



REFERENCE: 19/2/5/4/D4/3/WL0106/21

The Municipal Manager
Knysna Municipality
PO Box 21

KNYSNA

6570

Tel: (044) 302 6238

Fax: (086) 457 0011

Email: rbower@knysna.gov.za

For Attention: Mr. Randall Bower

VARIATION WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) FOR THE DECOMMISSIONING OF BRENTON ON SEA WASTE DISPOSAL FACILITY ON A PORTION 81 OF PORTION 54 OF THE FARM UITZIGT NO. 216, KNYSNA.

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 vary and replace the existing Waste Management Licence (Licence No. 19/2/5/4/D4/3/WL0062/18) of the Knysna Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the Brenton on Sea Garden Waste Disposal Facility (WDF) on Portion 81 of Portion 54 of the Farm Uitzigt No. 216, Knysna (hereinafter referred to as "the Facility").

B. DESCRIPTION OF THE ACTIVITY

The activities for decommissioning of a Communal WDF such as this Facility as per the "Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry" (DWAF) (now Department of Water and Sanitation), Second Edition, 1998, "Minimum Requirements" for the Facility will entail but not be limited to the following:-

- (a) Storage of waste;
- (b) WDF Facility Auditing;
- (c) Collection and processing of other data;
- (d) Leachate and water quality monitoring;
- (e) Gas monitoring;
- (f) Air quality monitoring;
- (g) Monitoring of rehabilitated areas;
- (h) Attending to the health of workers;
- (i) Remedial design to address identified problem areas;
- (j) Final shaping, landscaping and re-vegetation;
- (k) Final landfill cover or capping design;
- (l) Construct the capping layer to a minimum quality and thickness;
- (m) Permanent stormwater diversion measures, run-off control and anti-erosion measures;
- (n) Any infrastructure relating to the End-use Plan;
- (o) The compaction and shaping of the side slopes to gradients between a minimum of 1:50 and a maximum of 1:4; and
- (p) The design and compliance are to be confirmed by a registered Professional Engineer.

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*', published as Government Notice (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 the event of constructing and operating a Drop-off facility on the above-mentioned facility, the following waste management activities in Category C may be triggered if the volumes are exceeded.

Category C

- 5(1) The storage of general waste at a facility that has the capacity to store in excess of 100m³ of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- 5(2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m³ of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- 5(3) The storage of waste tyres in a storage area exceeding 500m².

Should these volumes be exceeded, then it would be required for the applicant to comply with the NEM:WA, "*National Norms and Standards for Storage of Waste*", published as GN No. 926 of 29 November 2013 (GN No. 926).

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

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

CAPE TOWN

8000

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

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

SANLAMHOF

7532

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

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/D4/3/WL0106/21
CLASS: CLASS B (G:C:B+)
WASTE APPLICATION: DECOMMISSIONING OF THE BRENTON ON SEA WASTE DISPOSAL FACILITY
LOCATION: PORTION 81 OF PORTION 54 OF THE FARM UITZIGT NO. 216
LICENCE HOLDER: KNYSNA MUNICIPALITY
CONTACT PERSON: MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: PO BOX 21, KNYSNA 6570

1. LOCATION

- 1.1. This Licence authorises the Knysna Municipality to decommission the Facility on Portion 81 of Portion 54 of the Farm Uitzigt No. 216, Knysna.
- 1.2. Location of entrance to the property, on which the Facility is situated, is as follows:

Latitude (S)	Longitude (E)
34°04'16.81"	23°01'50.50"

- 1.3. The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 28 January 2014 and Waste Management Licence Application Additional Information Annexure dated May 2014, submitted by the Licence Holder, and is defined as follows:

Number of corners	Latitude (S)	Longitude (E)
1	34° 04'12.51"	23° 01'51.23"
2	34° 04'15.31"	23° 01'52"
3	34° 04'13.75"	23° 1'53.42"
4	34° 04'11.24"	23° 1'57.57"
5	34° 04'10.68"	23° 1'55.32"

- 1.4. The footprint of the Facility and its associated infrastructure is 6201m².
- 1.5. The Surveyor General 21 Digit code of the Facility is: C03900000000021600081.

