



REFERENCE: 19/2/5/4/D4/17/WL0205/19

The Municipal Manager
Knysna Local Municipality
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For attention:

VARIATION WASTE MANAGEMENT LICENCE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) FOR THE KNYNSNA OLD PLACE CLASS B GARDEN REFUSE FACILITY, PORTION 1 OF ERF NO. 243, OLD TOLL ROAD, OLD PLACE, KNYNSNA

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. 19/2/5/1/D4/17/WL0086/14) of the Knysna Local Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the Knysna Old Place Garden Refuse Facility, Portion 1 of Erf No. 243, Old Toll Road, Old Place, Knysna Local Municipality, Western Cape (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), Second Edition 1998 "Minimum Requirements" for the Facility will entail but not be limited to the following:

- (a) Disposal of general waste
- (b) Storage of waste
- (c) WDF Facility Auditing
- (d) Gate or weighbridge recording procedures
- (e) Volume Surveys
- (f) Collection and processing of other data
- (g) Leachate and water quality monitoring
- (h) Gas monitoring
- (i) Air quality monitoring
- (j) Monitoring of rehabilitated areas
- (k) Attending to the health of workers
- (l) The determination of the total airspace at the waste disposal facility within 12 (twelve) months after this Licence is issued;
- (m) Remedial design to address identified problem areas;
- (n) Final shaping, landscaping and re-vegetation;
- (o) Final landfill cover or capping design;
- (p) Construct the capping layer to a minimum quality and thickness;
- (q) Permanent stormwater diversion measures, run-off control and anti-erosion measures; and
- (r) Any infrastructure relating to the End-use Plan.
- (s) The compaction and shaping of the side slopes to gradients between a minimum of 1:50 (2%) and a maximum of 1:4;
- (t) The design and compliance is to be confirmed by a registered Professional Engineer;
- (u) Permanent stormwater diversion measures, run-off control and anti-erosion measures; and
- (v) Any infrastructure relating to the End-use plan.

The following activities which have been identified in NEM:WA Government Notice No. 921 of 29 November 2013 'List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment' (GN No. 921) are hereby authorised: -

CATEGORY A

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

CATEGORY C

In the event of constructing and operating a drop-off Facility on the aforementioned Facility, the following waste management activities in Category C may be triggered if the volumes are exceeded.

- 5(1) The storage of general waste at a Facility that has the capacity to store in excess of 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 the aforementioned thresholds be exceeded then it would be required for the applicant to comply with the NEM:WA National Norms and Standards for the Storage of Waste, Government Notice No. 926 (GN 926) of 29 November 2013 and to register on the Department's Integrated Pollutant and Waste Information System as per Condition 16.5 of this Licence.

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

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/D4/17/WL0205/19
WASTE APPLICATION: DECOMMISSIONING OF THE KNYSNA OLD PLACE GARDEN REFUSE FACILITY, WESTERN CAPE
CLASS: CLASS B (G:C:B+)
LOCATION: PORTION OF ERF NO. 243, OLD TOLL ROAD, OLD PLACE, KNYSNA
LICENCE HOLDER: KNYSNA LOCAL MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: PO BOX 21, KNYSNA 1616

1. LOCATION

- 1.1. This Licence authorises the Knysna Local Municipality to decommission the Garden Refuse Facility on Portion of Erf No. 243, Old Toll Road, Old Place, Knysna.
- 1.2. The location of the Facility must be according to co-ordinates indicated in the Waste Management Licence Application Additional Information Annexure dated 29 August 2014, submitted by the Licence Holder.
- 1.3. Location of entrance to the property, on which the Facility is situated, is as follows:

Latitude S	Longitude E
34° 2'17.16"	23° 5'21.86"

- 1.4. The boundaries of the Facility must be as follows:

Number of Corners	Latitude (S)	Longitude (E)
1	34° 02' 16.09"	23° 05' 22.20"
2	34° 02' 17.32"	23° 05' 21.50"
3	34° 02' 16.36"	23° 05' 28.00"
4	34° 02'18.79"	23° 05'26.50"

- 1.5. The footprint of the Facility and its associated infrastructure is approximately 6300 m²
- 1.6. The Surveyor General 21 Digit code of the Facility is as follows C03900050000024300000.

2. PERMISSIBLE WASTE PRIOR TO CLOSURE

- 2.1. Only general garden waste may be disposed of at the Facility. Any portion of the Facility which has been constructed or developed according to conditions 5 of this Licence, may be used for the disposal, recovery and sorting of general waste. Only waste that is classified as general waste, according to the NEM:WA, or any current and future Norms and Standards developed by the Department of Environmental Affairs, is permitted.

