



**REFERENCE:** 19/2/5/4/D7/4/WL0134/19

The Municipal Manager  
Oudtshoorn Municipality  
PO Box 255  
**OUDTSHOORN**  
6620

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**For attention:** Mr Rodwell Witbooi

**WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT:  
WASTE ACT, 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE DECOMMISSIONING OF THE  
DE RUST WASTE DISPOSAL FACILITY (WDF), FARM DE RUST, PORTION 0 OF ERF NO. 57, DE RUST**

### **WASTE MANAGEMENT LICENCE**

**A. DECISION**

I, Lance McBain-Charles, in my capacity as the acting Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), as amended, hereby repeal the Waste Management Licence with reference No.: 19/2/5/1/D7/4/WL0092/14, and issue this varied Waste Management Licence to the Oudtshoorn Local Municipality (hereinafter referred to as 'the Municipality') for the closure and decommissioning of the De Rust WDF on Farm De Rust, Portion 0 of Erf no. 57, De Rust (hereinafter referred to as "the Facility").

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

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

- (a) Remedial design to address identified problem areas;
- (b) Final shaping, landscaping and re-vegetation;
- (c) Final landfill cover or capping design,
- (d) Construct the capping layer to minimum quality and thickness;
- (e) Permanent storm water diversion measures, run-off control and anti-erosion measures; and
- (f) 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.

### Category C

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.

- 5(1) The storage of general waste at a facility that has the capacity to store in excess of 100m<sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- 5(2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m<sup>3</sup> of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- 5(3) The storage of waste tyres in a storage area exceeding 500m<sup>2</sup>.
- 5(6) The sorting, shredding, grinding, crushing, screening or bailing of general waste at a facility that has an operational area that is 1000m<sup>2</sup> and more.

Should the above-mentioned threshold 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", published as Government Notice No. 926 of 29 November 2013.

The Licence Holder must register in terms of "NEM:WA National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste", published as Government Notice No. 1093 of 11 October 2017 and adhere to the general Duty of Care as stipulated in section 28 of the National Environmental Management Act, 1998 (Act no. 107 of 1998) "NEMA". If the Facility has an operational area greater than 1000m<sup>2</sup>, the Facility will need to adhere to the mentioned Norms and Standards,

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/D7/4/WL0134/19  
**WASTE APPLICATION:** DECOMMISSIONING OF THE DE RUST COMMUNAL WASTE DISPOSAL FACILITY  
(G:C:B-)  
**LOCATION:** FARM DE RUST, PORTION 0, ERF NO. 57, DE RUST.  
**LICENCE HOLDER:** OUDTSHOORN LOCAL MUNICIPALITY  
**CONTACT PERSON:** MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER  
**ADDRESS:** P O BOX 255, OUDTSHOORN, 6620.

**1.LOCATION**

- 1.1 This Licence authorises the Oudtshoorn Local Municipality to decommission the Facility on Farm De Rust, Portion 0, Erf No.57, De Rust.
- 1.2 Location of property on which Facility is situated:

<b>Latitude (S)</b>	<b>Longitude (E)</b>
33°29'56.09"	22°31'46.69"

- 1.3 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 15 January 2014 and Waste Management Licence Application Additional Information Annexure dated 1 April 2014 submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility

<b>Number of corners</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
1	33°29'54.40"	20°31'44.59"
2	33°29'57.16"	20°31'46.09"
3	33°29'56.77"	20°31'47.89"
4	33°29'55.21"	20°31'48.90"

- 1.4 The footprint of the Facility and its associated infrastructure is 2 362m<sup>2</sup>.
- 1.5 The Surveyor General 21 digit code of the Facility is: C05400000000005700000

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

2.1 A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr) dated 1 April 2014, prior to any construction activities being undertaken on the Facility. The WMCO/ECO must:-

- (a) Report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through the means reasonably available; and
- (b) Monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs.