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 Licence and Environmental Management Programme (EMPr) dated 20 June 2014, prior to any construction activities being undertaken at the Facility.
- 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;
 - 2.3.2. identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and
 - 2.3.3. monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

3. MANAGEMENT

3.1. General Management

- 3.1.1. The EMPr for the decommissioning of the Facility dated 20 June 2014, submitted as part of the final Basic Assessment Report (BAR), 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 Knysna Offices. 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 closure should be carried out as specified in the decommissioning of Brenton on Sea landfill site closure design report compiled by Aurecon Consulting Engineers dated April 2019, four signed drawings (PA Legg PrEng #890448) 01 Existing site layout survey - January 2018, 02 Rehabilitation and capping layout, 03 Rehabilitation and capping sections & details sheet 1 and 04 Rehabilitation and capping sections & details sheet 2.
- 4.2. The closure plan must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 2000 (Act No. 46 of 2000).

- 4.3. A one month's written notice must be given to the Responsible Authority before commencement of construction activities. Such notices shall make clear reference to the site location details and the reference of the project as indicated.
- 4.4. The Licence Holder must notify the Responsible Authority in writing within 24 hours if any condition of this design acceptance cannot be or is not adhered to during construction and operation. The notification must be supplemented with reasons for non-compliance and proposed rectification measures.
- 4.5. Design and construction records, including topographical surveys and methodical material test results (on all materials used), shall be maintained and archived by the Licence Holder and accessible for the life of the Facility (including decommissioning).
- 4.6. The Responsible Authority shall not be held responsible for any damages or losses suffered by the applicant or its successor in title in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of acceptance.
- 4.7. The Licence Holder must place cordons, barriers and warning systems around facilities to define the nature and extent of each disposal or waste management area and avoid intersection of different waste types as per the NEMWA Regulations 2013.
- 4.8. The discharge of polluted water from the leachate tank is to be reported as an incident within 24 hours and treated as such with appropriate remediation.
- 4.9. All significant differences between predicted and actual performance of waste management facilities shall be reported to the Responsible Authority annually in writing.
- 4.10. The Licence Holder shall ensure that there is no alignment between Engineer, contractor, subcontractors, material suppliers and construction quality assurance agent in the development and implementation of Construction Quality Assurance (CQA) and is accountable therefore (in line with the Competitions Act).
- 4.11. Water quality monitoring of surface and groundwater shall be maintained to confirm the effectiveness of the cap and reported to the Responsible Authority annually. The monitoring shall include confirmation of lateral flow through the previous sandy layers near surface and adjacent to the landfill.
- 4.12. Filter compatibility of the geotextile wrapped around drainage pipes with the intended drainage layer must be confirmed in writing to the Responsible Authority prior to the start of construction.
- 4.13. The Engineer's construction completion certificate confirming the as-built facility is in accordance with the accepted design and Construction Quality Assurance (CQA) protocols submitted shall be forwarded to the Responsible Authority with supporting evidence for written acceptance within 30 days of completion.
- 4.14. The CQA plan development and referenced in the design report shall be revised and compiled with at least the technical advisory note on CQA plans made available by the Responsible Authority as revised at the start of construction.
- 4.15. The construction completion report shall confirm filter compatibility between the gas venting layer and the geotextile used to wrap the drainage pipes in the cap.
- 4.16. The SANS standard specifications and generally accepted engineering practices specified shall be the most recent amendment as at commencement of construction.

