

REFERENCE: 19/2/5/4/F5/20/WL0054/21

The Municipal Manager
Swartland Municipality
Private Bag X 52

MALMESBURY

7299

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For attention: Mr Pieter Marais

VARIATION OF THE WASTE MANAGEMENT LICENCE (WML) FOR THE CLOSURE OF THE EXISTING RIEBEEK KASTEEL WASTE DISPOSAL FACILITY (WDF), PORTION 1 OF FARM NO. 643, PORTION 5 OF FARM NO. 643, ERF NO. 11 AND ERF NO. 377, RIEBEEK KASTEEL

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), as amended (NEM:WA), hereby vary and replace the existing Waste Management Licence (Licence No. 19/2/5/4/F5/20/WL0145/19) and issue this Waste Management Licence to the Swartland Municipality (hereinafter referred to as 'the Municipality') for the decommissioning of the Riebeek Kasteel WDF on Portion 1 of Farm No. 643, Portion 5 of Farm No. 643, Erf No. 11 and Erf No. 377, Riebeek Kasteel (hereinafter referred to as "the Facility").

B. DESCRIPTION OF THE ACTIVITY

The activities for decommissioning of the Riebeek Kasteel 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) Disposal of general waste
- (b) Storage of waste
- (c) WDF Site 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 minimum quality and thickness
- (q) Permanent stormwater diversion measures, run-off control and anti-erosion measures
- (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.

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/F5/20/WL0054/21
WASTE APPLICATION: DECOMMISSIONING OF THE RIEBEEK KASTEEL WASTE DISPOSAL FACILITY
LOCATION: PORTION 1 OF FARM NO. 643, PORTION 5 OF FARM NO. 643, ERF NO. 11 AND ERF NO. 377, RIEBEEKKASTEEL
LICENCE HOLDER: SWARTLAND MUNICIPALITY
CONTACT PERSON: MUNICIPAL MANAGER OR DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: PRIVATE BAG X52, MALMESBURY

1. LOCATION

- 1.1 This Licence authorises the Swartland Municipality to decommission the Facility on Portion 1 of Farm No. 643, Portion 5 of Farm No. 643, Erf No.11 and Erf No. 377, Riebeek Kasteel.
- 1.2 Location of property on which Facility is situated:

| | |
|--------------|---------------|
| Latitude (S) | Longitude (E) |
| 33°23'03,53" | 18°55'30,36" |

- 1.3 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 9 January 2014 and Waste Management Licence Application Additional Information Annexure submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility

| Number of corners | Latitude (S) | Longitude (E) |
|-------------------|--------------|---------------|
| A | 33°23'06.50" | 18°55'26.40" |
| B | 33°23'03.40" | 18°55'30.45" |
| C | 33°23'13.30" | 18°55'39.56" |
| D | 33°23'13.88" | 18°55'31.99" |

- 1.4 The footprint of the Facility and its associated infrastructure is 40 950 m².
- 1.5 The SG 21 Digit code of the Facility is: C0460000000064300001

2 PERMISSIBLE WASTE

- 2.1 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, 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 20.8 and 20.9 of the Licence.

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

- 3.1 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 (EMP), 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 the means reasonably available; and
 - 3.2.2 Monitor the closure activities and ensure that the closure plans are in accordance with the engineering designs.

4. MANAGEMENT

General Management

- 4.1 The decommissioning of the Facility must be in accordance with the final Basic Assessment Report dated 1 April 2014, as prepared by AECOM (Pty) Ltd, which includes the Environmental Management Programme (EMPr) for operation and decommissioning.
- 4.2 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 EMP has been authorised by the Licensing Authority.
- 4.3 The decommissioning of the Facility must be managed by fit and proper a 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 The Licence Holder must ensure that the intended after-use of the facility is properly implemented and that the landscaping of the Facility, the drainage system and vegetation form part of the development to ensure the successful implementation of the intended after-use.
- 4.6 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.

4.7 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.

