



**REFERENCE:** 19/2/5/1/A5/6/WL0126/19

Head of Department

Western Cape Government: Department of Transport and Public Works

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**CAPE TOWN**

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8000

E-mail: [Rory.Kilmister@westerncape.gov.za](mailto:Rory.Kilmister@westerncape.gov.za)

Attention: Mr Rory Kilmister

Dear Sir

**WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE HISTORICAL WASTE DISPOSAL FACILITY AT CONCORDIA ON ERF NO. RE 19624 AND ERF NO. RE 17631, KNYSNA**

**WASTE MANAGEMENT LICENCE**

**A. DECISION**

I, Eddie Hanekom, in my capacity as the Director, (hereinafter referred to 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 issue this Waste Management Licence to the Western Cape Government: Department of Transport and Public Works (hereinafter referred to as 'the Licence Holder') for the decommissioning of the Concordia Waste Disposal Facility (WDF) on Erf No. RE 19624 and Erf No. RE 17631, Knysna (hereinafter referred to as "the Facility").

**B. DESCRIPTION OF THE ACTIVITY:**

The activities for the decommissioning of the Concordia WDF as per the "Minimum Requirements for Waste Disposal by Landfill", 1998, Second Edition, Department of Water Affairs and Forestry (DWAF) (now the Department of Water and Sanitation) ("Minimum Requirements") and the NEM:WA "National Norms and Standards for Disposal of Waste to Landfill" Government Notice (GN) No. R636 of 23 August 2013 (GN R 636) will entail; but not be limited to the following:

The activities at the Facility will entail the following:

- (a) The construction of associated infrastructure such as the stabilisation of the side slope, stormwater, run-off water and leachate management structures and a final capping, including landfill gas management.
- (b) The monitoring of groundwater quality;
- (c) The recording of incidents and complaints;
- (d) Ensure proper access control;
- (e) The decommissioning of a waste disposal facility, meaning the capping and rehabilitation of the facility that is no longer in operation.

The following activities 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 (GN) No. 921 of 29 November 2013, as amended (GN No. 921), 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.

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

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

<b>LICENCE NUMBER:</b>	19/2/5/1/A5/6/WL0126/19
<b>WASTE APPLICATION:</b>	DECOMMISSIONING OF THE CONCORDIA WDF
<b>FACILITY CLASSIFICATION:</b>	CLASS B
<b>LOCATION:</b>	ERF NO. RE 19624 AND ERF NO. RE 17631, KNYSNA
<b>LICENCE HOLDER:</b>	WESTERN CAPE GOVERNMENT: DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
<b>CONTACT PERSON:</b>	THE HEAD OF DEPARTMENT
<b>ADDRESS:</b>	P O BOX 9078, CAPE TOWN, 8000

### 1. LOCATION

- 1.1 This Licence authorises the Western Cape Government: Department of Transport and Public Works to decommission the Facility on Erf No. RE 19624 and Erf No. RE 17631 Knysna.
- 1.2 The proposed location of the entrance to the Facility is:

Latitude	Longitude
34°01'42.89"S	23°05'56.11"E

The co-ordinates indicated in the Waste Management Licence Application Form, signed 24 August 2019, submitted by the Licence Holder, are as follows:

Corner Point	Latitude	Longitude
1	34°01'41.06"S	23°05'57.97"E
2	34°01'41.89"S	23°05'59.93"E
3	34°01'44.22"S	23°06'03.47"E
4	34°01'45.54"S	23°06'02.91"E
5	34°01'45.93"S	23°05'59.85"E
6	34°01'44.01"S	23°05'55.79"E
7	34°01'42.34"S	23°05'56.23"E

- 1.3 SG 21-digit codes of the Facility are: C03900050001962400000 and C03900050001763100000
- 1.4 The footprint of the Facility and its associated infrastructure is approximately 17,740m<sup>2</sup>.