- 4.17. The Licence Holder shall afford the Responsible Authority opportunity to obtain samples of geosynthetics during installation for independent performance evaluation for the account of the Licence Holder.
- 4.18. The Municipality must confirm in writing to the Responsible Authority that the wastewater treatment works to which the leachate will be removed to and treated has the adequate treatment capacity and is complying with the general discharge standards, before this may be allowed.
- 4.19. The waste body must be covered with the surrounding indigenous vegetation (i.e. *Cynodon dactylon* and *Indigofera erecta*).
- 4.20. The Licence Holder must establish an alien invasive plant management programme on the Facility.
- 4.21. The Licence Holder must construct the closure of the Facility in accordance with recognised civil engineering practices, with special consideration to stability.
- 4.22. The Facility, or any portion thereof, must be covered and the Facility must be maintained in such a way that: –
 - 4.22.1. the formation of pools due to rain is prevented;
 - 4.22.2. free surface runoff of rain-water is ensured;
 - 4.22.3. contamination of storm water is prevented;
 - 4.22.4. no objects or material which may hamper the rehabilitation of the Facility are present; and
 - 4.22.5. little or no erosion occurs.
- 4.23. Sporadic leachate from the Facility may only be discharged into any convenient sewer if accepted by the authority responsible for that sewer.
- 4.24. 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. 36 of 1998) (NWA).
- 4.25. The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 4.26. The Licence Holder must ensure the health and safety of workers and employees on the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 4.27. An Emergency Response Plan (ERP) must be developed, and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire evacuations, injury on duty, accidents, and procedures caused by unexpected hazardous waste ending up at the Facility.
- 4.28. The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 4.29. The Licence Holder must retain the responsibility for the Facility, and ensure 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: -
 - 4.29.1. the presence of any nuisances such as flies, exposed waste, and bad odours must be monitored on a regular basis and monitoring results are kept in terms of Condition 12; and
 - 4.29.2. 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.

5. IMPACT MANAGEMENT

5.1. Facility Security and Access Control

- 5.1.1. The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence and an access gate.
- 5.1.2. 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.
- 5.1.3. 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.
- 5.1.4. The Licence Holder shall take all reasonable steps to maintain service roads in a condition which ensures unimpeded access to the Facility.

6. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 6.1. 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.
- 6.2. Should the investigation carried out as per Condition 6.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

7. WATER QUALITY MANAGEMENT

7.1. Runoff Management

- 7.1.1. 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: -
 - (a) 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
 - (b) all expected leachate.
- 7.1.2. Works constructed in compliance with Condition 7.1.1 must, on a continuous basis, be properly maintained.
- 7.1.3. 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.
- 7.1.4. Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Facility but must be diverted to and discharged into the nearest storm water channel.

7.2. Leachate Management

- 7.2.1. Leachate from the Facility must be managed by means of works which must 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 written approval of the Licensing Authority be evaporated in lined dams as approved by the Licensing Authority; and
 - (b) be discharge into any convenient sewer if accepted by the authority responsible for that sewer.

8. MONITORING

8.1. Water Quality Monitoring

- 8.1.1. The Licence Holder must establish and maintain a ground water monitoring plan with at least 1 (one) upstream and 2 (two) downstream boreholes, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 8.1.2. Monitoring boreholes must be equipped with lockable caps. The Director and Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 8.1.3. Groundwater monitoring must continue after closure of the site and must be maintained for a period of 30 (thirty) years, or for such period and/or frequency as may be determined by the Responsible Authority for variables listed in Annexure II.

8.2. Detection monitoring

- 8.2.1. Monitoring must be conducted on a bi-annual basis (twice per year), in late summer and late winter, to capture seasonal variation, for the water quality variables as agreed by the Director and Director: RPW.

8.3. Investigative monitoring

- 8.3.1. If, in the opinion of the Director and Director: RPW, the water quality, as referred to in Condition 8.2, shows an increasing trend, the Licence Holder must initiate a monthly monitoring programme.

8.4. Further investigation

- 8.4.1. If, in the opinion of the Director and 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.