## **3. MANAGEMENT**

### **3.1 General Management**

- 3.1.1 The EMPr for the closure of the facility, submitted as part of the final Basic Assessment Report, is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

#### **4. DECOMMISSION PHASE**

- 4.1 The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Licence Authority for approval 30 days prior to construction for decommissioning of the Facility.
- 4.2 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.
- 4.3 The Facility must be capped with an appropriate infiltration control cap comprising out of 200mm topsoil, 450mm of compacted clay Layer ('CCL') (in 3 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding  $10^{-6}$ 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 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.
- 4.4 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).
- 4.5 The waste body must be covered with the surrounding indigenous vegetation.
- 4.6 The slopes of the sides of the Facility must be constructed in accordance with recognised civil engineering practices, with special consideration to stability.
- 4.7 The Facility, or any portion thereof must be covered and the Facility must be maintained in such a way that:-
- 4.7.1 the formation of pools due to rain is prevented;
  - 4.7.2 free surface runoff of rain-water is ensured;
  - 4.7.3 contamination of storm water is prevented;
  - 4.7.4 no objects or material which may hamper the rehabilitation of the Site are present; and
  - 4.7.5 little or no erosion occurs.
- 4.8 The leachate collection tank, which must contain all leachate from the Facility, must be installed and monitored for 18 (eighteen) months as indicated on page 19 of the EMPr.
- 4.9 Sporadic leachate from the Facility may only be discharged into any convenient sewer, if available, and if accepted by the authority responsible for that sewer.
- 4.10 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 30 of 1998).

## **5. IMPACT MANAGEMENT**

### **Facility Security and Access Control**

- 5.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence of 1.8m and a gate with the same height.
- 5.2 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least three (3) official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 5.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs on the Facility.

## **6. FACILITY MANAGEMENT AND OPERATIONS**

- 6.1 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:
- (a) The presence of any nuisances such as flies, exposed waste, and bad odours must be monitored every 6 (six) months and monitoring results are kept in terms of Condition 13.
  - (b) 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 13 and 14.

## **7. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 7.1 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.
- 7.2 Should the investigation carried out as per Condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **8. WATER QUALITY MANAGEMENT**

### **Runoff Management**

- 8.1 Works constructed in compliance with Condition 4 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate:-

- 8.1.1 All stormwater runoff, which could be expected because of the estimated maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in the fifty years; and
- 8.1.2 All expected leachate.
- 8.2 Works constructed in compliance with Condition 8.1 must, on a continuous basis, be properly maintained.
- 8.3 All runoff water (storm water) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with Condition 4.
- 8.4 Stormwater leaving the site shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the site.
- 8.5 Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Site but must be diverted to and discharged into the nearest storm water channel.

## **9. MONITORING**

### **9.1 Water Quality Monitoring**

- 9.1.1 The Licence Holder must establish and maintain a ground water monitoring borehole network with at least one upstream and one downstream borehole, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 9.1.2 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.
- 9.1.3 Surface water monitoring must be performed in all storm water drains outlets that discharge to the natural environment and adjacent to the Facility at locations selected in conjunction with the Director: RPW and at such a frequency as determined by the Director: RPW.

### **9.2 Detection monitoring**

- 9.2.1 Monitoring for groundwater and surface water shall be conducted
- (a) bi-annually (twice a year) for the water quality variables listed in Annexure II;
  - (b) annually for the quality variables listed in Annexure III; or
  - (c) such frequency as may be determined by the Licencing Authority.



### **9.3 Investigative monitoring**

- 9.3.1 If, in the opinion of the Director, a water quality variable listed under the detection monitoring programme, as referred to in Condition 9.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

### **9.4 Further investigation**

- 9.4.1 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.

## **10. ANALYSIS OF SAMPLES**

### **Monitoring Methods and Parameters**

- 10.1 The Licence Holder must carry out all tests required in terms of Condition 9.2 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).
- 10.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licensing Authority, specifying that the method to be used is at least equivalent to the SABS method.
- 10.3 In the event of contamination/pollution being found, the Department of Water and Sanitation should be notified as soon as possible and a remediation plan be provided for approval. Potential receptors are to be identified immediately and action taken to ensure that there is no health risk.