## **2. PERMISSIBLE WASTE**

2.1 No further waste may be disposed of at this WDF.

## **3. APPOINTMENT OF AN ENVIRONMENTAL CONTROL OFFICER**

3.1 The waste management activities that are authorised by this Decommissioning Waste Management Licence, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.

3.2 An 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 this Licence and Environmental Management Programme (EMPr), referenced KNY19/901/19, dated October 2019 and attached to the Final Basic Assessment Report (BAR). The ECO must: -

3.2.1 Monitor the closure construction activities and ensure that the construction plans are in accordance with the engineering design.

## **4. DECOMMISSIONING CONSTRUCTION**

4.1 Closure construction must be carried out under the supervision of a Professional Engineer, registered under the Engineering Profession of South Africa Act, 2000 (Act No. 46 of 2000). The Licence Holder must submit any additional design drawings to the Licensing Authority for approval 90 (ninety) days before commencement of the listed waste management activities.

4.2 The Licence Holder must implement the proposed closure plan as indicated in the Final Basic Assessment Report for the Closure of the Unlawful Waste Dump Site Adjacent to the Concordia School on Erf 19624, Knysna, by HillLand Environmental, dated October 2019.

4.3 The existing portion of the Facility must be capped with an appropriate infiltration control cap, according to the Design Drawings: 8398AG/400, 8398AG/489, 8398AG/490 B, 8398AG/491 B, 8398AG/492 B, 8398AG/493 B, 8398AG/494 A, dated 12 and 15 March 2018, by Uhambiso Consult (Pty) Ltd and approved by the Department of Water and Sanitation on 28 February 2020. Any construction must adhere to the conditions of the EMPr dated October 2019. Design and construction records, including topographical surveys and methodical materials test results, must be recorded, archived and made available to the Director at any time after construction.

4.4 The waste body must be capped and the Facility operated in such a way that

4.4.1 the formation of pools and damage due to precipitation is prevented,

4.4.2 free surface runoff of stormwater is ensured,

4.4.3 contamination of stormwater is prevented' and

4.4.4 no significant erosion occurs.

4.5 After decommissioning construction of the Facility, the Licence Holder must notify the Director thereof. The person referred to in Condition 4.1 must submit a certificate or alternatively a closure report or letter to the Director that the closure construction of the Facility, as proposed by the Licence Holder and approved by the Director, is in accordance with recognised civil engineering practice and the requirements in this Licence. If the Director is satisfied with the construction of the Facility and has given written permission.

4.6 Operational works on the Facility must be constructed and maintained on a continuous basis by the Licence Holder to divert all stormwater arising on land adjacent to the Facility, 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 1:50 (one in fifty) years (hereinafter referred to as the "estimated maximum precipitation"). Such works will, under the said rainfall event, maintain a freeboard of half a metre.

- 4.7 All sporadic leachate from the Facility must, by means of works which must be constructed (refer to Drawing No. 8398AG/493 B, dated 15 March 2018, by Uhambiso Consult (Pty) Ltd) and maintained on a continuous basis by the Licence Holder: -
  - 4.7.1 Discharge into any convenient sewer only if accepted in writing by the authority in control of the sewer.
- 4.8 Stormwater must be kept separate of contaminated runoff water or leachate.
- 4.9 No further development may be allowed, without the written agreement of the land owners (refer to the Interested and Affected Persons/Parties (I&AP) Agreement Forms that form part of Appendix D: Public Participation Process of the Final BAR Report), on the licenced area.
- 4.10 As part of the decommissioning, the Facility must be constructed in accordance with recognised civil engineering practice to ensure that it remains stable.
- 4.11 Side slopes will be kept to a maximum of 1v:3h to ensure stability, minimise erosion and promote vegetation growth.
- 4.12 Any development which occurs within the 1:100 (one in a hundred)-year flood line and/or within 500 (five-hundred) metre from the boundary of a wetland would require a water use licence in terms of section 21 of the National Water Act, 1998 (Act 36 of 1998).
- 4.13 The final contours of the waste body, including the final capping layers, may not exceed the contours as indicated in Drawing No. 8398AG/494 A, dated 12 March 2018, by Uhambiso Consult (Pty) Ltd).