5. DECOMMISSIONING PHASE

5.1 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.

5.2 The Facility must be decommissioned in accordance with the EMPr, accordance with conditions of this Licence.

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 capped with a 200mm layer of topsoil, 450 mm of compacted clay (in 3 type V layers of the Minimum Requirements of 1998), having a clay permeability not exceeding 10^{-6} cm/sec or have 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 450mm Compacted Clay Liner (CCL) of specified performance clay is acceptance in which the 450mm CCL is replaced with 450mm random soil compacted fill over a Geosynthetic Clay Liner (GCL) and extend the surrounding vegetation over the waste body.

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 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).

5.8 The slope of the sides of the Site must be constructed and maintained in such a manner that the occurrence of erosion is prevented.

- 5.9 A monitoring borehole network for the Facility, which consists of at least one borehole upstream and one borehole 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. Monitoring borehole must be equipped with lockable caps.
- 5.10 Works constructed in compliance with Condition 5.9 must, on a continuous basis, be properly maintained.
- 5.11 Sporadic leachate from the Site shall, by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder and be lined as approved by the Responsible Authority, to prevent pollution to groundwater. Evaporation dams must be lined and approved by the Responsible Authority.

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.
- 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 operation of the Facility.
- 6.3 The Licence Holder must ensure that there is no illegal access to the decommissioned portion of the Facility and that no illegal dumping occurs on this portion of 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:-
- 7.1.1 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 14.
- 7.1.2 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 14 and 15.

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

Runoff Management

9.1 All runoff 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 Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Site but must be diverted to and discharged into the nearest storm water channel.

9.3 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:

9.3.1 all stormwater runoff, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of once in the fifty years; and

9.3.2 all expected leachate.

10. MONITORING

10.1 Water Quality Monitoring

10.1.1 The The Licence Holder must establish and maintain a ground water monitoring plan, within 3 (three) months of obtaining this licence and submit the plan to the Director and the Director: RPW for approval, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

10.2.1 Monitoring boreholes must be equipped with lockable caps. The Department and DWA 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:

10.2.1.1 Bi-annually (twice a year) for the water quality variables listed in Annexure II;

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

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

10.3 Investigative monitoring

10.3.1 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

- 10.4.1 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. METHODS OF ANALYSIS

Monitoring Methods and Parameters

- 11.1 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).
- 11.2 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.

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 must be compiled by the relevant auditor to report the findings of the audits, which must be made available to the Director: RPW and submitted to the Director.

12.2 External audits

- 12.2.1 The Licence Holder must appoint an independent external auditor 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.
- 12.2.2 The audit report must:
- 12.2.2.1 Specifically, state whether conditions of this licence are adhered to;
 - 12.2.2.2 Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment;
 - 12.2.2.3 Specify target dates for the implementation of the recommendations to achieve compliance; and
 - 12.2.2.4 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:
- 14.1.1 be legible;
 - 14.1.2 be made available and should form part of the external audit report;
 - 14.1.3 if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
 - 14.1.4 be retained in accordance with documented procedures which are approved by the Department; and
 - 14.1.5 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 on 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:
- 15.2.1 correct the impact resulting from the incident;
 - 15.2.2 prevent the incident from causing any further impact; and
 - 15.2.3 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:
- 15.6.1 Licence Holder's trading name, registered name or registered office address;

- 15.6.2 Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
- 15.6.3 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:
 - 16.1.1 In such a manner that no nuisance conditions such as odour or health hazards occur.
 - 16.1.2 So that no waste is burned at the Facility.
- 16.2 The Licence Holder must ensure that all roads on the Facility are maintained to allow access to all areas by vehicle.
- 16.3 So that 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 on 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 the 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 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:

- 18.3.1.1 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);
 - 18.3.1.2 the contact details of the person who will be the new Licence Holder;
 - 18.3.1.4 the reasons for the transfer; and
 - 18.3.1.4 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.
- 18.4 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 decommissioning 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 authorised activities, he/she may not commence with the activities 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 29 September 2027. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for a 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 by 29 September 2027, he/ she must apply and show good cause for an extension of the commencement date in this Licence 1 (one) year prior to its 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 until 29 September 2031. The licence may be reviewed every 3 (three) years 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.

