



REFERENCE: 19/2/5/1/A5/88/WL0078/21

The Board of Directors

Orvipax (Pty) Ltd

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For attention: Dr. Izak Botha

WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF A COMPOSTING FACILITY ON PORTION 2 OF THE FARM OLYPHANTSFONTEIN NO. 935, MALMESBURY REGISTRATION DIVISION, WESTERN CAPE.

I, Saliem Hader, 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 issue this Waste Management (Licence No. 19/2/5/1/A5/88/WL0078/21) (hereafter referred to as "Licence"), to the above-mentioned Licence Holder, to decommission the composting facility on Portion 2 of the Farm Olyphantsfontein No. 935, Malmesbury Registration Division, Western Cape (hereinafter referred to as "the Farm").

A. DESCRIPTION OF THE ACTIVITY:

DESCRIPTION OF PREVIOUS ACTIVITY THAT IS TO BE DECOMMISSIONED:

- The organic composting activity to be decommissioned entailed the treatment of green waste, fruit, and vegetable and seasonal grape pomace and animal manure.
- The applicant for the composting facility proposed to use the following organic wastes for the new open windrow composting area in a second application to expand the composting activities:
 1. Green Waste: 8000 ton/month.
 2. Manures: 3000 ton/month split between Cattle 40%; Chicken 40%, Pig 10%, Horse 10%.
 3. Fruit and Vegetable: 2000ton/month; and
 4. Grape Pomace (Skins & Stalks): 40 000ton/ per year (this is seasonal January- March)
- The size of the property (cadastral unit) on which the activity was undertaken is 65 ha.
- The size of the previously existing portion of the composting facility was approximately 5,6 ha.
- The size of the facility (development area) on which the expanded activity was to be undertaken is approximately 5,6 ha.
- The windrow turning process was continuous whereby windrows (measuring 5 metres in width and 2,5 metres in height) were mechanically turned and moved on a daily basis to accommodate new incoming material.
- Potable water was obtained from the existing boreholes on the site and the quantities used did not exceed the general authorisation.
- Water from the detention pond on site was utilised during the composting process to maintain the correct moisture content. This pond formed part of the stormwater management system in place on site.
- No raw product was stored, but the final composting product was stored in heaps before being screened into different size classes and bagged.
- The existing active compost area was on bare soil. The geology of the area is such that the site was located on a deep underlying clay horizon, and this in-situ clay layer assisted with the effective drainage of contaminated stormwater horizontally and not vertically. This clay material can be found throughout the site and adjacent vineyards. Due to its low permeability, this clay material was expected to prevent sub-surface seepage and therefore the potential for groundwater pollution to occur.
- All surface water upstream of the composting facility was diverted around the processing area using earth drains and berms. All surface water and roadway water were collected and discharged away from the facility.
- Potentially contaminated stormwater on site was conveyed from the active composting area to cut off trenches and then finally to a "detention pond", which is a natural clay-lined pond. The pond acted as the primary irrigation dam for the surrounding vineyards. Any flooding at the facility due to excessive rainfall flowed into the pond. The capacity of the Detention Pond is 90 000m³.

The following activities identified in Government Notice No. 718 – Category A were authorised:

- 3 (1):** The storage, including the temporary 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.
- 3 (7):** The recycling or re-use of general waste of more than 10 tons per month.
- 3 (9):** The biological, physical or physico-chemical treatment of general waste at a facility that has the capacity to process in excess of 10 tons of general waste per day.
- 3 (17):** The storage, treatment or processing of animal manure at a facility with a capacity to process in excess of one ton per day.
- 3 (18):** The construction of facilities for activities listed in Category A of this Schedule (not in isolation to associated activity).

DESCRIPTION OF DECOMMISSIONING ACTIVITY IN TERMS OF THE CURRENT WASTE MANAGEMENT LICENCE:

- The two composting sites were cleared and cleaned when the Farm was sold to the new owner, Orvipax (Pty) Ltd., which is also the Applicant for a proposed piggery on the Farm, and now the holder of the composting WML (Appeal reference: M3/6/5) dated 23 September 2014, which is the subject of the current decommissioning WML. The Applicant will not continue with the composting facility and therefore wishes to decommission the facility, and hence, no longer wishes to possess the composting WML.
- Herselman Consulting Services was appointed to conduct a Phase 1 Contaminated Land Assessment on the Farm, and a Site Assessment Report (SAR), which contains the information required as part of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM:WA) Part 8 (Contaminated land).
- Based on this assessment the site is a Category C site according to section 38(1) of NEM:WA: (c) the investigation area is contaminated and does not present an immediate risk but that measures are required to address the monitoring and management of that risk.
- No remediation of the site is therefore required, but continued groundwater monitoring is advised to monitor potential future risk.