## **5. GENERAL MANAGEMENT**

- 5.1 The EMPr dated October 2019, submitted as part of the Final BAR Report, is hereby approved and must be implemented together with all the conditions of this Licence.
- 5.2 An application for the amendment to the EMPr must be submitted to the Director 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 Director.
- 5.3 The EMPr must be included in all contract documentation for all phases of implementation.
- 5.4 The Licence Holder must notify the Director immediately of any events or incidents that may cause significant environmental damage or significant breach of the requirements of the EMPr.
- 5.5 Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it, kept at or near the place where those duties will be carried out.
- 5.6 A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activities 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.
- 5.7 The Licence Holder will remain responsible for the Facility, and/or any of the impacts arising from the on the environment.

## **6. IMPACT MANAGEMENT**

- 6.1 The Licence Holder must: -
- 6.1.1 Notify the Director immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.
  - 6.1.2 Ensure that effective dust control is exercised to avoid any dust emanating during the construction and closure phases as well as access roads where there is a potential for dust generation.
  - 6.1.3 If required, a specific area must be demarcated for fuelling and workshop services and such an area must be bunded to reduce the possibility of soil and water contamination.
  - 6.1.4 Ensure that the provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) are met, to ensure the health and safety of all staff.
- 6.2 Any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the causes of the complaints within a reasonable timeframe to the satisfaction of the Director and record it in terms of Conditions 11 and 12.

## **7. FACILITY SECURITY AND ACCESS CONTROL**

- 7.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of 1.8 m and a gate with the same height. Approval from the Director must be obtained should an alternative to the fence be proposed.
- 7.2 Access may only be permitted to authorised personnel.

## **8. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 8.1 If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or are 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. MONITORING**

### **9.1 Monitoring Plan**

- 9.1.1 The Licence Holder must put in place a water quality monitoring plan.

### **9.2 Water Monitoring**

- 9.2.1 The Licence Holder must establish and maintain a ground water monitoring network as recommended in the monitoring protocol compiled by Silito Environmental Consulting, referenced E13122 as well as the Record of Decision from the Department Water and Sanitation, dated 28 February 2020, with at least one upstream and two downstream boreholes, within 6 (six) months of obtaining this licence, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

9.2.2 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.

9.2.3 Monitoring for groundwater quality must be conducted for variables listed in Annexure II of this Licence.

### 9.3 Detection monitoring

9.3.1 Monitoring for groundwater will be conducted: -

- (a) for variables listed in Annexure II – bi-annually (twice each year);
- (b) or at such frequency as may be determined by the Director or the Director: RPW.

### 9.4 Investigative monitoring

9.4.1 If, in the opinion of the Director or Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in Condition 9.3, shows an increasing trend, the Licence Holder may be required initiate a monthly monitoring programme.

### 9.5 Further investigation

9.5.1 If, in the opinion of the Director or Director: RPW, groundwater and/or run-off 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 or Director: RPW.

### 9.6 Post-closure monitoring

9.6.1 Groundwater monitoring by the Licence Holder, in accordance with Condition 9.2, will continue after closure of the Facility and be maintained for a period of 30 (thirty) years, or such lesser period as may be determined by the Director or Director: RPW.

### 9.7 Monitoring Methods and Parameters

9.7.1 The Licence Holder must carry out all tests required in terms of this Licence in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008) to analyse the sample as taken under the monitoring programme specified in Condition 10.2.1.

9.7.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Director or Director: RPW, specifying that the method to be used is at least equivalent to the SABS method.

## 10. **AUDITING**

### 10.1 INTERNAL AUDITS

10.1.1 For as long as determined by the Director, internal audits must be conducted annually (once a year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor, in the format prescribed by the Director, to report the findings of the audits, which must be made available to the external auditor specified in Condition 10.2 to be included in the external audit report and submitted to the Director as instructed.