## **11. AUDITING**

### **11.1 Internal audits**

- 11.1.1 Internal audits must be conducted quarterly by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the Director: RPW and submitted to the Director.

## 11.2 **External audits**

11.2.1 The Licence Holder must appoint an independent external auditor after the decommissioned phase has been concluded, to audit the site annually 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.

11.2.2 The audit report must:-

- (a) Specifically state whether conditions of this licence are adhered to;
- (b) Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
- (c) Specify target dates for the implementation of the recommendations to achieve compliance; and
- (d) Specify whether corrective action which was taken for the previous audits non conformities was adequate.

## 12. **DEPARTMENTAL AUDITS AND INSPECTIONS**

12.1 The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director.

12.2 The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.

12.3 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).

## 13. **RECORD KEEPING**

13.1 All records required or resulting from activities required by this Licence must:-

- (a) be legible;
- (b) be made available and should form part of the external audit report;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
- (d) be retained in accordance with documented procedures which are approved by the Department; and
- (e) be made available to the Department upon the request of the Director.

## **14. REPORTING**

- 14.1 The Licence Holder must, within 24 (twenty four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused any pollution.
- 14.2 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 14.1, 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:-
- (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.
- 14.3 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 14.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 14.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 14.5 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.
- 14.6 The Department must be notified within 14 (fourteen) days of the following changes:-
- (a) Licence Holder's trading name, registered name or registered office address;
  - (b) Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - (c) Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 14.7 All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 14.8 The Licence Holder must register and report to the Departmental Integrated Pollutant and Waste Information System (IPWIS), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public/>.

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

- 15.1 The Facility must be managed and operated:-
- (a) In such a manner that no nuisance conditions such as odour or health hazards occur.
  - (b) So that no general waste is burned at the Facility.
- 15.2 The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 15.3 So that 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.
- 15.4 The Licence Holder must make use of moveable fences to control windblown litter.
- 15.5 The Licence Holder must ensure the health and safety of workers and employees on the Site, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 15.6 No new waste cell may be developed and the existing waste cells may not be expanded.
- 15.7 The types of waste accepted for disposal must comply with the national norms and standards for disposal of waste to landfill of August 2013.
- 15.8 No hazardous waste can be disposed of at the Facility.
- 15.9 No tyres should be disposed of on site.

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

- 16.1 Should the Licence Holder want to alienate or lease the Facility, he/she must notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction. Should the approval be granted, the subsequent Licence Holder shall remain liable to compliance with all Licence conditions.

## **17. TRANSFER OF WASTE MANAGEMENT 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, 2008.
- 17.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.
- 17.3 The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:-
- 17.3.1 The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained

herein to be transferred, and including:-

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

(b) the contact details of the person who will be the new Licence Holder;

(c) the reasons for the transfer; and

(d) an originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.

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

## **18. COMMENCEMENT**

18.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.

18.2 Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.

18.3 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.

18.4 This decommissioning phase must commence by 28 August 2024. If commencement of the activity does not occur before 28 August 2024, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.

18.5 If the proponent anticipates that commencement of the activity would not occur before 28 August 2024, he/ she must apply and show good cause for an extension of the commencement date in this Licence 1 (one) year prior to its expiry date.

## **19. GENERAL**

19.1 This Licence shall not be transferable unless such transfer is subject to Condition 17 above.

19.2 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.

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

- 19.4 This Licence is valid until 28 August 2034. The licence may be reviewed every 3 (three) years 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.
- 19.5 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.
- 19.6 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&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

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: [DEADP.Appeals@westerncape.gov.za](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 [Marius.Venter@westerncape.gov.za](mailto:Marius.Venter@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 [Marius.Venter@westerncape.gov.za](mailto:Marius.Venter@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadb>.