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', GN 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 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

B. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/1/A5/88/WL0078/21
WASTE APPLICATION: DECOMMISSIONING OF A COMPOSTING FACILITY
LOCATION: PORTION 2 OF THE FARM OLYPHANTSFONTEIN NO. 935, MALMESBURY REGISTRATION DIVISION, WESTERN CAPE.
LICENCE HOLDER: ORVIPAX (PTY) LTD
CONTACT PERSON: DR. IZAK BOTHA
ADDRESS: P.O. BOX 558, STELLENBOSCH, WESTERN CAPE PROVINCE

1. LOCATION

- 1.1. This Licence authorises Orvipax (Pty) Ltd to decommission the green waste composting facility on Portion 2 of Farm Olyphantsfontein No. 935, Malmesbury, Western Cape Province (hereinafter referred to as "the Facility").
- 1.2. The location of the Facility is according to the following co-ordinates indicated in the Waste Management Licence (WML) Additional Information Annexure dated 1 August 2012, which was submitted as part of the WML application for the composting activity:

Table 1-1: Footprint of the Composting Facility to be decommissioned

Activity footprint for layout (preferred alternative)		
	Latitude (S):	Longitude (E):
Number of corner		
1	33°40'40.06"S	18°47'3.88"E
2	33°40'37.28"S	18°47'10.32"E
3	33°40'39.62"S	18°47'11.85"E
4	33°40'42.62"S	18°47'5.10"E
5	33°40'52.70"S	18°47'10.40"E
6	33°40'43.20"S	18°47'31.80"E
7	33°40'50.10"S	18°47'29.90"E
8	33°40'56.60"S	18°47'31.10"E
9	33°41'14.35"S	18°47'20.87"E

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

- 2.1. 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.
- 2.2. A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the decommissioning Licence.

2.3. The WMCO/ECO must: -

2.3.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available;

3. IMPACT MANAGEMENT AND OPERATIONS

3.1. Facility security and access control

3.1.1. The Licence Holder must prevent unauthorised access to the Facility, by having it enclosed, having all entrance gates manned during the hours of operation and locked outside the hours of operation.

3.1.2. Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least three official languages applicable in the area. These notices must prohibit unauthorised entry, state the hours of operation, include the type of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.

3.2. Impact management

3.2.1. The Licence Holder must ensure that groundwater monitoring results are submitted to the Department annually, until such time the annual groundwater reports confirm that there is no longer any threat of impact from the closed composting facility on the groundwater.

3.2.2. The Licence Holder must employ the services of an independent groundwater specialist to conduct annual groundwater assessments and report on the impacts the closed composting facility has on the groundwater.

3.2.3. The requirement for annual groundwater reports will only cease upon written notification by this Department that it is satisfied with a report by the independent groundwater specialist confirming that the closed composting facility is no longer a threat to surface groundwater resources.

4. INVESTIGATIONS

4.1. 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.

5. RECORD KEEPING

5.1. The Licence Holder must keep and maintain records of groundwater monitoring results.

5.2. All records required or resulting from activities required by This licence must:

5.2.1. Be legible;

5.2.2. Be made available and should form part of the external audit report;

5.2.3. If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;

5.2.4. Be retained in accordance with documented procedures which are approved by the Department; and

5.2.5. Be made available upon the request of the Director.

6. REPORTING

- 6.1. The Licence Holder must, within 24 hours, notify the Director of the occurrence or detection of any incident on the site which has the potential to cause, or has caused any pollution.
- 6.2. The Licence Holder must, within 14 days, or as specified by the Director from the occurrence or deflection of any incident referred to in condition 12.1, 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 —
 - 6.2.1. Correct the impact resulting from the incident;
 - 6.2.2. Prevent the incident from causing any further impact; and
 - 6.2.3. Prevent a recurrence of a similar incident.
- 6.3. In the event that measures have not been implemented within 21 days of the incident to address impacts caused by the incident referred to in condition 10. or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 6.4. The Licence Holder must keep and maintain an incident and complaints register, which must be attached to the external audit report.
- 6.5. The Department must be notified within 7 days of any changes to the management of the site including the name of the incoming person together with evidence that such person has the required technical competence.
- 6.6. The Department must be notified within 14 days of the following changes:
 - 6.6.1. Licence Holders trading name, registered name or registered office address;
 - 6.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary);
 - 6.6.3. steps taken with a view to the Licence Holder going into bankruptcy, entering composition or arrangement with creditors.

7. LEASING AND ALIENATION OF THE SITE

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

8. TRANSFER OF WASTE MANAGEMENT LICENCE

- 8.1. 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 (Act 59 of 2008).
- 8.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

9. COMMENCEMENT

- 9.1. In considering the nature of the historic composting activities, the agricultural zoning of the Farm, Water Use Registration Technical Report for use by Environmental Practitioner dated January 2021, the Department has no objection to the establishment of the proposed Piggery subject to the latest Environmental Authorisation application running concurrently with the application for the current Licence.
- 9.2. The first annual groundwater monitoring results must be submitted to this Department within three (3) months of the date of this Licence.