## 10.2 EXTERNAL AUDITS

- 10.2.1 The Licence Holder must appoint an independent external auditor to audit the Facility biennially (once every two years) and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 10.2.2 The audit report must: -
  - 10.2.2.1 Specifically state whether conditions of this Licence are adhered to;
  - 10.2.2.2 Include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment;
  - 10.2.2.3 Contain recommendations regarding non-compliance or partial non-compliance with the Licence conditions and must propose specific target dates for the implementation by the Licence Holder of the recommendations.
  - 10.2.2.4 Must be submitted to the Director within 30 (thirty) days from the date on which the external auditor finalised the report.
  - 10.2.2.5 Specify whether corrective action which was taken for the previous audit's non-compliance was adequate.
  - 10.2.2.6 Must be in accordance with the format as prescribed by the Director.

## 10.3. DEPARTMENTAL AUDITS AND INSPECTIONS

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

## 11. **RECORD KEEPING**

- 11.1 The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 11.2 All records required or resulting from activities required by this Licence must: -
  - 11.2.1 Be legible;
  - 11.2.2 Be made available and should form part of the audit report;
  - 11.2.3 If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 11.2.4 Be retained in accordance with documented procedures which are approved by the Director; and
  - 11.2.5 Be made available upon the request of the Director or Director: RPW.



11.3 The Licence Holder must record and interpret all borehole and chemical analysis data in a format as agreed upon in writing between the Director or the Director: RPW and the Licence Holder or a relevant specialist if so required.

## **12. REPORTING**

12.1 The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause disruption in the normal operation of the Facility, or has caused water pollution, pollution to the environment, health risks or nuisance conditions.

12.2 The Licence Holder must within 14 (fourteen) days, or such time specified by the Director, from the occurrence or detection of any incident referred to in Condition 12.1.

12.3 Submit an action plan, which must include a detailed time schedule and resource allocation signed off by management to the satisfaction of the Director, of measures taken to: -

13.3.1 Correct the impact resulting from the incident;

13.3.2 Prevent the incident from causing any further impact; and

13.3.3 Prevent a recurrence of a similar incident.

12.4 In the event that measures have not been implemented within 21 (twenty-one) days of the incident referred to in Condition 13.1 to address impacts caused by the incident, or that the measures which have been implemented are inadequate, the Director, may implement the necessary measures at the cost and risk of the Licence Holder.

12.5 The Licence Holder or duly appointed person must keep and maintain an incident and complaints register, which must be made available at the request of the Director and be made available to both the external and Departmental auditors for the purpose of their audits.

12.6 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.

12.7 The Department must be notified within 14 (fourteen) days of the following changes: -

12.7.1 Licence Holder's trading name, registered name or registered office address;

12.7.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and

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

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

12.9 The information required in terms of Condition 11.3 must be reported to the Director and the Director RPW in a yearly report, which may be attached to or form a part of the external audit report. The information must be represented in a trend graph that includes and compares all previous information and must be interpreted by an expert in the field.

## **13. LEASING AND ALIENATION OF THE SITE**

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

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

#### **14. TRANSFER OF THE WASTE MANAGEMENT LICENCE**

- 14.1 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.
- 14.2 Any subsequent Licence Holder will be bound by the conditions of this Licence or Variations thereof.

#### **15. COMMENCEMENT**

- 15.1 The closure activities hereby licensed may not commence within 20 (twenty) days of the date of signature of the original Licence.
- 15.2 Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not continue or commence with the closure activities until authorised by the Director in writing.
- 15.3 After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.

#### **16. GENERAL**

- 16.1 This Licence will remain responsible for the Facility and/or any of the impacts on the environment arising from the decommissioning.
- 16.2 This Licence will not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act No. 61 of 2003), the National Water Act, 1998 (Act No. 36 of 1998) or any applicable Act, Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 16.3 The Licence Holder must submit a written report to the Responsible Authority regarding any deviations from plans described in this Waste Management Licence and must obtain written permission from the Responsible Authority before such deviations may be implemented.
- 16.4 Transgression of any condition of this Licence could result in the suspension of the Licence by this Director.
- 16.5 Based on the compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn.
- 16.6 Non-compliance with a condition of this Licence may result in criminal prosecution or other actions provided for in section 67(1) of the NEM:WA.
- 16.7 In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act, 1998 (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 environmental risks of their work and training them to operate in an environmentally acceptable manner.

