer of Licence

17.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA.

17.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

18. Commencement

18.1. The decommissioning phase must commence within a period of 6 (six) years from the date of the first issue of this Licence (i.e. before 7 November 2020). If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for a Licence must be made in order for the activity to be undertaken.

18.2. If the proponent anticipates that commencement of the activity will not occur within 6 (six) year period (i.e. before 7 November 2020), he/ she must apply and show good cause for an extension of the stipulated period within which commencement must take place in terms of this Licence, 6 (six) months prior to the expiry date of the said period.

19. General

19.1. The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.

19.2. This Licence shall not be transferable unless such transfer is subject to condition 17 above.

19.3. 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.

19.4. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.

19.5. This Licence is valid for a period of 10 (ten) years from the date of first issue of this Licence. (i.e. until 7 November 2024). The Licence may be reviewed at any time after commencement. Based on the results of the review, especially compliance with Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.

- 19.6. Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years (i.e. beyond 7 November 2024), the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 19.7. Transgression of any condition of this Licence could result in the suspension of the Licence by the Director and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM: WA, 2008.
- 19.8. 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 environmentally acceptable manner.
- 19.9. The Licence Holder must submit an Organic Waste Diversion Plan to the Director within 90 days of the date of this Licence and annually thereafter.
- 19.10. The information within the Organic Waste Diversion Plan must:-
 - 19.10.1. 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
 - 19.10.2. 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.

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. 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 J. 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.
6. 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 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: 07-03-2018

CC: (1) Malise Noe: (DWS: Resource Protection and Waste)

Fax to E-mail: (086) 634 5998 / E-mail: NoeM@dws.gov.za

ANNEXURE I

REASONS FOR VARIATION OF THE DECISION (APPEALABLE)

The reasons for the variation of the decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:

The Department reviewed original Waste Management Licence according to section 54(1) of the NEM:WA, which states:

“(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”.

The review and subsequent non-substantive variation of the decision was performed in order to align the Waenhuiskrans Waste Management Licence conditions with current waste legislation, by repealing the existing Waste Management Licence with reference No.: 19/2/5/1/E1/7/WL0009/14, and issuing this WML.

Only these latent changes are appealable during the appeals window period.

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.

- (a) The information contained in the Application Form for a Waste Management Licence dated 9 January 2014;
- (b) The final Basic Assessment Report (BAR) received on 1 April 2014, compiled by AECOM (Pty) Ltd., including the Annexure containing Additional Information;
- (c) Comments made 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.

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

ENVIRONMENT

The Waenhuiskrans Waste facility (landfill) falls within the Cape Agulhas Local Municipality. The Municipality's geographical area spread over approximately 2,411 km². The Waenhuiskrans Waste Water Treatment Facility is located directly to the north and north-west of the disposal facility and is located on the same property. The Waenhuiskrans Nature Reserve is located approximately 80m south-east of the waste disposal facility. The surrounding site environment consists of untransformed land and power lines which are located within 500m of the site. The nearest residential area (Waenhuiskrans) is located approximately 1.5 km from the landfill facility, there are no nearby industrial areas. The Waenhuiskrans Waste Disposal Facility and surrounding area falls within the Overberg Dune Strandveld National Vegetation type. The conservation status of this vegetation type is Least Threatened. According to the South African National Biodiversity Institute's GIS as well as the Department of Waters Affairs database, no surface water features surround the site. The Waenhuiskrans waste disposal facility is located approximately 1.5 km from the town of Waenhuiskrans via a gravel road off from the R316 Regional Road.

DEVIATION

The applicant requested permission to deviate from complying with Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010 and is granted permission from having to investigate site alternatives, as the facility is an existing WDF. The applicant was also granted permission to deviate from the requirement to fix notice boards and give written notices contemplated under the relevant paragraphs.

ALTERNATIVES

The following alternatives were considered:

Activity Alternatives

There are no direct activity alternatives as the process will involve the closure of the current Facility.

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) Information was disseminated to registered I&AP's primarily by means of a Background Information Document ("BID").
- (b) Newspaper advertisements notifying the public of the application for the proposed project were placed in the following newspapers on 29 February 2014:
 - "The Burger"
 - "The Cape Argus"
 - "The Son"
 - "Courier"
 - "Courant Swartland"
 - "Suiderkruis"
 - "Ons Kontrei"
 - "Die Herrie"
 - "Winelands Echo"

A follow up advertisement to indicate corrections was placed in the same newspapers on 12 February 2014;

- (c) AECOM erected two A2-sized site notices in the project area on 24 January 2014 at the entrance to the landfill and at the Arniston Resort/Municipal Office;
- (d) A range of Focus Group Meetings ("FGM") was held with the relevant stakeholders between 24 February and 07 March 2014 during the public review period for the Draft Basic Assessment Report;
- (e) The draft Basic Assessment Report was made available to I&AP's between 17 February 2014 and 28 March 2014 at the Waenhuiskrans Public Library; and
- (f) Submission of the final BAR to the Department on 01 April 2014.

AUTHORITIES CONSULTED:

1. Department of Environmental Affairs
2. Department of Water Affairs
3. Department of Rural Development and Land Reform (land claims)
4. Department of Mineral Resources (mining rights)
5. Department of Agriculture, Forestry and Fisheries
6. Department of Health
7. Department of Public Works
8. Department of Tourism

Copies of the Draft Basic Assessment Report were submitted to the following Government Departments:

- Cape Nature.
- Western Cape: Department of Environmental Affairs, Development and Planning.
- Cape Agulhas Local Municipality.
- Heritage Western Cape.
- National Department of Water Affairs

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