



**REFERENCE:** 19/2/5/4/B3/28/WL0185/19

The Municipal Manager  
Drakenstein Local Municipality  
Berg River Boulevard  
PO Box 1  
**PAARL**  
7620

Tel: (021) 807 4500  
Fax: (021) 872 8054  
Email: [Thys.Serfontein@drakenstein.gov.za](mailto:Thys.Serfontein@drakenstein.gov.za)

**For attention:** Mr Thys Serfontein

**WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE DECOMMISSIONING OF THE BOY LOUW WASTE DISPOSAL FACILITY ON ERF NO. 593, PAARL**

#### WASTE MANAGEMENT LICENCE

#### A. DECISION

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as 'the Department'), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM:WA), as amended, hereby repeal the Waste Management Licence with reference No.: 19/2/5/1/B3/28/WL0070/12, and issue this varied Waste Management Licence to the Drakenstein Local Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the Boy Louw WDF on Erf No. 593, Paarl (hereinafter referred to as "the Facility").

**B. DESCRIPTION OF THE ACTIVITY:**

The activity of decommissioning of the Facility will entail the following:

- (a) Levelling of existing waste mounds (combination of builders and green waste);
- (b) Move the portion of the waste body located outside the cadastral boundary of the Facility to within the cadastral boundary;
- (c) Shape and consolidate the waste body to form the final profile;
- (d) Construct of a perimeter berm between the Berg river and waste body;
- (e) Construct the capping layer to minimum quality and thickness;
- (f) Construct uncontaminated stormwater cut-off channels;
- (g) Covering of the area with top soil for the intended end-use as a recreational area; and
- (h) Erect a security fence to enclose the rehabilitated waste body.

The following activity listed in the NEM:WA, '*List of waste management activities that have, or are likely to have, a detrimental effect on the environment*', Government Notice No. 921 of 29 November 2013 (GN No. 921), as amended, are hereby authorised:

Category A

3 (14) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

In this Licence, "Director" means the Director: Waste Management of the Western Cape Department of Environmental Affairs and Development Planning who may be contacted at the address below:

Director: Waste Management  
Department of Environmental Affairs and Development Planning  
Private Bag X 9086

**CAPE TOWN**

8000

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the National Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

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

**SANLAMHOF**

7532

## C. LICENCE CONDITIONS

<b>LICENCE NUMBER:</b>	19/2/5/1/B3/28/WL0070/12
<b>WASTE APPLICATION:</b>	DECOMMISSIONING OF THE BOY LOUW WASTE DISPOSAL FACILITY
<b>CLASS:</b>	G:C:B <sup>-</sup>
<b>LOCATION:</b>	ERF NO. 593, PAARL
<b>LICENCE HOLDER:</b>	DRAKENSTEIN MUNICIPALITY
<b>CONTACT PERSON:</b>	THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
<b>ADDRESS:</b>	P.O. BOX 1, PAARL, 7620

### 1. LOCATION

- 1.1 This Licence authorises Drakenstein Municipality to close the Facility on Erf No. 593, Paarl.
- 1.2 Location of property on which Facility is situated:

**Table 1-1:** Location of the Facility

Latitude (S)	Longitude (E)
33°43'06.10"	18°58'20.16"

- 1.3 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 17 January 2013 and Waste Management Licence Application Additional Information Annexure dated 13 May 2013 submitted by the Licence Holder, which is defined as follows:

**Table 1-2:** Footprint of the Facility

Number of corners	Latitude (S)	Longitude (E)
Corner 1	33°43'10.27"	18°58'14.54"
Corner 2	33°43'0.29"	18°58'14.26"
Corner 3	33°42'59.53"	18°58'14.72"
Corner 4	33°42'58.02"	18°58'18.73"
Corner 5	33°42'59.38"	18°58'19.73"
Corner 6	33°43'0.46"	18°58'20.59"
Corner 7	33°43'1.16"	18°58'21.72"
Corner 8	33°43'2.64"	18°58'23.08"
Corner 9	33°43'3.96"	18°58'24.02"
Corner 10	33°43'4.93"	18°58'24.23"
Corner 11	33°42'6.79"	18°58'24.60"
Corner 12	33°43'9.03"	18°58'25.45"
Corner 13	33°42'8.93"	18°58'24.42"

- 1.4 The footprint of the Facility and its associated infrastructure is approximately 69 922m<sup>2</sup>.
- 1.5 The SG 21 Digit code of the Facility is: C055 00080 0000 59300000.

