



REFERENCE: 19/2/5/4/E4/20/WL0178/19

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Attention: Hegans Marthinus

VARIATION WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE DECOMMISSIONING OF THE RIVIERSONDEREND WASTE DISPOSAL FACILITY ON ERF NO. 289, NORTHERN EXTENT OF RIVIERSONDEREND

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. 19/2/5/4/E4/20/WL0051/18) of the Theewaterskloof Municipality (hereinafter referred to as 'the Municipality') for the decommission the Riviersonderend Waste Disposal Facility (WDF) (hereinafter referred to as 'the Facility') on Erf No. 289, Northern Extent Of Riviersonderend, with the current variation waste management licence (Licence No. 19/2/5/4/E4/20/WL0178/19).

B. DESCRIPTION OF THE ACTIVITY:

The activities for decommissioning of the Riviersonderend Waste Disposal Facility (WDF) 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.
- (s) The compaction and shaping of the side slopes to gradients between a minimum of 1:50 and a maximum of 1:4;
- (t) The design and compliance are 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 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: Resource Protection and Waste of the National Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

Director: Resource Protection and Waste

Department of Water and Sanitation

Private Bag X16

SANLAMHOF

7532

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

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/E4/20/WL0178/19
WASTE APPLICATION: DECOMMISSIONING OF THE RIVIERSONDEREND WASTE DISPOSAL FACILITY
CLASS: B (G:S:B)
LOCATION: ERF NO. 289, NORTHERN EXTENT OF RIVIERSONDEREND
LICENCE HOLDER: THEEWATERSKLOOF LOCAL MUNICIPALITY
CONTACT PERSON: THE MUNICIPAL MANAGER OR THE DESIGNATED WASTE MANAGER/OFFICER
ADDRESS: P.O. BOX 24, CALEDON, 7230

1. Location

- 1.1. This Licence authorises the Theewaterskloof Local Municipality to decommission the Waste Disposal Facility on Erf No. 289, Riviersonderend.
- 1.2. Location of entrance to the property, on which the Facility is situated, is as follows:

Table 1-1: Facility Location

Latitude	Longitude
34°8'6.36"S	19°55'39.09"E

- 1.3. The location of the Facility must be according to co-ordinates indicated in the Waste Management Licence Application Form dated 21 January 2014 and Waste Management Licence Application Additional Information Annexure submitted as part of the final Basic Assessment Report (BAR) dated 21 May 2014, submitted by the Licence Holder, which is defined as follows:

Table 1-2: Footprint of the Facility

Corner Points	Latitude	Longitude
A	34°8'3.81"S	19°55'38.33"E
B	34°8'8.22"S	19°55'36.09"E
C	34°8'8.96"S	19°55'38.73"E
D	34°8'6.24"S	19°55'41.14"E

- 1.4. The footprint of the Facility and its associated infrastructure is approximately 14000m².
- 1.5. The Surveyor General 21 Digit code of the Facility is as follows: C01300180000028900000.

2. Permissible Waste

- 2.1. Any portion of the Facility which has been constructed or developed according to conditions 5 and 7 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. If more than 80m³ of hazardous waste is going to be stored at the Facility, registration in terms of the relevant National Norms and Standards for the Storage of Waste (GN No. 926) must be completed and the waste must be stored in accordance with the GN No. 926.
- 2.3. The Licence Holder shall take all reasonable steps to ensure that:
 - 2.3.1. no hazardous waste; and
 - 2.3.2. 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.
- 2.4. The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 2.5. All waste loads must be checked at the gate to prevent the disposal of waste not permitted by this Licence.
- 2.6. 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 20.9 and 20.10 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 prior to any construction activities being undertaken on the Facility. 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 closure or any future construction activities and ensure that the construction plans are in accordance with the approved engineering design.

4. General Management

- 4.1. The Licence Holder must notify the Director and Director: RPW immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMPr.
- 4.2. The stockpiles of cover materials which can be a source of dust must be managed. Effective dust control measures must be put in place by the Licence Holder.
- 4.3. The EMPr for the closure of the Facility dated March 2014, submitted as part of the final Basic Assessment Report dated 21 May 2014, was approved and must be implemented together with all the conditions of this Licence.