**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,



**LANCE MCBAIN-CHARLES**

**ACTING DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION:** 2019/11/6

CC: (1) Mr Malise Noe (DWS)

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

## **ANNEXURE I**

### **A. REASONS FOR THE DECISION (APPEALABLE)**

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

1. The Department received a non-substantive variation application on 27 August 2019 to apply for a postponement of the commencement date to 28 August 2024, citing that due to the onerous financial demand of having other historic sites to decommission in five years, the rehabilitation of the De Rust WDF cannot commence before the required commencement date. Budget allocations submitted to the Department show that funds are to be spread over the upcoming financial years in order to rehabilitate the WDF by the new commencement date. The remaining time before the original commencement period (i.e. 28 August 2019) were therefore insufficient for the activity to commence on time.
2. In accordance with the Licence condition 19.4, the Department has subsequently reviewed and updated the Licence by extending the commencement date for commencing closure of this Facility to 28 August 2024 (5-year extension).

### **B. REASONS FOR THE ORIGINAL 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 15 January 2014;
- (b) The Basic Assessment Report (BAR) dated 1 April 2014, compiled by AECOM (Pty) Ltd, including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) A site visit undertaken by Egbert Rossouw from this Department on 7 February 2014;
- (e) Relevant information contained in the Departmental information base; and
- (f) 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 Facility is located south west of the town of De Rust in the Western Cape and is being used for the disposal of builder's rubble and garden waste with illegal dumping of domestic waste taking place over time. The Facility is not currently operational and has been rehabilitated by the natural overgrowth of vegetation over time, currently being used as grazing. Alien invasive plants such as Eucalyptus trees are present on site. Surrounding land-uses in the area predominantly consists of agricultural and residential activities and mostly consist of natural vegetation. The site slopes down in a southerly direction, indicating the direction of drainage. The geology of the area is dominated by Siliclastic bed rock.

### **Deviation**

The applicant requested permission for the deviation from Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010, namely the requirement to fix notice boards and place site notice on alternative sites which is hereby granted permission for such deviation, as the facility is an existing waste disposal facility

### **Basic Assessment**

Permission for downgrading from Scoping & EIR to Basic Assessment procedure as per Regulation 20(4) of GN No. R. 543 of 18 June 2010 is hereby granted for the following reasons:

- (a) The site is an existing waste disposal facility;
- (b) The site came into existence prior to NEMWA coming into effect, is an historical small communal facility and is likely to have no significant impacts on the environment.
- (c) The nature and volume of material being disposed (predominately builder's rubble and garden waste) only is unlikely to have significant impacts on the environment.

### **ALTERNATIVES**

The following alternatives were considered:-

#### **Site Alternatives**

No site alternatives have been assessed as the application is for the closure of the existing Facility.

#### **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 of an existing dumping site.

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

The PPP comprised of the following:-

- (a) 40-day I&AP public review and comment period on draft BAR (19 February 2014 to 30 March 2014);
- (b) Engagements were held with several stakeholders between 17 February 2014 and 28 March 2014.
- (c) Advertisements were placed in the "Cape Argus" on 26 January 2014, in "Die Burger" on 24 January 2014 and "Standard" on 6 March 2014;
- (d) Fixing of notice board at the De Rust Communal Waste Disposal Facility and at the Oudtshoorn Municipal Office on 20 January 2014;
- (e) Notification sent to registered I&APs via sms and email on 17 February 2014 and copy of the final BAR made available at the De Rust Public Library, 14 Burger Street, De Rust from 01 April 2014 for 21 days review period;
- (f) Submission of the final BAR to the Department on 01 April 2014.

Authorities Consultation:-

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

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END

## ANNEXURE II

### WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

#### **Monitor at bi-annual intervals for:**

Alkalinity (P.Alk)

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

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

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

pH

Potassium (K)

Total Dissolved Solids (TDS)

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END

## **ANNEXURE III**

### **WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:**

#### **Monitor at annual intervals for:**

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO<sub>4</sub>)

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END