## **17. REHABILITATION AND CLOSURE OF THE FACILITY**

17.1 The Licence Holder will remain responsible for the Facility, and/or any of its impacts on the environment.

## **D. APPEAL OF LICENCE CONDITIONS**

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 1.2. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
  - 1.2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.3. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
  - 1.3.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
  - 1.3.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.4. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 1.5 The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development  
Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 3 Dorp Street, Cape Town, 8001

By email: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@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: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@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 will 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: 04-03-2020**

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

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

## ANNEXURE I

### REASONS FOR THE DECISION

1. 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:
2. The existing, historical and informal Concordia Waste Disposal Facility (WDF) posed risks to the proposed school directly adjacent to this Facility and therefore had to be decommissioned. The current land owner was required to assess the risks to human health and well-being and to the environment and apply for a Waste Management Decommissioning Licence (WML) in terms of the activities 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 (GN) No. 921 of 29 November 2013, as amended (GN No. 921).
3. A Waste Management Licence Application for the decommissioning of this Facility, together with a BAR and Environmental Impact Assessment Report was subjected to full public participation and submitted to the Department of Water and Sanitation (DWS) and to this Department for comment, evaluation and a final decision.
4. Having considered the limited options available (removal of all the waste or capping the waste body) to the Western Cape Government: Department of Transport and Public Works, the environmental risks, the potential impacts to the community (especially vulnerable learners), comments from all the Interested and Affected Persons (I&APs), location, current impacts to the groundwater quality and the landfill gas assessment of the informal historical WDF, this Department is convinced that the potential risks will be sufficiently mitigated by the proposed capping and rehabilitation measures and has therefore issued this authorisation.
5. All the following information that was available to the Department was taken into account in the Department's consideration of the application: -
  - (a) The information contained in the Decommissioning Waste Management Licence Application, signed 24 October 2019.
  - (b) Waste Management Licence Application: Additional Information, appended to the Final BAR.
  - (c) The Final BAR, compiled by HilLand Environmental Impact Practitioners, dated October 2019 with the following attachments:
    - (i) Previous authorisations, comments and letters from State;
    - (ii) Specialist Studies:
      - Revised technical report and design drawings of alternative proposal for the closing and capping of the landfill site, dated June 2018, by Uhambiso Consult (Pty) Ltd,
      - Geotechnical report, dated December 2010, by Outeniqua Geotechnical Services,
      - Geotechnical report, dated 11 December 2011, by Outeniqua Geotechnical Services
      - Groundwater quality analysis report, dated March 2014, by Jones Environmental Laboratory,
      - Investigation into the threat of methane gas at the proposed new Concordia primary school site, dated September 2014, by Envitech Solutions, and
      - Biodiversity assessment, by HilLand Environmental;
    - (iii) Public Participation Report, including list of Interested and Affected Parties, comments and response table, agreements and advertisements in local newspapers, dated October 2019;
    - (iv) Environmental Management Programme, dated October 2019; and
    - (v) Screening tool analysis, dated September 2019.
  - (d) The letter of acceptance from the Department of Water and Sanitation, dated 28 February 2020 of the following documents:

- (i) The Design Drawings: 8398AG/400, 8398AG/489, 8398AG/490 B, 8398AG/491 B, 8398AG/492 B, 8398AG/493 B, 8398AG/494 A, dated 12 and 15 March 2018, signed by A.S. de Kock (Pr Eng 880623) from Uhambiso Consult (Pty) Ltd;
  - (ii) Draft Basic Assessment Report for the Closure of the Unlawful Waste Dump Site Adjacent to the Concordia School on Erf 19624, Knysna, by HillLand Environmental, dated September 2019.
  - (iii) Final Basic Assessment Report for the Closure of the Unlawful Waste Dump Site Adjacent to the Concordia School on Erf 19624, Knysna, by HillLand Environmental, dated October 2019; and
  - (iv) Comments received from the Directorate: Resource Protection and Waste Scientist Production: Geohydrology dated 24 January 2020.
- (e) The Record of Decision in terms of section 50 of the NEM: WA, from the Department of Water and Sanitation, issued on 28 February 2020.
- (f) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process and the applicant and the Environmental Assessment Practitioner's responses thereto.
- (g) Relevant information contained in the Departmental information base.
- (h) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.