- 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 understand the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.
- 20.8 The Licence Holder must submit an Organic Waste Diversion Plan to the Director on an annual basis.
- 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 of, and current rates and procedures of organic waste diversion from the Facility; 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.

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,

DIRECTOR: WASTE MANAGEMENT

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

E-mail: NoeM@dws.gov.za
Email: 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 20 May 2021 to apply for a postponement of the commencement date to the end of 2026, citing that due to other waste management activities and the current activities requiring funding, the rehabilitation of the Riebeek Kasteel WDF cannot commence before the required commencement date. Budget allocations submitted to the Department show that funds are to be applied for in the 2024/25 financial year in order to rehabilitate the WDF by the new commencement date. The remaining time before the latest commencement period (i.e. 19 September 2024) 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 29 September 2027 (3-year extension).

B. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE) (2019 WML VARIATION APPLICATION):

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

1. The Department received a non-substantive variation application on 3 September 2019 to apply for a postponement of the commencement date to 30 June 2024, citing that due to other waste management activities and the current activities requiring funding, the rehabilitation of the Riebeek Kasteel 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. 29 September 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 29 September 2024 (5-year extension) and by updating sections regarding permissible waste and organic waste diversion targets.

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

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

- (a) The information contained in the Waste Management Licence Application form dated 9 January 2014, a site inspection conducted on 7 March 2014 by Egbert Rossouw.

- (b) The final BAR dated 1 April 2014 and the Waste Management Licence Application Additional Information Annexure compiled by AECOM (Pty) Ltd
- (c) The Record of Decision by the Department of Water Affairs dated 14 May 2014 were taken into account in the Department's consideration of the application.
- (d) Comments raised by I&AP throughout the Public Participation Process, were taken into account.
- (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.
- (f) A summary of the issues which, in the Department's view, were of the most significance is set out below.

ENVIRONMENT

The Facility was previously used for the disposal of general waste, garden refuse and builders waste. There was minimal evidence of universally hazardous waste such as batteries and animal remains being mixed in with the disposed waste. The site is used for the sorting of waste and has not been used for landfill operations since 2004. There is a transfer station located north of the Site.

The Facility is located within the quaternary catchment of G10F. The non-perennial Vis River is located approximately 500m from the site. This Site falls under the Malmesbury Shale Group and the Table Mountain Sandstone Group and it is probable that the underlying rock is a mixture of shale and sandstone. The soil is of restricted depth and generally associated with rockiness. Lithosols are characteristic of this area, which are shallow and generally above hard weathering rock.

Surface Water

No inland surface water bodies occur within close proximity to the project site. Site is located approximately 500m from the non-perennial Vis River that only flows during the winter period in times of heavy rain.

ALTERNATIVES

Site Alternatives

No site alternatives have been assessed as the activity focuses on the closure of the existing Facility.

Activity Alternatives

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

Design Alternatives

The project will entail the closure of an existing waste disposal facility. The Design and Closure plan must still be submitted by the applicant.

Technology Alternatives

Technology alternatives such as incineration of existing waste and recycling/reclamation of waste could be implemented. However, for a site of this size and content (only garden refuse and construction rubble), these alternatives would not be a practical solution. Thus, further technology alternatives were not considered.

The No-Go Option

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

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following:-

- (a) Advertisements were placed in the "Swartland Gazette" on 28 January 2014;
- (b) Notices was sent to neighbours on 19 February 2014;
- (c) 40-day I&AP Registration and public review and comment period on draft BAR (19 February to 30 March 2014);
- (d) 21-day review and comment period on final BAR 4 April – 28 April 2014.

Authorities Consultation:

The authorities consulted include the following:-

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

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 these authorities have been included in the Waste Management Licence.

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)

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_____