## **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), prior to any construction activities being undertaken on Facility. The WMCO/ECO must:
  - 2.1.1 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
  - 2.1.2 Monitor the construction of the infrastructure to ensure that the closure plans are in accordance to the approved engineering designs.

## **3. MANAGEMENT**

- 3.1 The draft EMPr dated October 2014, submitted as part of the final Basic Assessment Report, is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.2 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.
- 3.3 The closure and rehabilitation of the Facility must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 3.4 The Licence Holder must ensure no illegal access to closed and rehabilitated portion of the Facility and that no illegal dumping occurs on this portion of the Facility.
- 3.5 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.
- 3.6 The Licence Holder must ensure that the intended after-use is properly implemented and that the landscaping of the Facility, the drainage system and vegetation form part of the development to ensure the successful implementation of the intended after-use.
- 3.7 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.
- 3.8 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 Facility must be decommissioned in accordance with the final Basic Assessment Report, EMPr and the Rehabilitation Design Methodology dated October 2014 as prepared by Guillaume Nel Environmental Consultants cc (GNEC) as well as in accordance with conditions of this Licence and any other written instruction by the Department. The site must be capped and closed in accordance with the "Minimum Requirements for Waste Disposal by Landfill" (DWAF, 1998, 2nd Edition) taking section 8.4.7 in consideration which requires a capping closure design and recognises the baseliner performance which must be approved by the Licensing Authority prior to construction for decommissioning of the Facility to begin.
- 4.2 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, 2000 (Act 46 of 2000).
- 4.3 The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 4.4 The Facility, or any portion thereof must be covered and the Facility must be maintained in such a way that:
- 4.4.1 the formation of pools due to rain is prevented;
  - 4.4.2 free surface runoff of rain-water is ensured;
  - 4.4.3 contamination of stormwater is prevented;
  - 4.4.4 no objects or material which may hamper the rehabilitation of the Site are present; and
  - 4.4.5 little or no erosion occurs.
- 4.5 Works constructed in compliance with Condition 8 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate:
- 4.5.1 all stormwater runoff, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty four) hours with an average frequency of once in the fifty years; and
  - 4.5.2 all expected leachate.
- 4.6 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.

#### **5. 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 in height and a gate of the same height.
- 5.2 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry and must contain the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 5.3 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

## **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:
- 6.1.1 The presence of any nuisances such as flies, exposed waste, and bad odours must be monitored regularly and monitoring results are kept in terms of Condition 12.
  - 6.1.2 Any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Department and record it in terms of Conditions 12 and 13.
  - 6.1.3 Quarterly internal and annual external audits must be conducted and supplied to the Director.

## **7. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 7.1 If, in the opinion of the Director and/or the Director: RPW, any environmental pollution, nuisances or health risks may be or is occurring on the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director and/or the Director: RPW.
- 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 and/or the Director: RPW.

## **8. WATER QUALITY MANAGEMENT**

### **8.1 Runoff Management**

- 8.1.1 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.

### **8.2 Leachate Management**

- 8.2.1 Leachate from the Facility shall, by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder and be lined as approved by the Responsible Authority, to prevent pollution to groundwater:
- (a) with the written approval of the Responsible Authority be evaporated in lined dams as approved by the Responsible Authority, and/or
  - (b) be discharge into any convenient sewer if accepted by the authority in control of that sewer.

