



**REFERENCE:** 19/2/5/4/F4/17/WL0158/19

The Municipal Manager  
Saldanha Bay Municipality  
Private Bag X12

**VREDENBURG**

7380

Tel: (022) 701 6988

Email: [David.Wright@sbm.gov.za](mailto:David.Wright@sbm.gov.za)

**For attention:** Mr David Wright

## **VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE KALKRUG WASTE DISPOSAL FACILITY (WDF), PORTION 8 OF FARM NO. 284 (PORTION 284/8-1), SALDANHA BAY**

### **WASTE MANAGEMENT LICENCE**

#### **A. DECISION**

I, Lance Mcbain-Charles, in my capacity as the acting Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as "the Department"), in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended (NEM:WA), hereby vary and replace the existing Waste Management Licence (Licence No. 19/2/5/1/F4/17/WL0015/14) and issue this Waste Management Licence to the Saldanha Bay Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the Kalkrug WDF on Portion 8 of Farm No. 284 (Portion 284/8-1), Saldanha Bay (hereinafter referred to as "the Facility").

**B. DESCRIPTION OF THE ACTIVITY:**

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

- (a) Remedial design to address identified problem areas;
- (b) Final shaping, landscaping and re-vegetation;
- (c) Final landfill cover or capping design;
- (d) Permanent storm water diversion measures, run-off control and anti-erosion measures;
- (e) Any infrastructure relating to the End-use Plan; and
- (f) The construction of a capping layer to a specified quality and thickness.

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.

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

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

Director: Waste Management

Department of Environmental Affairs and Development Planning

Private Bag X 9086

**CAPE TOWN**

8000

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

Director: RPW: Western Cape Provincial Operations

Department of Water and Sanitation

Private Bag X16

**SANLAMHOF**

7532

**C. LICENCE CONDITIONS**

**LICENCE NUMBER:** 19/2/5/4/F4/17/WL0158/19

**WASTE APPLICATION:** DECOMMISSIONING OF THE KALKRUG WASTE DISPOSAL FACILITY

**LOCATION:** PORTION 8 OF FARM NO. 284 (PORTION 284/8-1)

**LICENCE HOLDER:** SALDANHA BAY LOCAL MUNICIPALITY

**CONTACT PERSON:** THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER

**ADDRESS:** PRIVATE BAG X12, VREDENBURG, 7380

**1. LOCATION**

1.1 This Licence authorises the Saldanha Local Municipality to decommission the Facility on Portion 8 of Farm No. 284 (Portion 284/8-1), adjacent to the intersection between Windhoek and Cemetery Streets in Saldanha Bay.

1.2 The location of the Facility must be according to co-ordinates indicated in the Waste Management Licence Application Additional Information Annexure included in the final Basic Assessment Report (BAR) dated 1 April 2014, submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility

Number of corners	Latitude (S)	Longitude(E)
1	33° 00' 29.83"	17° 55' 57.53"
2	33° 00' 28.11"	17° 56' 10.53"
3	33° 00' 31.42"	17° 56' 10.01"
4	33° 00' 32.16"	17° 55' 58.12"

1.3 Location of property on which Facility is situated:

Latitude (S)	Longitude (E)
33° 00' 29.99"	17° 56' 02.67"

1.4 The footprint of the Facility and its associated infrastructure is 30 410 m<sup>2</sup>.

1.5 The Survey General 21 Digit code of the Facility is: C04600000000028400008.

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

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

## **3. MANAGEMENT**

### **3.1 General Management**

- 3.1.1 The Licence Holder must notify the Director and Director: RPW immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.
- 3.1.2 The draft EMPr for the closure of the Facility dated March 2014, submitted as part of the final Basic Assessment Report dated 21 May 2014, is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.1.3 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
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activity will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein, and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.
- 3.1.7 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

## **4. DECOMMISSION PHASE**

- 4.1 The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Licence Authority for approval 90 (ninety) days prior to construction for decommissioning of the Facility.
- 4.2 Construction for decommissioning of the Facility must be considered in accordance with the final BAR and EMPr which is part of the Decommissioning Application to this Department as prepared by AECOM

SA (Pty) Ltd dated 9 January 2014.