- 2.2. The Licence Holder shall take all reasonable steps to ensure that:
 - 2.2.1. no hazardous waste; and
 - 2.2.2. no health care waste, including pharmaceutical waste, as defined by the Western Cape Health Care Waste Management Act, 2007, (Act No. 7 of 2007), be disposed of at the Facility.
- 2.3. The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.4. All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.
- 2.5. Organic waste is allowed to be disposed of at the Facility, but must be in accordance with the Organic Waste Diversion Plan, targets and procedures referred to in conditions 16.6 and 16.7 of the Licence.

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

- 3.1. 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.
- 3.2. A Waste Management Control Officer ("WMCO") or 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 August 2013.
- 3.3. The WMCO/ ECO must:
 - 3.3.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through means reasonably available;
 - 3.3.2. 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
 - 3.3.3. monitor any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

4. MANAGEMENT

- 4.1. General Management
 - 4.1.1. The EMPr for the decommissioning of the facility mentioned in Condition 3.2, submitted as part of the final Basic Assessment Report, is hereby approved and must be implemented together with all the conditions of this Licence.
 - 4.1.2. 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.
 - 4.1.3. The decommissioning 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.
 - 4.1.4. 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.

- 4.1.5. A copy of this Licence and the EMPr must be kept at or near 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.
- 4.1.6. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

5. DECOMMISSION PHASE

- 5.1. The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Director for approval 90 (ninety) days prior to construction for decommissioning of the Facility.
- 5.2. Construction for decommissioning of the Facility must be considered in accordance with the final BAR and EMPr and Decommissioning Application to the Department as prepared by VR Environmental Consultants dated 28 January 2014.
- 5.3. 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).
- 5.4. The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 5.5. The slopes of the sides of the Facility must be constructed in accordance with recognised civil engineering practices, with special consideration to stability and the prevention of erosion.
- 5.6. The Facility, or any portion thereof must be covered and must be maintained in such a way that:
 - 5.6.1. the formation of pools due to rain is prevented;
 - 5.6.2. free surface runoff of rain-water is ensured;
 - 5.6.3. contamination of stormwater is prevented;
 - 5.6.4. no objects or material which may hamper the rehabilitation of the Site are present; and
 - 5.6.5. Little or no erosion occurs.
- 5.7. Works constructed in compliance with Condition 9 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate:
 - 5.7.1. 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 once in fifty years (estimated maximum precipitation); and
 - 5.7.2. All expected leachate.
- 5.8. Works constructed in compliance with Condition 5.7 must, on a continuous basis, be properly maintained.
- 5.9. Closure construction must be done in accordance with the latest edition of the document titled 'Minimum Requirements', the reports, the conditions of this Licence and any other written instruction issued by the Department to the Licence Holder.
- 5.10. Any development which occurs within the 1:100-year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998).

6. IMPACT MANAGEMENT

6.1. Facility Security and Access Control

- 6.1.1. The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence and a gate with the same height.
- 6.1.2. 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. The notices must also indicate the alternative waste management or disposal options.
- 6.1.3. 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.
- 6.1.4. The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.1.5. The Licence Holder shall take all reasonable steps to maintain service roads in a condition which ensures unimpeded access to the Facility for vehicles transporting waste and keep the roads free of waste.

7. FACILITY MANAGEMENT AND OPERATIONS

- 7.1. 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:
 - 7.1.1. the presence of any nuisance conditions such as vectors and vermin, exposed waste, and bad odours are monitored regularly and monitoring results are kept in terms of Condition 15.1; and
 - 7.1.2. any complaints from the public are 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 Director and record it in terms of Conditions 15 and 16.

8. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 8.1. 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.
- 8.2. Should the investigation carried out as per Condition 8.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

9. WATER QUALITY MANAGEMENT

9.1. Runoff Management

- 9.1.1. 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 5.

9.2. Leachate Management

9.2.1. Leachate from the Facility must be managed by means of works and/or liners constructed and maintained on a continuous basis by the Licence Holder as approved by the Department, to prevent the pollution of groundwater, must:

9.2.1.1. be evaporated in lined dams as approved by the Department; and/or

9.2.1.2. be discharge into any convenient sewer if accepted by the authority responsible for that sewer.

10. MONITORING

10.1. Water Quality Monitoring

10.1.1. A monitoring borehole network for the Facility, at least 1 (one) upstream and 1 (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.

10.1.2. 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.

10.2. Detection monitoring

10.2.1. Monitoring must be conducted on a biannual 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.

10.3. Investigative monitoring

10.3.1. If, in the opinion of the Director, the water quality, as referred to in Condition 10.2, shows an increasing trend, the Licence Holder must initiate a monthly monitoring programme.