- 9.3. 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.
- 9.4. After the twenty (20) 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.

10. GENERAL

- 10.1. This Licence shall not be transferable unless such transfer is subject to condition 8 above.
- 10.2. 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.
- 10.3. Transgression of any condition of this licence could result in the validity of the licence being terminated by The Department.
- 10.4. This licence is valid for 5 years. The licence may be reviewed at any time before that date. Based on the results of the review, especially compliance to licence conditions or recommendations from the groundwater specialist reports and or changing legislation, the licence can be amended or withdrawn or the validity thereof extended.
- 10.5. Should the Licence Holder want to conduct the waste management activity beyond five (5) years, the Licence Holder must apply for a review one year before the expiry date.
- 10.6. Non-compliance with a condition of this License may result in criminal prosecution or other actions provided for in Section 67 (l) of the NEM: WA.
- 10.7. Any committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the Licence Holder or his/her successor in title in any instance where construction or operation are to be temporarily or permanently stopped for reasons of non-compliance.
 - 10.7.1. 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.

11. **APPEAL OF LICENCE**

- 11.1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 11.2. 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:
 - 11.2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 11.2.2. 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.
- 11.3. 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:
 - 11.3.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 11.3.2. 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.
- 11.4. 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.
- 11.5. 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 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

Note: A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Marius.Venter@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>

C. DISCLAIMER

The Western Cape Provincial 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 Licence Holder, the developer or the 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

DIRECTOR: WASTE MANAGEMENT

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 finds the final Basic Assessment Report dated 13 September 2021 and the Environmental Management Programme dated September 2021 compliant with all the conditions of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environmental Impact Assessment Regulations, 2014, as amended.
2. A 30-day commenting period on the Pre-application Basic Assessment Report and its attachments have been allowed for (from Tuesday, 6 April 2021 until Monday, 10 May 2021). Another 30-day commenting period on the Post-application Basic Assessment Report and its attachments was allowed (from Monday, 12 July 2021 until Thursday, 12 August 2021). All written comments received on the Pre- and Post-application Basic Assessment Reports have been responded to in a "Comments and Responses Report", and the Final Basic Assessment Report, submitted to the DEA&DP for decision-making.
3. The Applicant would like to establish a piggery, to be located on the area previously used for composting activities, located west of the irrigation dam and has applied for an Environmental Authorisation in that regard. The Environmental Authorisation necessary for the Piggery, and the Waste Management Licence process for the decommissioning of the composting facility, have been run concurrently, using the same Basic Assessment process, with an Environmental Management Programme to protect, among others, surface and groundwater. The success of the Piggery is reliant on protecting the groundwater as they depend on it for their operations.
4. Wastes from the Piggery will be managed as biodegradable industrial wastes / biosolids through provisions in the Sludge Guidelines (DWAf, 2006). Because of the nutrient content in piggery wastes, waste could be applied to land as a fertiliser. Waste solids and liquids will be treated on site. Liquid wastes, after screening (solid removal) will flow into an existing dam, to be appropriately lined with a suitable liner (clay or alternate impermeable materials) pending the geotechnical study to prevent any seepage to groundwater sources.
5. The wastes will be supplementing irrigation supplies through a controlled irrigation system whereby wastes are pumped and co-irrigated with other irrigation supplies on lucerne fields (fertigation). Such a control system is standard practice in agriculture and used in the application of liquid fertiliser on irrigated crops. The cultivation of lucerne will be in accordance with soil specialist's recommendations with respect to industry standard nutrient application rates and crop nutrient demand. The lucerne harvested, in turn, is anticipated to be taken off site and used in, amongst other things, to produce pig rations (that in turn is used in the piggery).
6. All stormwater is diverted from the piggery, as per the Stormwater Management Plan with roofs equipped with gutters and relayed to the environment. No wastewater will enter the stormwater system. Stormwater drainage from possible contaminated open areas is routed into the wastes drainage network and will ensure that wastes do not contaminate the surrounding environment or come into contact with the water resource. Sufficient leachate protection barriers, holding capacities and freeboard, will be incorporated in the design of the wastes collection and storage systems.
7. The composting facility to be decommissioned is located in an area that is contaminated and does not present an immediate risk but measures are required to address the monitoring and management of that risk. The suspension of composting activities has removed the major risks associated with that activity, like dust, windblown litter and water resource impacts from leachate.

The only impacts that possibly remains from the now historic composting activity are the possible impacts on surface and groundwater. Therefore, while very little impact is expected from the decommissioned composting activities and it was found that no remediation of the site is required, the intended piggery authorisation requires the Piggery to implement extensive mitigation measures to protect surface and groundwater.

8. The Directorate: Waste Management finds it sufficient for the Piggery to provide annual groundwater monitoring reports that are compiled by an independent groundwater specialist. These reports may be the same that are required in terms of the EMPr submitted as part of the final Basic Assessment process for the combined Waste Management Licence and Environmental Authorisation applications.

_____END_____