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

#### 6.1 Alternatives

The following alternatives were considered:

- (a) The option of removing the waste was considered not feasible;
- (b) Design or layout alternatives including the construction of a sport field on top of the capping layer;
- (c) Design or layout excluding the construction of a sport field on top of the capping layer; and
- (d) No-Go alternatives.

#### 6.2 Deviation

No deviation was applied for.

#### 6.3 Basic Assessment

As the only waste management activity is the decommissioning of the WDF, with no further operational activities, only a BAR was required.

#### 6.4 Environment

Once the WDF is capped according to the approved design drawings, the only potential risk to the environment is from potentially contaminated groundwater, which must be regularly monitored. Mitigation measures were also included in the capping design to safely manage any landfill gas that may migrate from the WDF. Although permanent solid structures such as brick and mortar buildings are not be allowed on the WDF without written authorisation from the Responsible Authority, future sports fields may be considered to be constructed on the capped area at a future date.

#### 6.5 Geohydrology

Minimal groundwater contamination was detected, and the further spread of this contamination is expected to reduce even further after the stormwater is diverted around the WDF and a cap is placed over the waste body to limit water ingress from precipitation falling on the waste body. Sporadic leachate that may be intercepted in a cut-off trench will be channelled to sewer in such a manner that no contact with the learners will be possible. The use of groundwater will also be limited to protect the learners from

possible contact with contaminants. However, regular ground water quality monitoring will be further required.

#### 6.6 Public Participation Process (PPP)

The PPP comprised of the following: -

- (a) I&AP's were identified and invited to comment on the Draft BAR;
- (b) Advertisements were placed in two local newspapers on the 13 and 19 June 2019, respectively;
- (c) Fixing of a notice were put up at strategic places;
- (d) Notification sent to registered I&Ap's and copies of the various documents were made available; and
- (e) Submission of the final BAR to this Department and the DWS were received on the 01 November 2019 and 14 November 2019 respectively.

#### 6.7 Authorities Consultation:

The authorities consulted include the following: -

- (a) Department of Water and Sanitation (Head Office);
- (b) Department of Water Affairs: Regional Office, Western Cape / Berg Gourits Catchment Management Agency (BGCMA);
- (c) Western Cape Department of Environmental Affairs and Development Planning;
- (d) Department of Health;
- (e) Western cape Department of Transport and Public Works;
- (f) Cape Nature;
- (g) Garden Route District Municipality;
- (h) Knysna Local Municipality;
- (i) Heritage Western Cape;
- (j) SANParks;
- (k) Concordia Ward Councillor; and
- (l) Concordia Primary School



## **ANNEXURE II**

### Water Quality Variables required for detection monitoring:

Monitor bi-annually for:

Alkalinity (P.AIk)

Ammonia (NH<sub>3</sub>-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO<sub>3</sub>-N)

pH

Phosphates (PO<sub>4</sub>)

Potassium (K)

Sodium (Na)

Total Dissolved Solids (TDS) for the Closure of the Unlawful Waste Dump Site Adjacent to the Concordia School on Erf 19624, Knysna, by Hilland Environmental, dated October 2019. for the Closure of the Unlawful Waste Dump Site Adjacent to the Concordia School on Erf 19624, Knysna, by Hilland Environmental, dated October 2019. for the Closure of the Unlawful Waste Dump Site Adjacent to the Concordia School on Erf 19624, Knysna, by Hilland Environmental, dated October 2019.

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