9. ANALYSIS OF SAMPLES

9.1. Monitoring Methods and Parameters

- 9.1.1. The Licence Holder must carry out all tests in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008), to analyse the samples taken under the monitoring programmes specified in Condition 8.2.
- 9.1.2. The Licence Holder may only use another method of analysis if written proof that the method is at least equivalent to the SABS method, is submitted to the Director and the Director: RPW.

10. AUDITING

10.1. Internal audits

10.1.1. Internal audits must be conducted bi-annually (twice per year) by the Licence Holder and on each audit occasion an official report must be compiled in terms of Condition 10.3 by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in Condition 10.2 and the Department (if requested).

10.2. External audits

10.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility biennially (every other year) and this auditor must compile an audit report in terms of Condition 10.2.6, documenting the findings of the audit to the Department.

10.2.2. The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.

10.2.3. The audit report must contain recommendations regarding non-compliance or potential non-compliance with the Licence conditions and must specify target dates for the implementation of the recommendations by the Licence Holder.

10.2.4. Each external audit must be submitted to the Director within 30 (thirty) days from the date on which the external auditor finalised the report.

10.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

11. DEPARTMENTAL AUDITS AND INSPECTIONS

11.1. The Director and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.

11.2. The Licence Holder must make any records or documentation available to the Director and the Director: RPW upon request, as well as any other information the Director and Director: RPW 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 and must not be treated as confidential.

12. RECORD KEEPING

12.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.

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

12.2.1. be legible;

12.2.2. be made available and should form part of any audit report;

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

12.2.4. be retained in accordance with documented procedures which are approved by the Department; and

12.2.5. be made available upon the request of the Director and/or the Director: RPW.

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

13. REPORTING

13.1. REPORTING OF INCIDENTS

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

13.1.2. The Licence Holder must, within 14 (fourteen) days, or a shorter period of time, if specified by the Director, from the occurrence or detection of any incident referred to in Condition 13.1.1, submit an action plan, which must include a detailed time schedule, 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.

13.1.3. 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 13.1.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.

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

13.1.5. 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.

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

- 13.1.6.1 licence Holder's trading name, registered name or registered office address;
- 13.1.6.2 particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
- 13.1.6.3 steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.

13.1.7. 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.

13.1.8. 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/>

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 60 (sixty) days prior to the said transaction.

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

16. GENERAL

- 16.1. The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 16.2. This Licence shall not be transferable unless such transfer is subject to Condition 15 above.
- 16.3. This Licence must not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act No. 61 of 2003), the NWA or any applicable act, ordinance, regulation or by-law.
- 16.4. Transgression of any condition of this Licence could result in the suspension of the Licence by the Director.
- 16.5. This Licence is valid for 30 (thirty) years. The licence may be reviewed at any time. 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.
- 16.6. Should the Licence Holder want to conduct the waste management activity beyond 30 (thirty) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 16.7. 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.
- 16.8. In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the NWA, 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.
- 1.1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
 - 1.1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
 - 1.2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 1.2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 1.3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 1.4. 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

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

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>.

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,

DIRECTOR: WASTE MANAGEMENT

CC: (1) Mr. Malise Noe (Department of Water Affairs and Sanitation)
(2) Ms. Wilna Moolman (Department of Water Affairs and Sanitation)
(3) Ms. Michele Muller (Zutari)

E-mail: NoeM@dws.gov.za

E-mail: MoolmanW@dwa.gov.za

E-mail: Michele.Muller@zutari.com

ANNEXURE I

A. REASONS FOR THE DECISION (APPEALABLE)

The reasons for granting this Waste Management Licence decision, after an application for variation of the existing Waste Management Licence was submitted to the Department, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:

1. The review and acceptance of the new capping and closure design report compiled by Aurecon (now Zutari), dated April 2019.
2. The Department of Water and Sanitation reviewed the four signed drawings (PA Legg PrEng #890448), 01 Existing site layout survey – January 2018, 02 Rehabilitation and Capping layout, 03 Rehabilitation and Capping section and details sheet and 04 Rehabilitation and Capping sections and details sheet 2, and recommended that an issuance of a waste management closure licence for the Facility be granted.
3. The Licence Holder applied for a variation of the Waste Management Licence to incorporate the Record of Decision (Ref. No.: 16/2/7/K500/D1/Z2/1) that has been approved by the Department of Water and Sanitation, dated 30 June 2021.