## **9. MONITORING**

### **9.1 Water Quality Monitoring**

- 9.1.1 The existing monitoring borehole network for the Facility, at least one upstream and one

downstream of the Facility, must be maintained by the Licence Holder 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 the Department of Water and Sanitation (DWS) reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 9.1.3 An investigation must be carried out to ascertain the degree of impact of the landfill on the groundwater given the initial indications that the high chloride concentration and microbiological pollution could be due to the waste disposal facility.
- 9.1.4 The groundwater flow direction and a remediation plan for the contaminated groundwater must be provided to the Licensing Authority within 6 (six) months from the date of this licence.

## 9.2 **Detection monitoring**

- 9.2.1 Monitoring for groundwater and surface water shall be conducted:
  - (a) for variables listed in Annexure II - monthly;
  - (b) for variables listed in Annexure III - quarterly; or
  - (c) for a year, the sampling intervals can then be extended to quarterly for (a) and bi-annually (twice a year) for (b), approved by the Licensing Authority or such frequency as may be determined by the Licensing Authority.

## 9.3 **Further investigation**

- 9.3.1 If, in the opinion of the Director and/or the Director: RPW, 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 and Director: RPW.

## 10. **ANALYSIS OF SAMPLES**

### 10.1 **Monitoring Methods and Parameters**

- 10.1.1 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).
- 10.1.2 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.

## 11. **DEPARTMENTAL AUDITS AND INSPECTIONS**

- 11.1 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.
- 11.2 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.
- 11.3 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).

## **12. RECORD KEEPING**

- 12.1 All records required or resulting from activities required by this Licence must:
- 12.1.1 Be legible;
  - 12.1.2 Be made available and should form part of the external audit report;
  - 12.1.3 If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 12.1.4 Be retained in accordance with documented procedures which are approved by the Department; and
  - 12.1.5 Be made available to the Department upon the request of the Director.

## **13. REPORTING**

- 13.1 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.
- 13.2 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 13.1, 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:
- 13.2.1 Correct the impact resulting from the incident;
  - 13.2.2 Prevent the incident from causing any further impact; and
  - 13.2.3 Prevent a recurrence of a similar incident.
- 13.3 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 13.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 13.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 13.5 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.
- 13.6 The Department must be notified within 14 (fourteen) days of the following changes:
- 13.6.1 Licence Holder's trading name, registered name or registered office address;
  - 13.6.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - 13.6.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.7 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.
- 13.8 The Licence Holder must register and report to the Departmental Integrated Pollution Waste



Information System (IPWIS), which can be accessed on the URL <http://ipwis.pgwc.gov.za/ipwis3/public>.

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

- 14.1 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 hundred and 120 (twenty) days prior to the said transaction. Should the approval be granted, the Licence Holder shall remain liable to compliance with all Licence conditions.

#### **15. TRANSFER OF LICENCE**

- 15.1 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.

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

15.3 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:

15.3.1 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.

15.3.2 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.

#### **16. COMMENCEMENT**

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

16.2 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.

16.3 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.

- 16.4 This activity must commence by 24 April 2025. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.
- 16.5 If the proponent anticipates that commencement of the activity would not occur by 24 April 2025, he/ she must apply and show good cause for an extension of the Licence 6 (six) months prior to its expiry date.

## **17. GENERAL**

- 17.1 This Licence shall not be transferable unless such transfer is subject to Condition 15 above.
- 17.2 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 Standards and Norms.
- 17.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 17.4 This Licence is valid until 24 April 2030. 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 audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 17.5 Should the Licence Holder want to conduct the waste management activity beyond 24 April 2030, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 17.6 Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM:WA, 2008.
- 17.7 In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understand the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.

**D. APPEAL OF LICENCE**

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
2. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
  - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2 submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&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/eadp>.

**E. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Licence shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully,



**EDDIE HANEKOM**

**DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION: 26-11-2019**

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

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

## **ANNEXURE I**

### **REASONS FOR VARIATION OF THE DECISION (APPEALABLE)**

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

The Department received a non-substantive variation application on 31 October 2019 to apply for a postponement of the commencement date to a maximum of 10 years, citing that due to other waste management activities and the current activities requiring funding, the rehabilitation of the Boy Louw Landfill cannot commence before the required commencement date. Budget allocations is to be spread over the upcoming financial years in order to rehabilitate the Boy Louw Facility. The remaining months before the original commencement period (i.e. 24 April 2020) was therefore insufficient for the activity to commence on time. The Department has extended the date for decommissioning to commence to 24 April 2025 (5 year extension).

