



REFERENCE: 19/2/5/4/E1/1/WL0167/19

The Municipal Manager
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Attention: Walter Linnert

**VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE L'AGULHAS
WASTE DISPOSAL FACILITY ON PORTION OF ERF 610, AGULHAS**

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 Waste Management Licence (Licence No. 19/2/5/1/E1/1/WL0006/14) of the Cape Agulhas Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the L'Agulhas Waste Disposal Facility (WDF) on Portion of Erf 610, Agulhas Municipal Area (hereinafter referred to as "the Facility"), with the current variation waste management licence (Licence No. 19/2/5/4/E1/1/WL0167/19).

B. DESCRIPTION OF THE ACTIVITY:

The activities for decommissioning of a Communal WDF such as this Facility as per the second edition of the Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry, 1998 (DWAF, 1998) (referred to as "Minimum Requirements") will entail but not 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) Attend 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.

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

Category A

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

In 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, "the National Norms and Standards for Storage of Waste", Government Notice 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 of the Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

Director: Western Cape Provincial Operations

Department of Water and Sanitation

Private Bag X16

SANLAMHOF

7532

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/E1/1/WL0167/19
WASTE APPLICATION: DECOMMISSIONING OF THE L'AGULHAS WASTE DISPOSAL FACILITY
CLASS B (G:C:B-)
LOCATION: PORTION OF ERF NO. 610, AGULHAS MUNICIPAL AREA
LICENCE HOLDER: CAPE AGULHAS MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: P.O. BOX 51, BREDASDORP, 7280

1. LOCATION

- 1.1 This Licence authorises the Cape Agulhas Municipality to decommission the Facility on Portion of Erf 610, Agulhas.
- 1.2 The location of the Facility must be according to co-ordinates indicated in the Waste Management Licence Application Form dated 9 January 2014 and Waste Management Licence Application Additional Information Annexure dated 1 April 2014 submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility

Corners	Latitude	Longitude
1	34° 49' 19.89" S	20° 00' 31.38" E
2	34° 49' 20.88" S	20° 00' 31.88" E
3	34° 49' 49.19" S	20° 00' 32.93" E
4	34° 49' 18.73" S	20° 00' 31.45" E
5	34° 49' 19.89" S	20° 00' 24.84" E
6	34° 49' 21.23" S	20° 00' 26.25" E
7	34° 49' 21.47" S	20° 00' 26.90" E
8	34° 49' 21.16" S	20° 0'0' 27.40" E

- 1.3 Location of property on which Facility is situated:-

Latitude	Longitude
34° 49' 20.43" S	20° 00' 31.00" E

- 1.4 The footprint of the Facility and its associated infrastructure is 10, 000 m².
- 1.5 The SG 21 Digit code of the Facility is: C01100010000061000000

2. PERMISSIBLE WASTE

- 2.1. Any portion of the Facility which has been constructed or developed according to condition 5 of this Licence, may be used for the disposal of general waste. Only waste that is classified as general waste, according to the NEM: WA, or any current and future Norms and Standards, is permitted.
- 2.2. The Licence Holder must 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 20.8 and 20.9 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)/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) which was submitted together with the final Basic Assessment Report (BAR) dated 1 April 2014, prior to any construction activities being undertaken on the Facility. The WMCO/ECO must: -
 - 3.2.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available;
 - 3.2.2. 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
 - 3.2.3. monitor any future construction activities and ensure that the closure and/or construction plans are in accordance with the approved engineering design.

4. MANAGEMENT

General Management

- 4.1. The EMPr for the decommissioning of the facility mentioned in Condition 2.1, submitted as part of the final BAR, is hereby approved and must be implemented together with all the conditions of this Licence.
- 4.2. An application for the amendment of 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.
- 4.3. 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.
- 4.4. 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.
- 4.5. 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.

- 4.6. 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 Licensing Authority for approval 90 days prior to construction for decommissioning of the Facility to begin.
- 5.2. Decommissioning-construction of the Facility must be considered in accordance with the proposed Closure Report for the Facility in the EMPr and final BAR as prepared by AECOM dated 1 April 2014 or design plans as approved by the Department of Water and Sanitation.
- 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 waste body must be covered with the surrounding indigenous vegetation.
- 5.5. The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 5.6. The Facility, or any portion thereof must be covered and the Facility 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. Sporadic leachate from the Facility may only be discharged into any convenient sewer if accepted by the authority responsible for that sewer.
- 5.8. 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

Facility Security and Access Control

- 6.1. 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.
- 6.2. 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 Facility. The notices must also indicate the alternative waste management or disposal options.
- 6.3. The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs at the Facility.