10.4. Further investigation

10.4.1. If, in the opinion of the Director or 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.

11. ANALYSIS OF SAMPLES

11.1. Monitoring Methods and Parameters

11.1.1. The Licence Holder shall 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 10.2.

11.1.2. 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.

11.1.3. The Licence Holder must put in place a monitoring and measurement plan that must inter alia include:

11.1.3.1. mass (in tonnes or kilograms) received, recycled, reclaimed, treated and transferred;

11.1.3.2. waste types and sources;

11.1.3.3. air quality monitoring; and

11.1.3.4. an annual topographical survey submitted to the Director in the form of an Airspace Determination Report, which must estimate the remaining volume of airspace on the Facility and the remaining lifetime for the disposal of waste at the Facility.

12. AUDITING

12.1. Internal audits

12.1.1. Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report in terms of condition 12.2.6 must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the external auditor specified in condition 12.2.1 and the Director (if requested), according to condition 13.2.

12.2. External audits

12.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report in terms of condition 12.2.6, documenting the findings of the audit which must be submitted by the Licence Holder to the Department.

12.2.2. 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.

12.2.3. 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.

12.2.4. The external audit report must be submitted to Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided for in condition 14.1 below, within 3 (three) months, from the date on which the external auditor finalised the report.

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

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

13. DEPARTMENTAL AUDITS AND INSPECTIONS

13.1. 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.

13.2. 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.

13.3. The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

14. MONITORING COMMITTEE

14.1. The Licence Holder must establish a Monitoring Committee for the normal operative lifetime of the Facility.

14.2. The Licence Holder must take the necessary steps to establish, maintain and ensure the continued functioning of a Monitoring Committee for the normal operative lifetime of the Facility and for a period of at least two years after the closure of the Facility, or such longer period as may be determined by the Director.

- 14.3. The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:
- 14.3.1. Licence Holder and/or his/her appointed consultant(s) or advisor(s);
 - 14.3.2. representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 14.3.3. representative(s) of this Department; and
 - 14.3.4. at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the Monitoring Committee to interested and affected parties of each meeting.
- 14.4. The Monitoring Committee shall meet annually (once a year) and no later than 3 (three) months after the finalisation of the external audit report was conducted in terms of condition 12.2.1, and submitted in terms of condition 12.2.4.
- 14.5. The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 30 (thirty) days after the meeting.

15. RECORD KEEPING

- 15.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 15.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 15.3.5.
- 15.3. All records required or resulting from activities required by this Licence must:
- 15.3.1. be legible;
 - 15.3.2. be made available and should form part of any audit report;
 - 15.3.3. be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 15.3.4. be retained in accordance with documented procedures which are approved by the Department; and
 - 15.3.5. be made available upon the request of the Director and/or the Director: RPW
- 15.4. The Licence Holder shall record 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, which must provide interpreted data with recommendations to facilitate decisions by the Director and/or Director: RPW.

16. REPORTING

- 16.1. Reporting of incidents
- 16.1.1. 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.
 - 16.1.2. 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 16.1.1, submit an

action plan, which must include a detailed time schedule, to the satisfaction of the Director of measures taken to:

- 16.1.2.1. correct the impact resulting from the incident;
 - 16.1.2.2. prevent the incident from causing any further impact; and
 - 16.1.2.3. prevent a recurrence of a similar incident.
- 16.1.3. 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 16.1.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 16.1.4. 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.
- 16.2. 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.
- 16.3. The Department must be notified within 14 (fourteen) days of the following changes:
- 16.3.1. licence Holder's trading name, registered name or registered office address;
 - 16.3.2. particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 16.3.3. steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 16.4. 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.
- 16.5. 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/>.
- 16.6. The Licence Holder must submit an Organic Waste Diversion Plan to the Director 90 (ninety) days after the signature of this Licence and annually thereafter.
- 16.7. The information within the Organic Waste Diversion Plan must:
- 16.7.1. provide a status quo of current organic waste sources and volumes disposed at municipal WDFs, and current rates and procedures of organic waste diversion from WDFs; and
 - 16.7.2. set annual targets and identify procedures from 2020 that will be implemented to meet these targets for the diversion of organic waste from municipal WDFs, in order to reach a 50% diversion by the year 2022 and 100% diversion by the year 2027.

17. OPERATIONAL CONDITIONS UNTIL CLOSURE

- 17.1. The Licence Holder shall take all reasonable steps to ensure the Facility is operated in a manner which shall prevent the creation of nuisance conditions or health hazards, such as vectors (flies and vermin), exposed waste, dust, windblown litter, obnoxious odours and noise.
- 17.2. Reclamation of waste, below the legislated thresholds, may occur at the Facility at the discretion of the Licence Holder, but may not take place at the active working face.
- 17.3. All persons reclaiming waste must be wearing suitable personal protection equipment.