- 4.3 Closure construction must be done in accordance with the latest edition of the documents titled: "Minimum Requirements", the Reports, the conditions of this Licence and any other written instruction issued by the Department to the Licence Holder.
- 4.4 The Facility must be capped with an appropriate infiltration exclusion cap comprising out of 200mm topsoil, 450mm of load generating soil (whose materials will define whether under drainage is required or not), a composite liner (of 1.5 mm HDPE geomembrane plus 300mm liner of compacted clay ('CCL') (in 2 type V layers of the Minimum Requirements of 1998) having a clay permeability not exceeding  $10^{-6}$ cm/sec or static infiltration less than 0,5m/year, over a compacted waste body shaped to have a slope between 1v:4h (25%) and 1v:50h (2%). An alternative to the 300mm CCL of specified performance clay is acceptable in which the 300mm CCL is replaced by a Geosynthetic Clay Liner.
- 4.5 The design and compliance is to be confirmed by a registered Professional Engineer in writing to the authority not less than 90 (ninety) days prior to start of construction.
- 4.6 Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 4.7 The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability and the prevention of erosion.
- 4.8 The Facility, or any portion thereof must be covered and must be maintained in such a way that:
- 4.8.1 The formation of pools due to rain is prevented;
  - 4.8.2 Free surface runoff of rain-water is ensured;
  - 4.8.3 Contamination of stormwater is prevented;
  - 4.8.4 No objects or material which may hamper the rehabilitation of the Site are present; and
  - 4.8.5 Little or no erosion occurs.
- 4.9 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:
- 4.9.1 All stormwater runoff, which could be expected as a result of the estimated maximum precipitation during a period of 24 hours with an average frequency of once in fifty years (estimated maximum precipitation); and
  - 4.9.2 All expected leachate.
- 4.10 All construction must, on a continuous basis, be properly maintained.
- 4.11 The leachate collection tank, which must contain all leachate from the Facility, must be installed and monitored for eighteen months as indicated on page 19 of the EMPr for the closure of Kalkrug Waste Disposal Facility dated 2 April 2014 as prepared by AECOM.
- 4.12 Sporadic leachate from the Facility may only be discharged into a convenient sewer if accepted by the authority responsible for that sewer.
- 4.13 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).
- 4.14 The closure of the Facility must be constructed in accordance with recognized civil engineering practice, with special consideration to stability.

## **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 of 1.8m and a gate with the same height.
- 5.1.2 Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 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.

## **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 every 6 (six) months and monitoring results are kept in terms of Condition 13.
  - 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 13 and 14.

## **7. ENVIRONMENTAL POLLUTION INVESTIGATIONS**

- 7.1 If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring on the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 7.2 Should the investigation carried out as per Condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **8. WATER QUALITY MANAGEMENT**

### **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.
- 8.1.2 Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Facility but must be diverted and discharged into the nearest stormwater channel.

## **9. MONITORING**

### **9.1 Water Quality Monitoring**

9.1.1 A monitoring borehole network for the Facility, at least one upstream and one downstream of the Facility must be established and 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 Director and Director: RPW reserves the right to take water samples at any reasonable time and to analyse these samples or have them analysed.

### **9.2 Detection monitoring**

9.2.1 Monitoring for groundwater and surface water shall be conducted:

9.2.1.1 Bi-annually for the water quality variables listed in Annexure II;

9.2.1.2 Annually for the quality variables listed in Annexure III; or

9.2.1.3 Such frequency as may be determined by the Licencing Authority.

### **9.3 Investigative monitoring**

If, in the opinion of the Department, a water quality variable listed under the detection monitoring programme, as referred to in Condition 9.2, shows an increasing trend, the Licence Holder shall conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Department.

## **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), to analyse the samples taken under the monitoring programmes specified in Condition 9.