In accordance with the Licence condition 17.4, the Department has also reviewed and updated the Licence.

### **REASONS FOR THE ORIGINAL DECISION (NOT APPEALABLE)**

The information contained in the Waste Management Licence Application form dated 15 August 2012, a site inspection conducted on 30 January 2014, the final BAR dated 24 October 2014 and the Waste Management Licence Application Additional Information Annexure dated 16 October 2014 compiled by Guillaume Nel Environmental Consultants cc (GNEC) as well as the Record of Decision by the Department of Water Affairs dated 11 February 2015 were taken into account in the Department's consideration of the application. Comments raised by I&AP's throughout the Public Participation Process, the applicant and the Environmental Assessment Practitioner's responses thereto were taken into account. The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998) have also been considered in this decision. A summary of the issues which, in the Department's view, were of the most significance is set out below.

#### **ENVIRONMENT**

The Facility was previously used for disposal of domestic waste and is partially located within the 1:50 year floodline of the Berg River. Therefore the Facility does not contain any sensitive ecosystems, habitats or vegetation of environmental significance.

#### **Geology**

The area is covered by clayey brown unconsolidated material, which is indicated as gravelly loam/clay soil of Quaternary age. Closer to the river, the surficial cover comprises alluvium and fluvial terrace gravel. The underlying lithology comprises granite of the Paarl Pluton or greywacke from the Moorreesburg Formation, Malmesbury Group. The drilling logs of the recently drilled boreholes indicate that the underlying geology comprises shale rather than granite (based on the yellowish and brown clays observed) (GEOSS, 2013).

#### **Geohydrology**

The groundwater flow direction could not be determined with any accuracy thus far. It is expected to be eastwards, towards the Berg River. It is thus expected that, should there be migration of contaminated

groundwater, it would be towards the east. The Berg River would then potentially be a receptor of pollution. The Facility is very small and the topography is almost level; the exposure onto the Berg River is very limited. The recharge is expected to be negligibly low. Therefore it is very unlikely that water from the landfill area is contributing to base flow of the Berg River at this Facility and it is thus unlikely that the groundwater from the landfill will pollute the Berg River water. The shallow sediments essentially comprise a non-aquifer (GEOSS, 2013).

## **ALTERNATIVES**

### Site Alternatives

No site alternatives have been assessed as the activity focuses on 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 Facility is to be closed and the area rehabilitated. Rehabilitation will include the levelling of the area, capping the waste, layering with top soil and planting of vegetation. The area will be designed to minimise any potential negative impacts associated with the current waste activity. No design or layout alternatives are applicable.

### Technology Alternatives

No technology alternatives were assessed.

### The No-Go Option

The no-go option of not closing and rehabilitating the Facility is not considered appropriate and allowing the activity to continue would be impractical and illegal. The failure to rehabilitate the Facility according to the required standards may result in unacceptable environment impact. The Facility may then come to be an illegal dumping ground for members of the public.

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

The PPP comprised of the following:

- (a) Notices was sent to neighbours on 12 September 2013;
- (b) Advertisements were placed in the "Paarl Post Newspaper" on 12 September 2013 and "Boland Regional Newspaper" on 25 September 2013;
- (c) Fixing of notice board at the boundary of the Facility was done on 12 September 2013;
- (d) 40-day I&AP Registration and public review and comment period on draft BAR (25 July to 17 August 2014);
- (e) Submission of the final BAR to the Department on 24 October 2014.

Authorities Consultation:

No authorities have objected to the proposed activities. Where possible and relevant, the conditions imposed by these authorities have been included in this Licence insofar as it relates to the environmental aspects of the proposed activities. This Licence is issued only in terms of the waste management legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

\_\_\_\_\_  
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>)

————— END —————