- 4.4. A copy of the Licence and EMPr must be kept at the property where the activity will be undertaken. The Licence must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the property.
- 4.5. 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 Director.
- 4.6. The operation, closure and rehabilitation of the Facility must be managed by a fit and proper person who is competent in respect of the responsibilities to be undertaken by them in connection with the management of the Facility and commencement of the decommissioning activity.
- 4.7. 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.
- 4.8. 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.
- 4.9. The Licence Holder must ensure that the intended end-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 end-use plan.
- 4.10. 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 and the Director: RPW for approval 90 (ninety) days prior to construction for decommissioning of the Facility.
- 5.2. Construction for the decommissioning of the Facility must be considered in accordance with the final BAR and EMPr, which formed part of the Decommissioning Application submitted to this Department as prepared by SRK Consulting SA (Pty) Ltd, dated 21 May 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 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 and maintained in such a manner that the occurrence of erosion is prevented.
- 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 stormwater is ensured;
 - 5.6.3. Contamination of stormwater is prevented;
 - 5.6.4. No objects or material which may hamper the rehabilitation of the Facility 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 decommissioning of the Facility must ensure that aquatic ecological support areas located within 100m of the Facility are considered and safeguarded for the continued functioning of aquatic species and ecosystems. Attention must be given to the Riversonderend River which is located approximately 180m away from the Facility.
- 5.9. Any wetlands on the Facility must be delineated and the appropriate mitigation measures must be implemented for their protection.

6. 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 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 operation of the Facility. Notices must also indicate alternative waste management or disposal options.
- 6.3. The Licence Holder must ensure that there is no illegal access to the Facility and that no illegal dumping occurs on the Facility.
- 6.4. The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.5. 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 prior to and after decommissioning of the facility is done 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 must be constantly monitored, 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.
- 7.2. 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).
- 7.3. The waste body must be progressively constructed towards a pre-determined end-shape, as informed by an airspace determination study.
- 7.4. The types of waste accepted for disposal must comply with the National Norms and Standard for disposal of waste to landfill of August 2013.
- 7.5. 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.

- 7.6. 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.
- 7.7. All persons reclaiming waste must be wearing suitable personal protection equipment.
- 7.8. Waste may not be burned at the Facility.
- 7.9. 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.
- 7.10. 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).

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 (stormwater) 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.
 - 9.1.2. 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.
 - 9.1.3. It must be ensured that there is no pollution of surface or groundwater resources due to the proposed decommissioning.
- 9.2. Leachate Management
 - 9.2.1. Sporadic 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 Director, to prevent the pollution of groundwater, which must: -
 - 9.2.1.1. Be evaporated in lined dams as approved by the Licensing Authority.
 - 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. The Licence Holder must establish and maintain a ground water monitoring borehole network with at least 1 (one) upstream and 2 (two) downstream boreholes, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.

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 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 for water quality variable as agreed to by and at such frequency as determined by the Director and the Director: RPW.

10.3. Investigative monitoring

10.3.1. If, in the opinion of the Director and Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 10.2.1, 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. 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), to analyse the samples taken under the monitoring programmes specified in condition 10.

11.2. The Licence Holder may only use another method of analysis if written proof that the method to be used is at least equivalent to the SABS method, is submitted to the Director and the Director: RPW.

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

11.3.1. mass (in tonnes or kilograms) received, recycled, reclaimed,

11.3.2. treated and transferred;

11.3.3. waste types and sources;

11.3.4. air quality monitoring; and

11.3.5. 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. Audits

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 must be compiled by the relevant auditor, in the format referred to in condition 12.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 12.2.1 and the Department (if requested), according to condition 12.4.2.

12.2. External Audits

- 12.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility annually (once per year) and this auditor must compile an audit report, in the format referred to in condition 12.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 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 site 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 in condition 13.1 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.

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

12.4. Departmental Audits and Inspections

- 12.4.1. The Director and the Director: RPW reserves the right to audit and/or inspect the Facility without prior notification at any time and at such a frequency as the Director and Director: RPW may decide, or to have the Facility audited or inspected.
- 12.4.2. 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.
- 12.4.3. The findings of these audits or inspections must be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

13. **Monitoring Committee**

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

13.2. 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.

13.3. The Monitoring Committee shall be representative of relevant interested and affected persons and may consist of at least 3 (three) of the following representatives:

- 13.3.1. Licence Holder and/or his/her appointed consultant(s) or advisor(s);
- 13.3.2. representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
- 13.3.3. representative(s) of this Department; and

13.3.4. 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.