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. AUDITING**

### **11.1 Internal audits**

11.1.1 The Licence Holder must appoint an independent external auditor that conduct annual audits before the decommissioning of the Facility commence and after the decommissioned phase has been concluded, to audit the site annually and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

## **11.2 External Audits**

- 11.2.1 The Licence Holder must appoint an independent external auditor to audit after the decommissioned phase has been concluded the site annually and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 11.2.2 The audit report must:-
  - 11.2.2.1 Specifically state whether conditions of this licence are adhered to;
  - 11.2.2.2 Include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment;
  - 11.2.2.3 Specify target dates for the implementation of the recommendations to achieve compliance; and
  - 11.2.2.4 Specify whether corrective action which was taken for the previous audits non conformities was adequate.

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

- 13.1 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.
- 13.2 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.
- 13.3 The findings of these audits or inspections must be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

## **13. RECORD KEEPING**

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

## **14. REPORTING**

- 14.1 The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused any pollution.
- 14.2 The Licence Holder must, within 14 (fourteen) days, or as specified by the Director from the occurrence or detection of any incident referred to in Condition 14.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by management, to the satisfaction of the Director of measures taken to:



- 14.2.1 Correct the impact resulting from the incident;
- 14.2.2 Prevent the incident from causing any further impact; and
- 14.2.3 Prevent a recurrence of a similar incident.
- 14.3 In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in Condition 14.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 14.4 The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 14.5 The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 14.6 The Department must be notified within 14 (fourteen) days of the following changes:
  - 14.6.1 Licence Holder's trading name, registered name or registered office address;
  - 14.6.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
  - 14.6.3 Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 14.7 All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 14.8 The Licence Holder must register and report to the Departmental Integrated Pollutant and Waste Information System (IPWIS), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public/>.

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

- 15.1 The Facility must be managed and operated:
  - 15.1.1 In such a manner that no nuisance conditions such as odour or health hazards occur; and
  - 15.1.2 So that no general waste is burned at the Facility.
- 15.2 The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 15.3 Waste disposed of at the Facility must be compacted and covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Director.
- 15.4 The Licence Holder must 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).

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

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

## **17 TRANSFER OF LICENCE**

- 17.1 Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of Section 52 of the NEM: WA, 2008.
- 17.2 Any subsequent Licence Holder shall be bound by the conditions of this Licence.
- 17.3 The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
- 17.3.1 The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including:-
- 17.3.1.1 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);
- 17.3.1.2 The contact details of the person who will be the new Licence Holder;
- 17.3.1.3 The reasons for the transfer; and
- 17.3.1.4 An originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.
- 17.3.2 The Licensing Authority will issue an amendment to the new Licence Holder either by way of a new Licence or an addendum to the existing Licence if the transfer is found to be appropriate.

## **18 COMMENCEMENT**

- 18.1 The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.
- 18.2 Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.
- 18.3 After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.
- 18.4 This decommissioning phase must commence before 24 November 2024. 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.
- 18.5 If the proponent anticipates that commencement of the activity would not occur by 24 November 2024, he/ she must apply and show good cause for an extension of the commencement date in this Licence 1 year prior to its expiry date.

**19 GENERAL**

- 19.1 This Licence shall not be transferable unless such transfer is subject to Condition 17 above.
- 19.2 This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 19.3 Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 19.4 This Licence is valid until 24 November 2029. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 19.5 Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 19.6 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.
- 19.7 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 understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.

## **D. APPEAL OF LICENCE**

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

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning

Private Bag X9186

### **CAPE TOWN**

8000

By facsimile: (021) 483 4174; 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 .

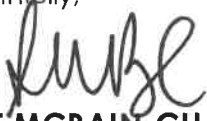
A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Marius.Venter@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

**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,



**LANCE MCBAIN-CHARLES**

**ACTING DIRECTOR: WASTE MANAGEMENT**

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

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

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

## ANNEXURE I

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

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

1. The Department received a non-substantive variation application on 9 October 2019 to apply for a postponement of the commencement date to 24 November 2024, citing that due to other waste management activities and the current activities requiring funding for Langebaan and Vredenburg WDFs, the rehabilitation of the Kalkrug WDF cannot commence before the required commencement date. Budget allocations submitted to the Department show that funds are to be spread over the upcoming financial years in order to rehabilitate the WDF by the new commencement date. The remaining time before the original commencement period (i.e. 11 November 2019) were therefore insufficient for the activity to commence on time.
2. In accordance with the Licence Condition 19.4, the Department has subsequently reviewed and updated the Licence by extending the commencement date for commencing closure of this Facility to 24 November 2024 (5-year extension).