- 17.4. Waste may not be burned at the Facility.
- 17.5. 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.
- 17.6. The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 17.7. 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.
- 17.8. Areas that will not be used for waste disposal for longer than a year must be covered with a minimum of at least 200mm of suitable cover material.
- 17.9. The Licence Holder must make use of moveable fences or other feasible and reasonable means if necessary, to control windblown litter.
- 17.10. The Licence Holder must ensure the health and safety of workers and employees on the Site, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 17.11. The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environmental Conservation Act, 1989 (Act No. 73 of 1989).

18. LEASING AND ALIENATION OF THE FACILITY

- 18.1. Should the Licence Holder want to alienate or lease the Facility, he/she shall notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction.

19. TRANSFER OF LICENCE

- 19.1. 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.
- 19.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

20. COMMENCEMENT

- 20.1. The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.
- 20.2. 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.
- 20.3. 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.
- 20.4. This decommissioning phase must commence before 15 January 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.
- 20.5. If the proponent anticipates that commencement of the activity would not occur by 15 January 2025, 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.

21. GENERAL

- 21.1. The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 21.2. This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of the Health Act, 2003 (Act 61 of 2003), the National Water Act, 1998 (Act 36 of 1998) or any applicable act, ordinance, regulation or by-law.
- 21.3. This Licence is valid until 15 January 2029. The licence may be reviewed at 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.
- 21.4. Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years, 15 January 2029, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 21.5. Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in section 67(1) of the NEM: WA, 2008.
- 21.6. In terms of sections 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act, 1998 (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 on the environmental risks of their work and training them to operate in an environmentally 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; 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



EDDIE HANEKOM

DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 20-01-2020

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

E-mail: NoeM@dws.gov.za
Email: MoolmanW@dws.gov.za

ANNEXURE 1

A. REASONS FOR THE DECISION

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 21 November 2019 to apply for a postponement of the commencement date for the decommissioning of the waste disposal facility, citing that due to other waste management activities and the current activities requiring funding for Brenton on Sea WDF, the decommissioning of the Old Place 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 close the WDF by the new commencement date. The remaining time before the original commencement period (i.e. 15 January 2020) 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 15 January 2025 (6-year extension).

B. REASONS FOR THE DECISION (NOT APPEALABLE)

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

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 Old Place Licence conditions with current waste legislation and repeal the existing waste management licence (Ref: 19/2/5/1/D4/17/WL0086/14) issued by Department of Environmental Affairs and Development Planning, and issue this Licence.

C. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE

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 28 January 2014;
- (b) The final BAR and Waste Management Licence Application Additional Information Annexure dated 29 August 2014, and compiled by VR Environmental Consultants;
- (c) The Record of Decision by the Department of Water Affairs dated 3 September 2014;
- (d) Comments raised by I&AP's throughout the Public Participation Process, the applicant and the Environmental Assessment Practitioner's responses thereto; and
- (e) 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 within an old quarry on a shelf surrounded by steep slopes facing south. Currently, only garden waste is disposed of at the Facility, chipped and pushed into piles. Landfilling was, at the time of the Licence application, taking place above ground level.

Surface Water

The Facility is located within a river freshwater ecosystem protected area and associated sub-quaternary catchment area draining chiefly toward the largely natural Knysna River.

Biodiversity

The Facility is located in a Critical Biodiversity Area and is designated as an Ecological Support Area.

ALTERNATIVES

Site Alternatives

Chipping and composting of green waste is scheduled to take place at the Noetzie facility currently in the process of obtaining a WML.

Activity Alternatives

There are no direct activity alternatives as the process will involve the closure of the current Facility.

The No-Go Option

The No-Go Option entails the continued operation as a chipping, composting and transfer facility but this would be duplication due to the location of the new Noetzie facility.

PUBLIC PARTICIPATION PROCESS

The PPP comprised of the following:

- (a) An I&AP register was drawn up.
- (b) The closure of the Facility was advertised Knysna Advertiser and the Cape Argus on 27 & 28 February 2014.
- (c) Notice boards were erected at the Facility entrance on 3 March 2014.
- (d) Flyers were distributed to all neighbours on 3 March 2014.
- (e) A Background Information Document (BID) was distributed among I&APs on 3 March 2014.
- (f) The draft BAR was distributed among commenting authorities on 3 March 2014.
- (g) The draft BAR was distributed among I&APs on 26 March 2014.
- (h) The final BAR was distributed among I&APs and all comments were responded to.

Authorities Consultation:

The authorities consulted included the following: -

- (a) Department of Water Affairs.
- (b) Cape Nature.
- (c) Heritage Western Cape.

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