13.4. The Monitoring Committee shall meet annually (once per year) and no later than 3 (three) months after the finalisation of the external audit report that was conducted in terms of condition 12.2.1, and submitted in terms of condition 12.2.4.

13.5. 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.

14. Record Keeping

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

14.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 14.5.

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

14.3.1. be legible;

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

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

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

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

14.4. The Licence Holder shall record all borehole data, its chemical analyses and interpretations, in a format agreed upon in writing between the Director and the Director: RPW, the Licence Holder, and a relevant specialist if so required.

14.5. The Licence Holder must register and report all waste volumes or masses received, recovered, disposed of prior to closure or stored to the Department's Integrated Pollutant and Waste Information System (IPWIS), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>, as required by the Department.

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 disruption in the normal operation of the Facility, or has caused water pollution, pollution of the environment, health risks or nuisance conditions,

15.2. 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 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 risk of the Licence Holder.

- 15.4. 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.
- 15.5. The Department must be notified within 14 (fourteen) days of the following changes: -
 - 15.5.1. Licence Holder's trading name, registered name or registered office address;
 - 15.5.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 15.5.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 15.6. All internal and external audit reports must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

16. Conditions of Operation 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. 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 ensure that a stockpile of at least three (3) weeks of suitable cover material is available at all times.
- 16.5. 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.
- 16.6. The Licence Holder must make use of moveable fences or other feasible and reasonable means if necessary, to control windblown litter.
- 16.7. 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 holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA.
- 18.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

19. Commencement

- 19.1. This decommissioning phase must commence before 11 December 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 for the activity to be undertaken.

- 19.2. If the proponent anticipates that commencement of the activity would not occur before 11 December 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. The Licence Holder shall remain responsible for the Facility, and/or any of the impacts arising from the operations on the environment.
- 20.2. This Licence shall not be transferable unless such transfer is subject to condition 18 above.
- 20.3. 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.
- 20.4. Transgression of any condition of this Licence could result in the suspension of the Licence by this Director.
- 20.5. This Licence is valid for a period of 10 (ten) years from the date of issue of this Licence i.e. 11 December 2029, The licence may be reviewed at any time. Based on the results of the review, especially compliance with Licence conditions or recommendations from the audit reports and or changing legislation, this Licence can be amended or withdrawn or the validity thereof extended.
- 20.6. Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years i.e. 11 December 2029, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 20.7. Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in section 67(1) of the NEM: WA, 2008.
- 20.8. 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.
- 20.9. 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.
- 20.10. The information within the Organic Waste Diversion Plan must:
- 20.10.1. 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
 - 20.10.2. 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. 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

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>

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,



EDDIE HANEKOM

DIRECTOR: WASTE MANAGEMENT

DATE OF DECISION: 03-12-2019

ANNEXURE I

REASONS FOR VARIATION OF 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: 19/2/5/4/E4/20/WL0051/18).
2. In accordance with the Licence condition 20.6, the Department has subsequently varied the Licence upon the request by the Licence Holder by extending the commencement date for commencing closure of this Facility to 11 December 2024.
3. The original WML dated 11 December 2014 required commencement within 5 (five) years (by 11 December 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 that the required alternative infrastructure for waste management has not yet been constructed, and that the extension of the commencement date for decommissioning will not increase the impacts, were considered to vary this Waste Management Licence.

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:

- (a) The information contained in the Waste Management Licence Application form dated 21 January 2014;
- (b) The Site visit;
- (c) The final BAR;
- (d) The Waste Management Licence Application Additional Information Annexure dated 21 May 2014, and compiled by SRK Consulting;
- (e) The Record of Decision by the Department of Water Affairs and Sanitation dated 28 August 2014;
- (f) Comments raised by I&AP's throughout the Public Participation Process, as well as the applicant and the Environmental Assessment Practitioner's responses thereto; and
- (g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, 1998 (Act No. 107 of 1998) have also been considered in this decision.

The reasons for the variation (Licence No. 19/2/5/4/E4/20/WL0051/18) of the decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:

The Department reviewed original WML according to section 53(1) of the NEM: WA, which states: "A licensing authority must review a waste management licence at intervals specified in the licence, or when circumstances demand that a review is necessary".

Furthermore, section 54(1)(a) and (d), respectively, of the NEM: WA, 2008 specifies that a Licensing Authority may vary a waste management licence "if it is necessary or desirable to prevent pollution" or "to make a non-substantive amendment".