Other conditions for typical operational waste disposal facilities were removed from the Licence, which included conditions that previously allowed for disposal of waste, which cannot be allowed once the Facility is formally closed.

B. REASONS FOR THE DECISION (NOT APPEALABLE) (2018 WML VARIATION APPLICATION):

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 conducted a review of selected WML as per Section 53 (1) of the NEM:WA, which states that: "A licensing authority must review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary".
2. The proposed variation was in line with Section 54 (1) (a) and (d) of the NEM:WA, which states that:
“(1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence-
a) if it is necessary or desirable to prevent pollution; (and)
d) to make a non-substantive amendment”.
3. The review and subsequent non-substantive amendment was conducted in order to align the Brenton on Sea Garden Waste Disposal Facility Licence conditions with current waste legislation and replace the existing Licence (Ref: 19/2/5/1/D4/3/WL0087/14) issued by Department of Environmental Affairs and Development Planning, and issue this Licence.

C. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE) (2014 WML VARIATION APPLICATION):

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 28 January 2014;
- b) The Basic Assessment Report (BAR) dated 26 May 2014, compiled by VR Environmental Consultants, 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 Deon Stoltz from this Department on 5 March 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.

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

Environment

Brenton on Sea Waste Disposal Facility is located on CR Swart Lane in Brenton on Sea and within the Knysna Local Municipal area of the Western Cape. The Facility is located within a narrow kloof/watercourse area and surrounded by steep slopes facing seaward. The Facility is strategically located for use by the residents of Brenton on Sea and surrounding areas for the disposal of their garden waste. There is a waste water treatment works immediately located above the Facility, and residential property across the road below the Facility.

Deviation

The applicant requested deviation from Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010 and is granted permission for such deviation from the site alternatives, as the Facility is already an existing waste disposal facility requirement to fix notice boards, give written notices and place advertisements contemplated under the relevant paragraphs, site notice will be placed on alternatives.

Basic Assessment

The applicant requested downgrading from Scoping & EIR to Basic Assessment as per Regulation 20(4) of GN No. R. 543 of 18 June 2010 and is hereby granted permission for such downgrading to a Basic Assessment for the following reasons: -

- a) The site is an existing garden waste disposal facility;
- b) The site is an historical un-licensed facility, a communal small facility and therefore thus likely to have fewer impacts than a medium or large facility; and
- c) The disposal of garden waste only is likely for there to be significant impacts on the future.

ALTERNATIVES

The following alternatives were considered: -

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.

No-Go Alternatives

The no-go alternative would result in the continued operation of an unlicensed landfill facility in its current state.

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following: -

- a) 40-day I&AP Registration and public review and comment period on draft BAR (26th March 2014 to 6 May 2014);
- b) Engagements were held with several stakeholders at meetings in January 2014 and again on the 20th March 2014;
- c) Advertisements were placed in the "Cape Argus" and "The Knysna-Plett Herald on 28th February 2014;
- d) Fixing of notice board at the Brenton on Sea Waste Disposal Facility and flyers distributed to adjacent land owners on 4 March 2014; and
- e) Submission of the final BAR to the Department was couriered to the Department on the 20 June 2014, as received by the Department on 23 June 2014.

Authorities Consultation: -

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

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. No comment was received from Heritage Western Cape.

_____END_____

ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at bi-annual intervals for:

Alkalinity (P.AIk)

Ammonia (NH₃-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at annual intervals for:

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO₄)

_____END_____