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:
- (a) The presence of any nuisances such as flies, exposed waste, and bad odours must be monitored regularly and monitoring results are kept in terms of Condition 13.
 - (b) 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.

8. ENVIRONMENTAL POLLUTION INVESTIGATIONS

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

Runoff Management

- 9.1. 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.
- 9.2. Works constructed in compliance with Condition 8.1 must, on a continuous basis, be properly maintained.
- 9.3. 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 5.
- 9.4. 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.

10. MONITORING

10.1. Water Quality Monitoring

- 10.1.1. The Licence Holder must establish and maintain a ground water monitoring borehole network with at least one upstream and one downstream borehole at least 10 to 20 metres from the edge of the compacted waste body, so that unobstructed sampling, as required in terms of this Licence, can be undertaken, a plan must be submitted to the Director and the Director: RPW for approval.
- 10.1.2. Monitoring boreholes must be equipped with lockable caps. This Department and the Department of Water and Sanitation (DWS) reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.

10.2. **Detection monitoring**

10.2.1. Monitoring for groundwater and surface water shall be conducted:-

- (a) bi-annually (twice a year) for the water quality variables listed in Annexure II;
- (b) annually for the quality variables listed in Annexure III; or
- (c) such frequency as may be determined by the Licencing Authority.

10.3. **Investigative monitoring**

If, in the opinion of the Director, a water quality variable listed under the detection monitoring programme, as referred to in Condition 10.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

10.4. **Further investigation**

If, in the opinion of the Director, 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.

11. **ANALYSIS OF SAMPLES**

Monitoring Methods and Parameters

- 11.1. The Licence Holder must carry out all tests required in terms of Condition 10.2 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).
- 11.2. The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licencing Authority, specifying that the method to be used is at least equivalent to the SABS method.

12. **AUDITING**

12.1. **Internal audits**

- 12.1.1. Internal audits must be conducted bi-annually (twice a year) by the Licence Holder and on each audit occasion an official report in the format prescribed by the Director must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the Director.

12.2. **External audits**

- 12.2.1. 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, in the format prescribed by the Director, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

12.2.2. The audit report must:-

- (a) Specifically state whether conditions of this licence are adhered to;
- (b) Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
- (c) Specify target dates for the implementation of the recommendations to achieve compliance; and
- (d) Specify whether corrective action which was taken for the previous audits non conformities was adequate.

13. 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).

14. RECORD KEEPING

- 14.1. All records required or resulting from activities required by this Licence must:-
 - (a) be legible;
 - (b) be made available and should form part of the external audit report;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - (d) be retained in accordance with documented procedures which are approved by the Department; and
 - (e) be made available to the Department upon the request of the Director.

15. REPORTING

- 15.1. 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, or has caused any pollution.
- 15.2. 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 15.1, 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:-
 - (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.
- 15.3. 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 15.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and responsibility of the Licence Holder.
- 15.4. The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.
- 15.5. 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.
- 15.6. The Department must be notified within 14 (fourteen) days of the following changes:-
 - (a) Licence Holder's trading name, registered name or registered office address;
 - (b) Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - (c) Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.

- 15.7. 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.
- 15.8. 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>.

16. CONDITION OF OPERATIONS UNTIL CLOSURE

- 16.1. The Facility must be managed and operated:-
- (a) In such a manner that no nuisance conditions such as odour or health hazards occur.
 - (b) So that no waste is burned at the Facility.
- 16.2. The Licence Holder must ensure that all roads at the Facility are maintained to allow access to all areas by vehicle.
- 16.3. 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.
- 16.4. The Licence Holder must make use of moveable fences to control windblown litter.
- 16.5. The Licence Holder must ensure the health and safety of workers and employees at the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

17. LEASING AND ALIENATION OF THE FACILITY

- 17.1. 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.

18. TRANSFER OF LICENCE

- 18.1. Should the Licence Holder want to transfer ownership of this Licence, he/she must apply in terms of Section 52 of the NEM: WA, 2008.
- 18.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.
- 18.3. 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:-
- 18.3.1. The applicant must submit an original signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including:-
- (a) confirmation that the Licence is still in force (i.e. that the validity period has not yet expired, or the listed activities were lawfully commenced with);
 - (b) the contact details of the person who will be the new Licence Holder;
 - (c) the reasons for the transfer; and
 - (d) an originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.
- 18.3.2. 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.