The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to vary the Waste Management Licence conditions as the impacts associated with the proposed activity were assessed during the EIA process.

The review and subsequent non-substantive variation of the decision was performed in order to align the Riviersonderend Waste Management Licence conditions with current waste legislation, by repealing the existing Waste Management Licence with reference No.: 19/2/5/1/E4/20/WL0033/14, and issuing this WML. Only these latent changes are appealable during the appeals window period.

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

Environment

The Riviersonderend Waste Disposal Facility is situated at the foot of Skilpadkop, west of the perennial Riviersonderend River and on the northern extent of the town of Riviersonderend. Kleinbergie Nature Reserve is located to the north of the Facility. The site slopes to the south-east.

The Facility is not located on or near any shallow water table (less than 1.5m deep), seasonally wet soils (often close to water bodies), unstable rocky slopes or steep slopes with loose soil, dispersive soils (soils that dissolve in water) or soils with high clay content and the Facility is not within 100m of the source of surface water.

The Facility is located on or near other unstable soil or geological feature, an area sensitive to erosion and is adjacent to or above an aquifer.

Geology

The site is underlain at shallow depth by weathered sandstone of the Ceres Formation, Bokkeveld Group, Cape Super-group. The sandstone bedrock is overlain by transported (alluvial) soils comprising predominantly of coarse gravel and cobbles within a sandy matrix. Some thin clayey sand layers may also be present.

Surface Water

The Riviersonderend River is a perennial river located approximately 180 m to the east of the Riviersonderend Waste Disposal Facility.

Deviation

Deviation from the Public Participation Process has not been applied for.

PERMISSION TO APPLY A BASIC ASSESSMENT PROCESS INSTEAD OF SCOPING & ENVIRONMENTAL IMPACT REPORTING PROCESS

The Applicant requested and motivated for permission, in terms of Regulation 20(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environmental Impact Assessment Regulations, to apply for a Basic Assessment instead of Scoping & EIR. The Department has granted permission for the Basic Assessment process to be followed as requested.

ALTERNATIVES

The following alternatives were considered:

Site Alternatives

The current WML application is for the formal decommissioning of the Facility in terms of the NEM: WA in order to ensure that the Riviersonderend Waste Disposal Facility is legally compliant. There are therefore no property or location/site alternatives for consideration in this BA Report.

Activity Alternatives

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

Design Alternatives

As part of the closure of the Facility, it is proposed that the landfill be capped to limit storm / rain water ingress which will result in the generation of landfill gas and leachate which in turn may lead to water resource pollution. Capping requirements is further discussed as part of the Closure Plan (refer to Appendix H). The technical Design and Closure Plan must still be submitted by the applicant for approval prior to construction for closure.

Technology Alternatives

No technology alternatives in terms of closure procedures were identified.

The No-Go Option

The No-Go Option entails not applying for the WML to legally license the Riviersonderend Waste Disposal Facility. This is not considered a reasonable or feasible alternative, as the Facility would remain unlicensed in contravention of the NEM: WA and against the principles set out in Chapter 2 of NEMA.

PUBLIC PARTICIPATION PROCESS

The PPP comprised of the following:

- (a) Newspaper advertisements announcing the project and the availability of the draft BA Report for public review appeared in the Theewaterskloof Gazette on 1 April 2014 and Die Burger on 3 April 2014.
- (b) A follow up advertisement to indicate corrections and availability of the Draft Basic Assessment Report was placed during the week of 17 February 2014;
- (c) Copies of the draft BA Report were sent to CapeNature and the BOCMA for comment on 1 April 2014 and a copy of the draft BA Report was sent to the Riviersonderend Public Library on 1 April 2014 to be made available for public review;
- (d) A site noticeboard announcing the project and the BA process was placed at an appropriate location at the Site on 4 April 2014;
- (e) Copies of the Executive Summary of the draft BA Report were sent to an initial database of Interested and Affected Parties (IAPs) on 4 April 2014;
- (f) A 40-day comment period was provided to all IAPs to review the draft BA Report and submit comments. The comment period closed on 19 May 2014. All comments received to date have been recorded and responded to in a Comments and Responses Report;
- (g) All IAPs responding to the newspaper advertisements and site notice boards were registered on the database of IAPs.

Authorities consulted:

- (a) Cape Nature; and

(b) 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 Cape Nature 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