### B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE)

The following were taken into account during the Department's consideration of the application:

- (a) The information contained in the Waste Management Licence Application form dated 9 January 2014;
- (b) The Site visit;
- (c) The final BAR;
- (d) The Waste Management Licence Application Additional Information Annexure dated 1 April 2014, and compiled by AECOM SA (Pty) Ltd;
- (e) The Record of Decision by the Department of Water Affairs dated 5 May 2014;
- (f) Comments raised by I&AP's throughout the Public Participation Process, as well as the applicant and the Environmental Assessment Practitioner's responses thereto; and
- (g) 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 is located on a side slope of hill/mountain. Site is located at the foot of a hill outside the town of Saldanha Bay. Adjacent to the south of the site is a cemetery. The site is approximately 1km east of the main beach at Saldanha Bay, Hoedjiesbaai.

### **Groundwater, soil and geological stability of the site**

The Facility is not located on or near any shallow water tables (less than 1.5m deep), seasonally wet soils (often close to water bodies), unstable rocky slopes or steep slopes with loose soil, dispersive soils (soils that dissolve in water), soils with high clay content, any other unstable soil or geological features, areas sensitive to erosion, areas adjacent to or above an aquifer or areas within 100m of the source of surface water.

### **Surface water**

No rivers or dams are located near the site, but the sea is located 1km to the east of the Facility. The Facility is located approximately 4 km from the non-perennial Bok River that flows into the sea at Saldanha Bay.

### **Biodiversity**

The vegetation type where the site was located is Saldanha Granite Strandveld and it is classified as endangered. The site has been completely cleared of all vegetation.

### **Land use character of surrounding area**

Adjacent to the south of the site is a cemetery. The transfer station is located to the west and adjacent to the site. Residential areas are located within 500 m in all directions of the site. Small-scale commercial activities (restaurants, B&B, post office and wine/olive farms) are accessible from Saldanha Bay, within 1km east of the Facility.

### **ALTERNATIVES**

No property/site/technology alternatives exist as the closure application is for an existing landfill facility. The no-go alternative would result in the continued operation of the Kalkrug landfill facility without a closure licence under the NEM:WA. Under the directive of the Department of Environmental Affairs, the Saldanha Bay Local Municipality applies for a closure licence under the NEM:WA to ensure municipal Community landfill sites are legalised.

### **PUBLIC PARTICIPATION PROCESS**

The PPP comprised of the following:

- Newspaper advertisements notifying public about the WML application were placed in The Burger, The Cape Argus, The Son, Courier, Courant Swartland, Suiderkruis, Ons Kontrei, Die Herrie and Winelands Echo on 29 February 2014.
- A total of 2 (two) A2-sized site notices were erected in the project area on 24 January 2014 at the Entrance to the Facility and at the Local Municipal Office.
- A Background Information Document (BID) was distributed among I&APs on 3 March to provide background information on the proposed project, the processes to be followed and the appropriate contact details of the Public Participation Consultant were included in the BID to ensure on-going interaction with I&APs.



- The Draft Basic Assessment Report was made available for a 40-day review period to registered I&APs, as well as the public from 17 February 2014 to 28 March 2014.
- A range of Focus Group Meetings (FGM) was held with the relevant stakeholders from 24 February to 07 March 2014 during the public review period for the Draft Basic Assessment Report.
- The final BAR was distributed among I&APs and no comments were received.

Authorities Consultation: The following authorities were consulted:

- (a) Cape Nature.
- (b) Western Cape: Department of Environmental Affairs, Development and Planning.
- (c) Saldanha Bay Local Municipality.
- (d) Heritage Western Cape.
- (e) National Department of Water Affairs.

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.

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END

## ANNEXURE II

### WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

#### **Monitor bi-annually 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