19. COMMENCEMENT

- 19.1. The construction and rehabilitation activities of the licensed activity may not commence within 20 (twenty) days of the date of signature of the Licence.
- 19.2. Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorized activity, he/she may not commence with the activity until authorised by the Director in writing.
- 19.3. 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.
- 19.4. This decommissioning phase must commence before 7 November 2024. If commencement of the activity does not occur before then, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.
- 19.5. If the proponent anticipates that commencement of the activity would not occur before 7 November 2024, he/ she must apply and show good cause for an extension of the commencement date in this Licence 6 (six) months prior to this expiry date.

20. GENERAL

- 20.1. This Licence shall not be transferable unless such transfer is subject to Condition 18 above.
- 20.2. 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.
- 20.3. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 20.4. This Licence is valid for a period of 10 (ten) years from the date of issue of this Licence. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance with Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn or the validity thereof extended.
- 20.5. 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.
- 20.6. 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.
- 20.7. 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 the environmental risks of their work and training them to operate in an environmentally acceptable manner.
- 20.8. The Licence Holder must submit an Organic Waste Diversion Plan to the Director within 90 days of the date of this Licence and annually thereafter.
- 20.9. The information within the Organic Waste Diversion Plan must:-
 - 20.9.1. 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
 - 20.9.2. set annual targets and identify procedures from 2018 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.

21. APPEAL OF LICENCE

- 21.1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 21.2. 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:
- 21.2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
- 21.2.2. 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.
- 21.3. 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:
- 21.3.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
- 21.3.2. 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.
- 21.4. 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.
- 21.5. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government,
Environmental Affairs and Development
Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape
Town, 8001

By email: DEADP.Appeals@westerncape.gov.za

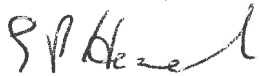
Note: A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Marius.Venter@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>

D. DISCLAIMER

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

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

Yours faithfully



EDDIE HANEKOM

DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 18-11-2019

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 subsequent non-substantive amendment was conducted to extend the commencement date for decommissioning of this Facility. This licence repeals the previous licence (Ref: 19/2/5/1/E1/1/WL0006/14).
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 30 November 2025.
3. The original WML dated 7 November 2014 required commencement within 5 (five) years (by 7 November 2019). The information provided by the Licence Holder indicating the projected financial commitment and set timeframe to commence with decommissioning of the Facility by 2023/24, and that the Facility is still being used for the disposal of building rubble and green waste, were considered to vary this Waste Management Licence.

B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (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.

- (a) The information contained in the Application Form for a Waste Management Licence dated 9 January 2014;
- (b) The final Basic Assessment Report (BAR) received 1 April 2014, compiled by AECOM (Pty) Ltd., including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by I&APs throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) Relevant information contained in the Departmental information base; and
- (e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998).

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

Environment

The Facility is currently used for the disposal of general waste, including domestic and garden waste. The Facility is fenced and the surrounding land-uses in the area predominantly consist of untransformed land and medium residential areas. The L'Agulhas Waste Disposal Facility and surrounding area consists of the Overberg Dune Strandveld National Vegetation type, which has a Least Threatened conservation status. No surface water features exist on the site.

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 for the requirement to fix notice boards and give written notices contemplated under the relevant paragraphs.

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.

Design Alternatives

The project will entail the closure and rehabilitation of an existing waste disposal facility, where the approval of the Closure Report will determine the design.

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 (17 February 2014 to 28 March 2014);
- (b) Advertisements were placed in the "Cape Argus" on 24 January 2014 and 26 February 2014, in "Die Burger" on 24 January 2014 and 27 February 2014, in the "Standard" on 30 January 2014 and 6 March 2014, in the "Swartland Gazette" on 28 January 2014 and 4 March 2014, in the "Theewaterskloof Gazette" on 28 January 2014 and 4 March 2014 and in the "Weslander" on 30 January 2014 and 6 March 2014;
- (c) Fixing of notice board at the L'Agulhas Waste Disposal Facility and at the L'Agulhas Caravan Park on 24 January 2014;
- (d) Notification sent to registered I&As via sms and email on 17 February 2014; and
- (e) Submission of the final BAR to the Department on 1 April 2014.

Authorities Consultation:-

CapeNature;

Cape Agulhas Local Municipality;

Heritage Western Cape; and

Department of Water Affairs (DWA) regional office, Western Cape.

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 CapeNature and DWA have been included in the Waste Management Licence.

_____ END _____

ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at bi-annual intervals for:

Alkalinity (P.Alk)

Ammonia (NH₃-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

END

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at annual intervals for:

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO₄)

END